

## RESPONSIBILITIES OF LEVEL ABOVE THE CONTRACTING OFFICER\*

1. May be delegated by the HCA if at least one organizational level above the contracting officer for violations or possible violations of procurement integrity, IAW [FAR Part 3.104-7\(g\)](#).
2. May provide written approval to the contracting officer, after determining that a prospective contractor is not registered in the Central Contract Registration (CCR) IAW, to proceed to award to the next otherwise successful registered offeror if the needs of the requiring activity do not allow for a delay and, unless the acquisition is exempt under [4.1102](#), IAW [FAR 4.1103\(2\)](#)
3. May approve the contracting officer issuing a continued contract if continued performance under a contract number is not possible or is not in the Government's best interest solely for administrative reasons IAW [DFARS PGI 204.7001\(c\)\(i\)\(A\)](#).
4. May approve and sign acquisition plans for other than firm-fixed-price contracts. The agency head or a designee shall prescribe procedures for reviewing and approving acquisition plans and revisions IAW [FAR 7.103\(j\)](#).
5. Approval authority for a determination and finding of an indefinite-delivery contract that allows the issuance of orders on a time-and-materials or labor-hour basis for commercial items, and shall contain sufficient facts and rationale to justify that no other contract type authorized by this subpart is suitable. [FAR 12.207\(c\)\(3\)](#).
6. Approval authority of a contracting officer's finding that a price is unreasonable IAW FAR 15.403(c)(1)(i)(B). Or, that the receipt of one offer based on market research or other assessment and therefore based on adequate price competition IAW FAR 15.403(c)(1)(ii)(B). See [FAR 15.403\(c\)](#).
7. Approval authority of the rationale for selecting a Cost-Reimbursable contract type in the contractual documentation or written acquisition plan as applicable IAW FAR 16.301-2(b) and 16.301-3(a)(2). See [FAR 16.301-2/3](#).
8. Approval authority for exceeding the 10% economic price adjustment of the following: basic steel and select mill products of clause 252.216-7000 or for non-standard steel items of clause 252.216-7001. See [DFARS 216.203-4-70\(a\)/\(b\)](#).
9. Signatory on determination and findings for all incentive contracts other than award fee IAW [DFARS PGI 216.401\(e\)\(iii\)](#).
10. Approval authority for greater percentage of supply quantities for solicitations that require the offering of an option at prices no higher than those for the initial requirement IAW [FAR 17.203\(g\)](#).
11. Appointment authority for a job order contract ordering officer (or may be at the chief of the contracting office level) IAW [AFARS 5117.9006\(a\)\(2\)](#).
12. Approval authority for a determination and finding of no subcontracting possibilities for proposed contracting actions meeting the thresholds at [FAR 19.702\(a\)\(1\) or \(2\)](#) IAW [FAR 19.705-2\(c\)](#).
13. Approval authority of a contractor subcontracting plan with a small disadvantage business goal of less than 5% IAW [DFARS 219.705-4](#).
14. Provide a determination for public interest exemption as applicable for certain countries in DFARS 225.872 except as provided in PGI 225.872-4 for acquisitions valued at or below the Simplified Acquisition Threshold IAW [DFARS 225.103\(a\)\(i\)\(B\)\(1\)](#).

15. Approval authority of a determination that a none services item is not reasonably available when domestic offers are insufficient and award is to be made on other-than qualifying country or eligible end product, except as per FAR 25.103(b)(3), at or below the Simplified Acquisition Threshold IAW [DFARS 225.103\(b\)\(ii\)\(A\)](#) .
16. Approval authority to insert a royalties information clause such as FAR 52.227-6 in a sealed bid solicitation for protection of the Government's interest IAW [FAR 27.202-5\(a\)\(1\)\(ii\)](#) .
17. Provide a determination should a major systems development require the Government to acquire competitively items identical to items developed at private expense IAW [DFARS 227.7103-1\(e\)](#) .
18. Interested parties may request an independent review of their protest at a level above the contracting officer. The Agency designated official(s) who are to conduct this independent review for protest requesting an independent review will be handled in accordance with Headquarters, Army Materiel Command (HQ, AMC), procedures IAW [AFARS 5133.103\(4\)\(i\)](#).
19. Provide a determination if it is impracticable for Government personnel to perform the original and final surveys, when a fixed-price construction contract providing for unit pricing of items and for payment based on quantity surveys is contemplated (using FAR clause 52.236-16 or its alternate) IAW [FAR 36.516](#) .
20. Provide review of contractor performance assessment review disagreements between parties IAW [FAR 42.1503\(b\)](#).
21. Review the contracting officer's report in determination and finding format that the freight charges proposed by U.S.-flag carriers may be excessive or otherwise unreasonable for contracting officer forwarding IAW [DFARS 247.573-2\(d\)\(3\)\(i\)\(B\)](#) .
22. May be delegated down-to not lower than one level above the Contracting Officer by the HCA ([IAW DPAP memo dated 27 April 2011](#)) the authority to waive the DPAP policy dated 24 Nov 2010, Improving Competition in Defense Procurements, that states to the effect, based on the listed exceptions to the policy: if a solicitation is less than 30 days and only one offer is received, the contracting officer shall cancel and resolicit for an additional 30 days. Or, if a solicitation allows at least 30 days and only one offer is received, the contracting officer shall use cost and pricing analysis IAW FAR 15.404-1 vice FAR 15.403-1(c)(ii) in determining price fair and reasonableness. Therefore, if the DPAP memo waiving authority is delegated by the HCA, the delegated individual will follow any conditions in the delegation for awarding single offers received less than 30 days of soliciting.

\*NOTE: Level above at ECC shall mean an individual a level above the Contracting Officer [KO] in supervision holding an unlimited warrant, or, Chief of the Contracting Office [RCO/RCC] thru HCA.