Department of Energy
Washington, DC 20585

APR 1 6 2010

MEMORANDUM FOR RALPH HOLLAND
ASSISTANT DIRECTOR
CONSOLIDATED BUSINESS CENTER

FROM: J. E. SURASH
HEAD OF CONTRACTING ACTIVITY
OFFICE OF ENVIRONMENTAL MANAGEMENT

SUBJECT: Clarification to Issuance of Updated Environmental Management Head of Contracting Activity (EM HCA) Delegation Thresholds

This letter is to clarify the Issuance of Updated Environmental Management Head of Contracting Activity (EM HCA) Delegation Thresholds dated October 6, 2008. As Assistant Director EM Consolidated Business Center, you are delegated Federal Procurement Director responsibilities for procurement/contract actions at the following offices:

- Environmental Management Consolidated Business Center
- Ohio Field Office Project Offices:
  - Fernald
  - Mound
  - West Valley
  - Columbus
  - Ashtabula
- Portsmouth and Paducah Project Office
- Carlsbad Field Office

Questions related to pre-award reviews should be directed to Mr. Michael Howard, Director, Office of Procurement Planning at (202) 586-8162. If you have questions related to post-award, please contact Reggie R. James, Acting Director, Office of Contract Assistance at (202) 586-6087.

Attachment

Printed with soy ink on recycled paper

Table I. Non-Delegable HCA Functions and Responsibilities

A non-delegable authority is one that cannot be transferred by the HCA to another. Typically, the types of authority that cannot be delegated are those which are deemed of such importance or sensitivity that the personal attention, expertise, or involvement of the HCA is considered necessary.

Type of Activity	Description	Responsible Party
Ratification of Unauthorized Commitments	1. Ratify unauthorized commitments in accordance with FAR 1.602-3(b) (2). Note: DEAR 901.602-3(b)(3) limits the HCA ratification authority only to individual unauthorized commitments of $25,000 or less and states that HCA ratification authority is non-delegable.	HCA
Appointment of CO's	2. As stipulated in DEAR 901.601(a), the HCA is responsible for making formal contracting officer appointments within their respective contracting activity.	HCA
Improper Business Practices & Conflicts of Interest	3. Approve the waiver of any general rule or procedure of FAR Subpart 9.5, Organizational and Consultant Conflicts of Interest, if in the Government's best interest in accordance with FAR 9.503 as authorized by DEAR 909.503. Note: This authority may not be delegated below the level of HCA in accordance with FAR 9.503.	HCA
	4. FAR Subpart 3.7—Voiding and Rescinding Contract, states that the Government has authority to void and rescind contracts involving criminal or ethical violations related to the acquisition process, specifically, where (1) A final conviction for bribery, conflict of interest, disclosure or receipt of contractor bid or proposal information or source selection information in exchange for a thing of value or to give anyone a competitive advantage in the award of a Federal agency procurement; or (2) the Agency head or designee determined that contractor bid or proposal information or source selection information has been disclosed or received in exchange for a thing of value, or for the purpose of obtaining or giving anyone a competitive advantage in the award of a Federal Agency procurement (18 U.S.C. 218 and 41 U.S.C 423)	HCA
	5. FAR clause 52.203-8, subparagraph (a)(2)(ii) stipulates that the Government may rescind a contract with respect to which the HCA has determined, based on a preponderance of the evidence, that a Contractor or someone acting for a Contractor has engaged in conduct constituting an offense punishable under Section 27(e)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 423). See FAR 3.704, however, which provides that the HCA may consider voiding or rescinding a contract if the Agency Head or designee determines, based upon the preponderance of the evidence, that a Contractor or someone acting for a Contractor has violated Section 27(e) of the Act.	HCA
Cancellation of Invitation for Bids (IFBs)	6. Approve a determination to cancel an IFB and reject all bids before award but after opening in accordance with FAR 14.404-1(c) and optionally to approve the completion of the acquisition through negotiation in accordance with FAR 14.404-1(e). These authorities are delegated without power of further delegation by DEAR 914.404-1.	HCA
Mistake in Bids	7. Approve a determination in cases of mistakes in bids alleged after opening of bids and before award and make all administrative determinations regarding withdrawal of bids in accordance with FAR 14.407-3 as authorized without power of further delegation by DEAR 914.407-3.	HCA
Waiver of Cost or Pricing Data	8. Waive the requirement for submission of cost or pricing data without power of further delegation in accordance with FAR 15.403-1(c)(4).	HCA
Toxic Chemical Reporting	9. Approve a determination that it is not practicable to include the solicitation provision FAR 52.223-13, "Certification of Toxic Chemical Reporting," in a solicitation or class of solicitations without power of further delegation in accordance with FAR 23.905(b).	HCA
	10. Provide corrective relief in response to a protest for a procurement with a total value within the HCA's delegated authority, without power of further delegation in accordance with DEAR 933.102(b).	HCA
	11. For agency level protest, if FAR 33.103(f) requires that award be withheld or performance be suspended or the awarded contract be terminated pending resolution of an agency protest, authority to award and/or continue performance of the protested contract may be requested by the Head of the Contracting Activity (HCA), concurred in by counsel, and approved by the Procurement Executive.	HCA
Protest	12. In accordance with DEAR 933.103(i), the HCA shall decide agency level protests filed with the contracting officer before or after award shall be decided by the Head of the Contracting Activity except for the following, which shall be decided by the Procurement	HCA

	Executive: (i) the protester requests that the protest be decided by the Procurement Executive, (ii) the HCA is the contracting officer of record at the time the protest is filed, having signed either the solicitation where the award has not been made, or the contract, where the award or nomination of the apparent successful offeror has been made, (iii) the HCA concludes that one or more of the issues raised in the protest have the potential for significant impact on DOE acquisition policy.	
	13. As set forth in DEAR 933.103(k), agency level protests shall be decided within 35 days of receipt of the protest with DOE unless a longer period of time is determined to be needed.	HCA
	13. Authorize award of a contract after receiving notice from the GAO of a protest being filed directly with the GAO without power of further delegation in accordance with FAR 33.104(b). Prior to issuing such authorization, the HCA shall obtain concurrence from the DOE counsel handling the protest, obtain endorsement from the Senior Program Official, and the approval of the Procurement Executive in accordance with DEAR 933.104(b).	HCA
	14. Authorize continuation of contract performance after receiving notice of a GAO protest received after contract award without the power of further delegation in accordance with FAR 33.104(c). Prior to issuing such authorization, the HCA shall obtain concurrence from the DOE counsel handling the protest, obtain endorsement from the Senior Program Official, and the approval of the Procurement Executive in accordance with DEAR 933.104(c).	HCA
Labor Standards for M&O Contract Involving Construction	15. Approve a determination that operational or maintenance contracts or work items are "non-covered" by the Davis-Bacon Act as authorized without power of further delegation by DEAR 970.2204-1-1(a)(2).	HCA

February 6, 2007

Table II. Delegable Office of Environmental Management Head of Contract Activity (EM HCA) Functions and Responsibilities

A delegable authority is an authority that is able to transfer from one individual. The term does not imply a giving up of authority but, rather, the conferring of authority to another individual to do things that otherwise must be done by the HCA. When a delegation occurs, it does not free the HCA from his or her duty to see to it that performance is properly complied with.

Identified below are functions that the HCA has the authority to delegate, but the level to which it is re-delegated may be limited as is the nature of the re-delegation.

FPD = Federal Procurement Director/Field Procurement Director FOM = Field Office Manager

Type of Activity	Description	Responsible Party
Improper Business Practices & Conflicts of Interest	1. Authorize an individual disqualified from participation on a procurement, due to discussions with an offeror regarding possible employment, to resume participation in the procurement or determine a period of disqualification for that individual in accordance with FAR 3.104-5(c)(2).	FPD
	2. Investigate and resolve possible violations of procurement integrity rules in accordance with FAR 3.104-7. The HCA may delegate this authority only in accordance with FAR 3.104-7(g).	HCA
	3. Evaluate reports of suspected violations of the "Gratuities" clause, FAR 52.203-3, and report positive findings to the Procurement Executive for disposition in accordance with DEAR 903.203(a).	HCA
	4. Where there has been a final conviction for procurement integrity offenses punishable under Subsection 27(c) of the Office of Federal Procurement Policy Act, or if the Agency head or designee has determined that such an offense has occurred, the HCA shall consider declaring void or rescinding a contract, recover the amounts expended under the contract, and recommend the initiation of suspension or debarment proceedings as authorized by, and in accordance with the requirements of, FAR 3.704(c). Note that DEAR 949.101 also requires the HCA to notify the Procurement Executive prior to taking any action to terminate contracts for the operation of Government-owned facilities, any prime contract or subcontract in excess of $10 million, and any contract termination which is likely to provoke unusual interest.	>$10M – HCA <$10M - FPD
	5. Concur with a Contracting Officer's (CO) determination to reduce fee or amounts payable to a contractor based on a violation by the contractor or any of its employees of a rule, regulation, or order relating to the safeguarding or security of Restricted Data or other classified information, or concur with a CO's determination that no fee reduction is warranted for a particular performance failure(s) that would otherwise warrant a reduction, in accordance with DEAR 904.401(c)(3) and 923.7002(a)(3).	FOM
	6. Approve CO conflict of interest plans in accordance with FAR 9.504(c).	FPD
	7. Approve resolution of conflict or potential conflict of interest issues in accordance with FAR 9.506(d)(3).	FPD
Competition	8. Authorize the use of paid advertisements in newspapers and trade journals in accordance with DEAR 905.502(a).	FPD
	9. Approve class justifications for other than full and open competition that are within the HCA's level of delegated authority for certain types of contracts listed at DEAR 906.304.	FPD
	10. Appoint a contracting activity competition advocate in accordance with DEAR 906.501.	HCA
	11. Appoint a Contracting Activity Ombudsman for task and delivery order contracts in accordance with FAR 16.505(b)(5) as authorized by DEAR 16.505(b)(5). The FAR requires that the person be a senior agency official who is independent of the CO and the DEAR requires that the person appointed be a senior manager.	HCA

Special Items	12. Approve the direct purchase of "special purpose vehicles" for use by DOE and its authorized contractors in accordance with DEAR 908.7101-3.1.	FOM
	13. Arrange to sell, as exchange sales, used motor vehicles being replaced and to apply the proceeds to the purchase of similar new vehicles in accordance with DEAR 908.7101-4(b).	FOM
	14. Authorize the purchase of used vehicles based on "special circumstances" in accordance with DEAR 908.7101-5.	FOM
	15. Authorize the replacement of materials handling equipment earlier than the date specified in FPMR 41 CFR 101-25.405 and DOE-PMR 41 CFP 109-25.4 in accordance with DEAR 908.7112.	FOM
	16. Authorize contractors to obtain electronic data processing tape from sources other than those specified in FPMR 41 CFR 101-26.508-1 in accordance with DEAR 908.7116(b).	FOM
Cost and Price	17. Waive the requirement for inclusion of clause 52.214-27, "Price Reduction for Defective Cost or Pricing Data – Modifications – Sealed Bidding," in a contract with a foreign government or agency in accordance with FAR 14.201-7(b)(2).	FPD
	18. Waive the requirement for inclusion of clause 52.214-28, "Subcontractor Cost or Pricing Data – Modifications – Sealed Bidding," in a contract with a foreign government or agency in accordance with FAR 14.201-7(c)(2).	FPD
	19. Approve a determination that it is in the best interest of the Government to make award to an offeror that did not comply with the requirement to submit cost or pricing data or information other than cost or pricing data in accordance with FAR 15.403-3(a)(4).	FPD
	20. Approve a determination that the weighted guidelines method for computing fee is unsuitable and therefore not required for a procurement given "unusual pricing situations" in accordance with DEAR 915.404-4-70-4(c).	FPD
	21. Approve a CO's unilateral determination of reasonable price and fee in the definitization of a letter contract in accordance with FAR 16.603-2(c).	FPD
Precontract Costs	22. Approve a finding authorizing precontract costs for a period greater than 15 days in accordance with DEAR 931.205-32(b)(1).	FPD
Contract Type	23. Approve the use of two-step sealed bidding in accordance with DEAR 914.502(c).	FPD
	24. Approve the use of a clause providing price adjustments based on cost indexes of labor or materials in accordance with FAR 16.203-4(d)(2) as authorized by DEAR 916.203-4(d)(2).	FPD
	25. Authorize the use of a fixed-ceiling-price contract with retroactive price redetermination in accordance with FAR 16.206-3(d).	FPD
	26. Authorize the use of a letter contract in accordance with FAR 16.603-3.	FPD
	27. Authorize the use of a multi-year contract in accordance with FAR 17.105-1(a).	FPD
Socio-Economic Issues	28. Appoint a small business specialist for the contracting activity in accordance with DEAR 919.201(c).	FPD
	29. Issue a decision in response to an appeal of a CO's rejection of a Small Business Administration recommendation to set aside a procurement for small businesses in accordance with FAR 19.505(b).	FPD
	30. Approve a determination to continue a procurement action following receipt of an appeal of a CO's rejection of a Small Business Administration recommendation to set aside a procurement for HUBZone small businesses in accordance FAR 19.1305(e).	FPD
	31. Issue a decision in response to an appeal of a CO's rejection of a Small Business Administration recommendation to set aside a procurement for HUBZone small businesses in accordance with FAR 19.1305(e).	FPD
	32. Approve a determination to continue a procurement action following receipt of an appeal of a CO's rejection of a Small Business Administration recommendation to set aside a procurement for Service-Disabled Veteran-Owned small businesses in accordance FAR 19.1405(d).	FPD
	33. Issue a decision in response to an appeal of a CO's rejection of a Small Business Administration recommendation to set aside a procurement for Service-Disabled Veteran-Owned small businesses in accordance with FAR 19.1405(d).	FPD
Labor	34. Designate programs or requirements for which it is necessary that contractors be required to notify the Government of actual or potential labor disputes that are delaying or threaten to delay timely contract performance in accordance with FAR 22.101-1(e).	FPD
	35. Approve the award of a contract that will be subject to the Walsh-Healey Public Contract Act in accordance with DEAR 922.608-4(a).	FPD
	36. Approve the award of a contract in the absence of a pre-award clearance from the Department of Labor's Office of Federal Contract	FPD

	Compliance Programs (OFCCP) when OFCCP has notified DOE that a pre-award evaluation cannot be completed by the required date, as authorized by, and accordance with the requirements of FAR 22.805(a)(8).	
	37. Approve straight time wage rates and overtime rates for laborers and mechanics engaged in work under cost-reimbursement construction contracts performed within the United States in accordance with FAR clause 52.222-16.	FPD
Buy American Act	38. Approve a determination that the Buy American Act is not applicable because an article, material, or supply is not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality in accordance with FAR 25.103(b)(2). Note: DEAR 925.102 authorizes CO's to make this determination for procurements valued at $1 million and less.	FPD
	39. Approve a determination that the Buy American Act is not applicable because a particular construction material is not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality in accordance with FAR 25.202(a)(2). Note: DEAR 925.202 authorizes CO's to make this determination for materials valued at $100K and less.	FPD
Bonds & Insurance	40. Approve the use of bonds in connection with acquiring supplies and services other than those types of bonds recognized under FAR 28.1, in accordance with FAR 28.105.	FPD
	41. Approve the substitution of a new surety bond covering all or part of the obligations on a bond previously approved in accordance with FAR 28.106-2.	FPD
Contract Financing	42. Approve a determination authorizing the use of advance payments in accordance with FAR 32.202-1 as authorized by, and in accordance with the further requirements of, DEAR 32.402(e)(1).	FPD
	43. Authorize the use of progress payments based on a percentage or stage of completion in accordance with FAR 32.102(e)(2) as authorized by, and in accordance with the further requirements of, DEAR 932.102(e)(2).	FPD
	44. Requests for "unusual progress payments" pursuant to FAR 32.501-2, which are considered favorable, shall be forwarded by the HCA, in accordance with DEAR 932.501-2(a)(3), with supporting information, to the Procurement Executive, who, after coordination with the Chief Financial Officer, Headquarters, will approve or deny the request.	FPD
	45. Approve the use of "unusual" contract financing for commercial item purchases in accordance with FAR 32.202-1(d).	FPD
Construction and A&E	46. Approve performance of cost-plus-fixed-fee, price-incentive, or other contracts with cost variation or cost adjustment features concurrently at the same construction work site with fixed-price, lump sum, or unit price contracts in accordance with FAR 36.208.	FPD
	47. Waive the requirement to issue presolicitation notices on construction requirements expected to equal or exceed $100,000 that will be awarded using sealed bidding procedures in accordance with FAR 36.213-2(a).	FPD
	48. Establish criteria to be considered by the CO when deciding to use two-phase design-build selection procedures, in accordance with FAR 36.301(b)(3)(vi).	FPD
	49. Provide general direction to the evaluation board when acquiring architect-engineering services in accordance with FAR 36.602-3.	FPD
	50. Establish procedures which ensure that fully qualified personnel prepare and review performance reports when acquiring architect-engineering services in accordance with FAR 36.604(a)(5).	FPD
	51. Approve a determination applicable to a fixed-price architect-engineer contract that cost limitations are secondary to performance considerations and additional funding can be expected in accordance with FAR 36.609-1(c)(1).	FPD
Property (including Nuclear Material)	52. Approve an exception allowing the use of cost-reimbursement contracts, or subcontracts, for the fabrication of end items using special nuclear material in accordance with DEAR 945.303-1(b).	FPD
	53. Approve an exception allowing the use of cost-reimbursement contracts, or subcontracts, for the conversion or scrap recovery of special nuclear material in accordance with DEAR 945.303-1(c).	FPD
	54. Approve a determination that it is necessary to install Government production and research property on land not owned by the Government in such a way as to be nonseverable in accordance with FAR 45.309(a).	FOM
	55. Determine the type of plant equipment and dollar threshold for non-Government use of DOE plant equipment and authorize non-Government use exceeding 25% of operational use in accordance with DEAR 945.407.	FOM
Acquisition Planning & Source Selection	56. Approve the use of solicitations for information or planning purposes in accordance with DEAR 915.201(e).	FPD
	57. Concur with a Source Selection Official's decision to employ non-Federal evaluators or advisors, including employees of DOE M&O	HCA

	contractors in Source Evaluation Boards, in accordance with DEAR 915.207-70(f)(3).	
Data Rights	58. Concur with a CO determination that contractor restrictive markings of data under a contract are not authorized in accordance with FAR 27.404(h).	HCA
Protests	59. Review a CO final decision to demand reimbursement of Government costs in a case where a post-award protest is sustained as the direct result of an awardee's intentional or negligent misstatement, misrepresentation, or miscertification in accordance with FAR 33.102(b)(3)(ii).	FPD
Utilities	60. Approve a determination that a written contract cannot be obtained and that issuance of a purchase order is not feasible for ordering utility services in accordance with FAR 41.202(c)(2).	FPD
	61. Approve a determination that use of a GSA area-wide utility contract is not advantageous to the Government in accordance with FAR 41.204(c)(1)(ii).	FPD
Contract Admin.	62. Approve the delegation of authority to a contract administration office authorizing it to issue orders under provisioning procedures in existing contracts and under basic ordering agreements for items and services identified in the schedule in accordance with FAR 42.202(c)(2).	FPD
Value Engineering	63. Approve a determination for the Government not to share collateral savings derived from a value engineering change proposal given that the cost of calculating and tracking the collateral savings will exceed the benefits to be derived in accordance with FAR 48.104-3(a).	FPD
Contract Termination	64. Establish settlement review boards for contract terminations as authorized by, and in accordance with the requirements of, DEAR 949.111. Terminations for Default and Terminations for Convenience must be approved by the Site Federal Procurement Director in consultation with the EM HCA.	FPD
Contractor Use of Government Sources	65. Authorize contractors performing under cost-reimbursement contracts and subcontractors performing under cost-reimbursement subcontracts, where all higher tier contracts and subcontracts are cost-type, to use Government supply sources in accordance with the requirements and procedures in FAR Part 51, as authorized by DEAR 951.102.	FPD
Type of Activity	Description	Responsible Party
M&O Contracts	66. Authorize a Management and Operating (M&O) contract employee to assume a position requiring DOE access authorization prior to the access authorization being granted in accordance with DEAR 970.2201-1-2(a)(1)(ii).	FPD
	67. Prescribe classes of work to which applicability or non-applicability of the Davis-Bacon Act are clear for which the HCA will require no further DOE determination on coverage in advance of the work, as authorized by, and in accordance with the requirements of, DEAR 970.2204-1-1(b)(3).	FPD
	68. Determine the period of time which an M&O contract employee must have been separated from work under a DOE contract prior to being eligible to assist in the preparation of a proposal or bid for services which are similar or related to those being performed under the DOE contract, which are to be performed by the contractor or its parent or affiliate organization for commercial customers in accordance with DEAR 970.2704-1(b).	FPD
	69. Authorize the direct acquisition and furnishing to M&O contractors of Government furnished property, equipment, material, or services in accordance with DEAR 970.2903-1(b).	FPD
	70. Authorize a CO to consider an M&O contractor's request for additional compensation, requesting fee in addition to its normal fee (in the case of a contractor managing and operating a laboratory) or compensation based on actual cost, in accordance with DEAR 970.3102-3-70(a)(3).	FPD
	71. Authorize advance payments without interest and approve the findings, determinations and contract terms and conditions concerning advance payments in accordance with DEAR 970.3204-1(a).	FPD
	72. Approve a deviation from the requirements of DEAR 970.3204-1(c) pertaining to the Government's contract with an M&O contractor and the financial institution where advance payments will be deposited, in accordance with DEAR 970.3204-1(d).	FPD
	73. Approve deviations from the standard financial management clauses specified in paragraphs (a) and (b) of DEAR 970.3270 in accordance with DEAR 970.3270(c).	FPD
	74. Waive the requirement for an M&O contractor to certify that its submission for settlement of costs contains only allowable costs in accordance with DEAR 970.4207-03-02(c).	FPD
	75. Establish thresholds within the HCA's delegated authority, by subcontract type and dollar level, for the review and approval of	FPD

	proposed subcontracting actions by M&O contractors in accordance with DEAR 970.4401-2(a).	
	76. Pursuant to DEAR 970.4401-2(a), the Heads of the Contracting Activities shall take such action as may be required to insure compliance with the procedure for purchasing from contractor-affiliated sources or the purchase of specific items, or classes of items, which by the terms of the contract may require DOE approval.	FPD
	77. Pursuant to DEAR 970.4401-2(h), the Heads of the Contracting Activities shall assure that the contracting activity establishes and maintains files of the documents associated with the review and approval of subcontract actions subject to DOE review and approval. Those files shall include, among other necessary documentation, an appraisal of the proposed action by the contracting activity and a copy of the approving or disapproving document forwarded to the management and operating contractor, including a listing of any deficiencies, a listing of any required corrective actions, any suggestions, or other relevant comments.	FPD
	78. Establish the value threshold for Government review of M&O contractor purchases from contractor-affiliate sources in accordance with DEAR 970.4401-3(a)(2).	FPD
	79. Approve M&O contractor determinations that the Buy American Act does not apply because of "nonavailability" for items in excess of $100,000 in accordance with DEAR clause 970.5244-1, "Contractor Purchasing System."	FPD
	80. Authorize M&O contractors with approved purchasing systems to make determinations that the Buy American Act is not applicable because of "nonavailability" for items in excess of $100,000 in accordance with DEAR clause 970.5244-1, "Contractor Purchasing System."	FPD

Table III. Authorities Not Delegated to DOE HCAs

While the Far allows the delegation of the functions identified below, DOE has established that the authority will not be delegated to HCAs.

Description
1. A Government official no lower than the HCA may authorize an exception to the prohibition from awarding contracts to Government employees or to firms owned by Government employees in accordance with FAR 3.602. Note: DEAR 903.603 designates the Procurement Executive as the deciding official for this issue.
2. FAR 32.501-2 authorizes the HCA to approve the provision of "unusual" progress payments, however, DEAR 932.501-2 reserves this approval for the Procurement Executive.

Table IV. HCA Authority with Respect to Sales

The following are synopses of specific authorities granted to an HCA pertaining to sales. The list does not address specific responsibilities.

Description	Responsible Party
1. Work for Others: DOE Order 481.1B authorizes the Heads of DOE and NNSA Field Elements to: "Assess and where appropriate approve delegations of authority to the contractor for executing bilateral sales contracts with non-Federal entities that are consistent with DOE-approved standard terms and conditions and satisfy the requirements of DOE M 481.1-1A and DOE O 481.1B."	FOM
2. Disposal of Property: DOE Order 580.1, entitled, "Department of Energy Personal Property Management Program," requires DOE organizations to establish surplus personal property operations when heads of field organizations determine sales operations are in the best interest of the Government.	FOM

Table V. Office of Environmental Management (EM HCA) Delegated Procurement Authority

The following acquisition authorities are delegated as noted. Actions above $50 million and those selected for or subject to the Business Clearance Review Process must be approved by the Acquisition Planning and Liaison Division (APLD). Administrative modifications are not subject to the Business Clearance Review Process.

Description			Responsible Party
1.	New Competitive Acquisitions, including both competitive contracts and competitive task orders awarded under GSA Multiple Award Schedule (MAS) contracts, Government-wide Acquisition Contracts (GWACs) and DOE multiple award IDIQ contracts valued in excess of $25 million and up to $50 million that are not subject to the Business Clearance Review Process or that are not selected for Headquarters review and approval.		EM HCA
2.	New Competitive Acquisitions, including both competitive contracts and competitive task orders awarded under GSA MAS contracts, GWACs and DOE multiple award IDIQ contracts valued at $25 million and below that are not subject to the Business Clearance Process or that are not selected for Headquarters review and approval.		FPD
3.	New non-competitive awards, contract modifications, subcontracts, interagency agreements, and financial assistance including noncompetitive contracts and non-competitive task orders awarded under GSA MAS contracts, GWACs, and DOE multiple-award, IDIQ contracts in excess of $25 million and valued up to $50 million.		EM HCA
4.	New non-competitive awards, contract modifications, subcontracts, interagency agreements, and financial assistance including noncompetitive contracts and non-competitive task orders awarded under GSA MAS contracts, GWACs, and DOE multiple-award, IDIQ contracts valued at $25 million and below.		FPD
	a.	Sole Source Justifications	
		(1) Valued between $11.5 million and $57 million, unless selected for APLD Business Clearance Review	EM HCA
		(2) Valued between $550,000 and up to $11.5 million	EM Competition Advocate
		(3) Valued up to $550,000	FPD
	b.	Contract Modifications	
		(1) Modifications valued in excess of $50 million	APLD
		(2) Modifications that exceed 20 percent of contract value and $10 million	APLD
		(3) Modifications that increase the total contract value above $50 million	APLD
		(4) Modifications that involve a significant restructuring of contracts terms and conditions	APLD
		(5) Modifications valued in excess of $25 million and valued up to $50 million	EM HCA
		(6) Modifications valued up to $25 million	FPD
	c.	Interagency Agreements	
		(1) Interagency Agreements valued in excess of $50 million	APLD
		(1) Interagency Agreements valued in excess of $25 million and valued up to $50 million	EM HCA
		(2) Interagency Agreements valued $25 million and below	FPD
	d.	Subcontracts	

	(1) Subcontract awards and modifications valued in excess of $50 million	APLD
	(2) Subcontract awards valued in excess of $25 million and valued up to $50 million	EM HCA
	(3) Subcontracts valued up to $25 million	FPD
e.	Financial Assistance	
	(1) Financial Assistances actions for new competitive and non-competitive awards, renewals, continuations, and modifications that increase the scope and value of the agreement	APLD
	(2) Financial Assistance actions valued in excess of $50 million	APLD
	(3) Financial Assistance actions valued in excess of $25 million and valued up to $50 million	EM HCA
	(4) Financial Assistance actions valued up to $ 25 million	FPD

*Reissued to add Table V.