

# CHANGE REQUEST COVER SHEET

**Change Request Number:** 09-54

**Date Received:** 3/26/2009

**Title:** Addition of the FAE to the Process Supporting the Issuance of Warrants

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**Name:** Jeffrey Baker

**Phone:** 202-493-5723

**Policy OR Guidance:** Guidance

**Section/Text Location Affected:** AMS Procurement Guidance T3.1.4

**Summary of Change:** Addition of the FAE to the Process Supporting the Issuance of Warrants

**Reason for Change:** At the request of the FAA Acquisition Executive, AMS is being revised to state that all certificates of appointment must be approved by the FAE prior to them becoming effective.

**Development, Review, and/or Concurrence:** AJA-0, AJA-43, AJA-431

**Target Audience:** FAA Procurement Workforce

**Potential Links within FAST for the Change:** None

**Briefing Planned:** No

**ASAG Responsibilities:** None

**Potential Links within FAST for the Change:** None

**Links for New/Modified Forms (or) Documents (LINK 1)**

**Links for New/Modified Forms (or) Documents (LINK 2)**

**Links for New/Modified Forms (or) Documents (LINK 3)**

## SECTIONS EDITED:

### Procurement Guidance:

*T3.1.4 Delegations (Revision 12, April 2009)*

*Contracting Authority, Delegation, and Unauthorized Commitments*

### **Section 1 : Delegated Authority for Contracting and Other Procurement**

**Activities** [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

### Procurement Guidance:

*T3.1.4 Delegations (Revision 12, April 2009)*

*Contracting Authority, Delegation, and Unauthorized Commitments*

### **Section 2 : COCO Responsibilities** [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

### Procurement Guidance:

*T3.1.4 Delegations (Revision 12, April 2009)*

*Contracting Authority, Delegation, and Unauthorized Commitments*

### **Section 5 : Contracting Officer Warrants (1102 Series)** [\[Old Content\]](#)[\[New Content\]](#)

[\[RedLine Content\]](#)

## SECTIONS EDITED:

### **Section 1 : Delegated Authority for Contracting and Other Procurement Activities**

**Old Content:** Procurement Guidance:

*T3.1.4 Delegations (Revision 12, April 2009)*

*Contracting Authority, Delegation, and Unauthorized Commitments*

### **Section 1 : Delegated Authority for Contracting and Other Procurement Activities**

a. The Administrator has authority to enter into contracts, leases, grants, cooperative agreements, and other transactions, and to delegate authority for managing FAA's contracting function to the FAA Acquisition Executive (FAE). Based on the Administrator's delegation, the FAE has authority to appoint, and redelegate contracting authority to, the Chief of the Contracting Office (COCO). The COCO may redelegate his or her contracting authority to qualified individuals needed to perform FAA's contracting and other procurement functions. (See AMS Procurement Toolbox [Procurement Delegation of Authority](#)).

b. Any delegation of authority to perform contracting and other procurement activities must be in writing and explicitly state the authority and limitations it conveys. If specific authority is not included in the delegation, then that authority does not exist.

c. *Demonstrated Need.* Any delegation of authority to perform contracting or other procurement activities must be supported by a related need.

(1) The level of delegated authority must be commensurate with the need in terms of cost, complexity and mission criticality.

(2) The delegation level may not exceed the demonstrated need.

(3) Demonstrated need is the most important criteria to consider when delegating authority.

**New Content: Procurement Guidance:**

*T3.1.4 Delegations (Revision 12, April 2009)*

*Contracting Authority, Delegation, and Unauthorized Commitments*

**Section 1 : Delegated Authority for Contracting and Other Procurement Activities**

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b. Any delegation of authority to perform contracting and other procurement activities must be in writing and explicitly state the authority and limitations it conveys. If specific authority is not included in the delegation, then that authority does not exist.

c. *Demonstrated Need.* Any delegation of authority to perform contracting or other procurement activities must be supported by a related need.

(1) The level of delegated authority must be commensurate with the need in terms of cost, complexity and mission criticality.

(2) The delegation level may not exceed the demonstrated need.

(3) Demonstrated need is the most important criteria to consider when delegating authority.

d. Except for Delegations of Procurement Authority (DPA) for the purchase card program, all certificates of appointment or warrants must be approved by the FAE prior to them becoming effective.

**Red Line Content: Procurement Guidance:**

*T3.1.4 Delegations (Revision 12, April 2009)*

*Contracting Authority, Delegation, and Unauthorized Commitments*

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## **Section 2 : COCO Responsibilities**

**Old Content:** Procurement Guidance:

*T3.1.4 Delegations (Revision 12, April 2009)*

*Contracting Authority, Delegation, and Unauthorized Commitments*

### **Section 2 : COCO Responsibilities**

a. The COCO is a position designated by the FAE that is delegated unlimited authority for procurement contract award and administration, leases, real estate transactions, cooperative agreements, non-Airport Improvement (AIP) grants, agreements, and other transactions. The COCO, acting within the scope of the FAE's delegation, manages day-to-day contracting functions for FAA.

b. The COCO may redelegate contracting authority to qualified individuals, such as procurement and real property contracting officers, logistics management specialists, managers of the purchase card program, and other individuals. These individuals must have required training, demonstrated knowledge, and adequate experience to enter into and administer legally binding transactions on behalf of the Government. Except for the purchase card program managers, these individuals cannot redelegate their authority. Before deciding to delegate contracting authority, the COCO considers the following criteria:

(1) There must be a demonstrated need for the authority requested.

(2) The individual selected must meet the qualifications for the authority requested. However, an individual's qualifications, without a demonstrated need for the authority, are not sufficient reason to grant contracting authority.

(3) Other factors, such as organizational structure, total volume of the contractual actions, complexity and dollar value of the work involved, and aggregate value of the anticipated actions that the individual will be processing.

c. Specific responsibilities of the COCO include:

(1) *Review/Approve Qualifications.* The COCO reviews and approves qualifications, such as education, training, knowledge, and experience, of personnel being considered for appointment as a Contracting Officer (CO) or for other types of procurement authority.

(2) *Delegate Authority.* The COCO formally delegates contracting and other procurement authority in writing and maintains appropriate records of all delegations.

(3) *Periodic Review.* The COCO periodically reviews contracting and other procurement delegations to validate that the delegations remain appropriate and needed, reviews individual's continuous learning to ensure requirements are being met, and periodically examines procurement actions to ensure authorized individuals do not exceed their delegated authority. The COCO also reviews all Level I and II warrants at least annually to determine whether each CO maintained professional proficiency and otherwise remains qualified. Level III warrants are reviewed at least every two years.

(4) *Terminate Delegations.* The COCO may terminate a CO warrant or other procurement authority at any time. The termination is by letter, and states the general reason for termination and effective date, unless the original delegation provided for automatic termination. If the COCO terminates delegated contracting authority prior to an automatic termination date, or when there is no automatic termination date, the written notice to the individual should provide enough time and sufficient instructions to ensure the individual does not make any unauthorized commitments. Upon notification of the termination, the original warrant or certificate of appointment is annotated as "terminated" and includes the reasons for the termination. Reasons for termination may include:

(a) The need for the delegated authority no longer exists. For example, retirement, resignation, termination of employment, or an assignment to another position;

(b) Failure to comply with applicable requirements, limitations, policies, regulations, statutes, or delegated responsibilities;

(c) Maintenance training/certification requirements have not been met, or failure to maintain all standards after appointment; or

(d) Violation of a material portion of the ethics guidance for Federal employees and/or standards of conduct for Department of Transportation employees.

(5) *Changes in Authority.* The COCO modifies delegated authority by written notice in enough time and with sufficient instructions to ensure that the appointee does not make unauthorized commitments. The COCO must document any changes in an individual's contracting authority, such as an increase in the number of contract actions, number or complexity of requisitions, or other operational necessity. Any increase or decrease in the dollar value or scope of an individual's contracting authority requires issuing a new certificate of appointment or warrant and termination of the previous delegated authority.

(6) *Waivers.* The COCO may waive qualification standards if circumstances clearly dictate need for delegation of authority, but an employee does not fully meet required standards. The waiver is conditional, identifies a duration, and states requirements that the individual must satisfy to be fully qualified. (See AMS Procurement Guidance T3.1.4:4)

**New Content:** Procurement Guidance:

*T3.1.4 Delegations (Revision 12, April 2009)*

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### **Section 5 : Contracting Officer Warrants (1102 Series)**

**Old Content:** Procurement Guidance:

*T3.1.4 Delegations (Revision 12, April 2009)*

*Contracting Authority, Delegation, and Unauthorized Commitments*

### **Section 5 : Contracting Officer Warrants (1102 Series)**

a. *Certificate of Appointment.* The COCO delegates contracting authority to procurement and real property COs through a written certificate of appointment, also known as a warrant. This certificate of appointment authorizes the individual to legally bind FAA. Warranted individuals cannot further delegate their warrant authority or "sign for" or over the name of another CO.

b. *Limitations.* Warrants define the dollar and scope limitations of the authority. Warrants may be limited or unlimited. A limited warrant states a total dollar limitation for each transaction. The dollar value of a transaction includes the base year and all options, as defined by "total estimated potential value" in Appendix C of AMS policy. An unlimited warrant allows transactions at any dollar value. In addition to the dollar value, limited and unlimited warrants must expressly state any limitations of authority (other than limitations in applicable laws or regulations) and the specific types of transactions the CO is authorized to make. Grants, cooperative agreements, and other transactions are excluded from delegated contracting authority for procurement and real property COs *unless* expressly stated in the warrant. (See Appendix 2 for 1102 series warrant standards)

c. *Warrant Levels.* There are three CO warrant levels which apply to contracting authority. The warrant levels align with the 1102 series certification levels. These warrant levels do not apply to purchase card delegations. Unless otherwise prohibited by an existing Collective Bargaining Agreement, individuals must meet the training, education, and experience requirements as outlined in Appendix 1 to this section, to qualify for an acquisition position as a warranted CO.

d. *Procedures for Obtaining Certificate of Appointment (Warrant).* The request for a certificate of appointment/warrant is prepared on an Application for FAA Acquisition Management System Certification in Contracting for 1102 Positions (see Procurement Forms) by the individual and submitted to his or her immediate manager. The individual's manager reviews the package to ensure that the individual meets the training, education, and experience requirements commensurate with the proposed delegated threshold. If the manager concurs, he or she forwards the nominee's package to the COCO. The COCO reviews the request and supporting documentation for completeness and evaluates the applicant's acquisition experience, training, and evidence of certification. If the COCO concurs, he or she signs the request and certificate of appointment. The certificate of appointment issued to the individual includes a warrant number, dollar limit of warrant authority, and any other applicable limitations, such as restrictions to certain types of transactions.

e. *Discrete Authority for Grants, Cooperative Agreements and Other Transactions.* The Administrator's authority to award and administer grants, cooperative agreements and other transactions is delegated to the FAE, who subsequently redelegated this authority to the COCO (see AMS Procurement Toolbox [Procurement Delegation of Authority](#)), subject to the below restrictions:

(1) *COCO Redelegation.* The may redelegate this authority to procurement and real property COs and other individuals with required knowledge, experience, training, and skills for awarding and administering these types of transactions. All delegations must be in writing and expressly state the types of transactions and any limitations;

(2) *Administrator's Review.* Individuals delegated this authority must ensure that prior to award, the Administrator is notified and allowed to review any non-Airport Improvement Program (AIP) grant, cooperative agreement, or other transactions with a cumulative value of \$10 million or more, or with significant Congressional interest. (See AMS Procurement Guidance T3.8.1 [Agreements, Cooperative Agreements, Gifts & Bequests](#), for additional information.); and

(3) *Certificate of Appointment.* The written certificate of appointment must expressly state authority to execute grants, cooperative agreements and other transactions.

f. *Displaying Warrant and Other Certificate of Appointment.* COs must prominently display the warrant or other certificate of appointment so that information about their authority and any limitations is readily available to the public and FAA personnel.

g. *Skills Currency/Continuous Learning.* To maintain the delegated contracting authority, individuals must maintain their appropriate 1102 series certification level. As detailed previously, acquisition professionals must earn 80 continuous learning points (CLP) of skills currency training every two years. COCOs monitor continuous learning requirements for individuals delegated contracting authority. If an individual does not earn 80 CLPs every two years, the COCO, FAE, or Administrator may revoke or modify the warrant or certificate of appointment to decrease the dollar and/or specific type of transaction authority. The COCO notifies the warrant or certificate of appointment holder in writing, when the revocation

or modification is effective. The notice provides enough time and sufficient instruction to ensure that no unauthorized obligations are made.

h. Appendices to this section provide samples of various CO certificates of appointment.

**New Content: Procurement Guidance:**

*T3.1.4 Delegations (Revision 12, April 2009)*

*Contracting Authority, Delegation, and Unauthorized Commitments*

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b. *FAE Approval.* All certificates of appointments, or warrants, must be approved by the FAE prior to them becoming effective.

c. *Limitations.* Warrants define the dollar and scope limitations of the authority. Warrants may be limited or unlimited. A limited warrant states a total dollar limitation for each transaction. The dollar value of a transaction includes the base year and all options, as defined by "total estimated potential value" in Appendix C of AMS policy. An unlimited warrant allows transactions at any dollar value. In addition to the dollar value, limited and unlimited warrants must expressly state any limitations of authority (other than limitations in applicable laws or regulations) and the specific types of transactions the CO is authorized to make. Grants, cooperative agreements, and other transactions are excluded from delegated contracting authority for procurement and real property COs *unless* expressly stated in the warrant. (See Appendix 2 for 1102 series warrant standards)

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e. *Procedures for Obtaining Certificate of Appointment (Warrant).*

(1) The request for a certificate of appointment/warrant is prepared on an "Application for FAA Acquisition Management System Certification in Contracting for 1102 Positions" (see Procurement Forms) by the individual and submitted to his or her immediate manager.

(2) The individual's manager reviews the package to ensure that the individual meets the training, education, and experience requirements commensurate with the proposed delegated threshold. If the manager concurs, he or she forwards the nominee's package to the COCO

(3) The COCO reviews the request and supporting documentation for completeness and evaluates the applicant's acquisition experience, training, and evidence of certification. If the COCO concurs, he or she signs the request and certificate of appointment. The certificate of appointment must include a warrant number, dollar limit of warrant authority, and any other applicable limitations, such as restrictions to certain types of transactions.

(4) The COCO forwards the request and certificate of appointment to the FAE for approval. If approved, the FAE will sign the delegation and return it to the COCO for distribution.

*f. Discrete Authority for Grants, Cooperative Agreements and Other Transactions.* The Administrator's authority to award and administer grants, cooperative agreements and other transactions is delegated to the FAE, who subsequently redelegated this authority to the COCO (see AMS Procurement Toolbox [Procurement Delegation of Authority](#)), subject to the below restrictions:

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i. Samples of various CO certificates of appointment can be found in Procurement Forms.

**Red Line Content: Procurement Guidance:**

*T3.1.4 Delegations (Revision 12, April 2009)*

*Contracting Authority, Delegation, and Unauthorized Commitments*

**Section 5 : Contracting Officer Warrants (1102 Series)**

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(2) The individual's manager reviews the package to ensure that the individual meets the training, education, and experience requirements commensurate with the proposed delegated threshold. If the manager concurs, he or she forwards the nominee's package to the COCO.



**(3)** The COCO reviews the request and supporting documentation for completeness and evaluates the applicant's acquisition experience, training, and evidence of certification. If the COCO concurs, he or she signs the request and certificate of appointment. The certificate of appointment ~~issued to the individual~~ **must include** a warrant number, dollar limit of warrant authority, and any other applicable limitations, such as restrictions to certain types of transactions.

**e(4) The COCO forwards the request and certificate of appointment to the FAE for approval. If approved, the FAE will sign the delegation and return it to the COCO for distribution.**

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(1) *COCO Redelegation.* The may redelegate this authority to procurement and real property COs and other individuals with required knowledge, experience, training, and skills for awarding and administering these types of transactions. All delegations must be in writing and expressly state the types of transactions and any limitations;

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**f**

**g.** *Displaying Warrant and Other Certificate of Appointment.* COs must prominently display the warrant or other certificate of appointment so that information about their authority and any limitations is readily available to the public and FAA personnel.

**gh.** *Skills Currency/Continuous Learning.* To maintain the delegated contracting authority, individuals must maintain their appropriate 1102 series certification level. As detailed previously, acquisition professionals must earn 80 continuous learning points (CLP) of skills currency training every two years. COCOs monitor continuous learning requirements for individuals delegated contracting authority. If an individual does not earn 80 CLPs every two years, the COCO, FAE, or Administrator may revoke or modify the warrant or certificate of appointment to decrease the dollar and/or specific type of transaction authority. The COCO notifies the warrant or certificate of appointment holder in writing, when the revocation

or modification is effective. The notice provides enough time and sufficient instruction to ensure that no unauthorized obligations are made.

~~hi. Appendices to this section provide samples~~ *Samples* of various CO certificates of appointment *can be found in Procurement Forms.*

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