

# Mandatory Procedure

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## MP5301.601-90

# Head of Agency (HoA), Senior Procurement Executive (SPE), Service Acquisition Executive (SAE) Delegation Matrix

[2019 Edition]

**NOTE:** Yellow-shaded blocks indicate retained HoA-SPE-SAE responsibilities or those that are not delegable per the regulation listed in the Reference column.

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
1	FAR 3.104-2(a)	Approves agency supplementation of 3.104 including specific definitions to identify individuals who occupy positions specified in 3.104-3(d)(1)(ii), and any clauses required by 3.104	Yes	No	No	No
2	FAR 52.203-3 AFFARS 5303.203-3	Determines, after notice and hearing, that contractor or representative offered or gave a gratuity to officer, official, or Government employee and intended, by the gratuity, to obtain a contract or favorable treatment under a contract; and determines amount of exemplary damages (between 3 and 10 times cost incurred by contractor in giving gratuities to person concerned)	No	HCA	No	No
3	DFARS 203.570-2(a) AFFARS 5303.570-2(a)	Grants waiver in the interest of national security that the prohibition period described in Paragraph (b) of clause 252.203-7001 may be less than 5 years	No	HCA	No	No
4	DFARS 203.570-2(b) AFFARS 5303.570-2(b)	Makes written determination that the prohibition period described in Paragraph (b) of clause 252.203-7001 may be more than 5 years	No	HCA	No	No
5	DFARS 203.906(c)(1) AFFARS 5303.906(c)(1)	Takes required actions regarding reprisals as prohibited by 203.903 (10 USC 2409)	No	HCA	No	No
6	FAR 5.102(a)(5)(iii) AFFARS 5305.102(a)(5)(iii)	Makes written determination that availability of a solicitation through the GPE is not in the Government's interest	No	HCA	No	No
7	FAR 5.202(b) AFFARS 5305.202(b)	Makes written determination after consult with Administrator for Federal Procurement Policy and the Administrator of the Small Business Administration that advance notice of proposed contract action is not appropriate or reasonable	No	HCA	No	No
8	FAR 6.304(a)(4)	Approves in writing the justification for other than full and open competition for proposed contracts over \$93 million <a href="#">INTERIM CHANGE: CPM 20-C-21</a>	Yes	No	No	No
9	FAR 7.107-2(b) AFFARS 5307.107-2(b)	Determines that consolidation is necessary and justified if the benefits of the acquisition would substantially exceed the benefits that would be derived from each of the alternative contracting approaches identified under paragraph (a)(2).	No	HCA	Yes	No

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10	FAR 7.107-2(e) AFFARS 5307.107-2(e)	Determines that consolidation is necessary and justified when the expected benefits do not meet the thresholds for a substantial benefit at paragraph (d)(1) of this subsection but are critical to the agency's mission success; and the procurement strategy provides for maximum practicable participation by small business.	No	HCA	Yes	No
11	FAR 7.107-3(a)	Makes written determination that the bundling is necessary and justified in accordance with 15 U.S.C. 644(e) after ensuring that conditions at (a)-(e) are met.	Yes	No	No	No
12	FAR 7.107-3(f)(1)	Determines that bundling is necessary and justified when the expected benefits do not meet the thresholds for a substantial benefit but are critical to the agency's mission success; and the procurement strategy provides for maximum practicable participation by small business.	Yes	No	No	No
13	FAR 8.405-3(a)(3)(ii) AFFARS 5308.405-3(a)(3)(ii)	Determination (in writing) to award single-award Blanket Purchase Agreement with an estimated value exceeding \$112 million (including any options). <a href="#">INTERIM CHANGE: CPM 20-C-21</a>	No	HCA	Yes	No
14	FAR 8.405-6(b)(3)(ii)(C) AFFARS 5308.405-6(b)(3)(ii)(C)	Makes written determination that access through e-Buy not in Government's interest	No	HCA	No	No
15	FAR 8.405-6(d)(4)	Approves the justification for limited sources under a BPA with an estimated value over \$93 million <a href="#">INTERIM CHANGE: CPM 20-C-21</a>	Yes	No	No	No
16	FAR 9.405(a) AFFARS 5309.405(a)	Determines compelling reason exists to solicit offers from, award contracts to, or consent to subcontracts with contractor debarred, suspended, or proposed for debarment	No	HCA	No	No
17	DFARS 209.405(b)(ii)(A) AFFARS 5309.405(b)(ii)(A)	Grants exemption permitting award to contractor that has violation of Clean Air or Clean Water Act	No	HCA	No	No
18	FAR 9.405(d)(2)-(3) AFFARS 5309.405(d)(2)-(3)	Makes written determination of the compelling reason to consider bid received from, evaluate for award, include in competitive range or hold discussions with listed contractor	No	HCA	No	No
19	FAR 9.405-1(a) AFFARS 5309.405-1(a)	Directs discontinuance of contracts or subcontracts in existence at time contractor was debarred, suspended, or proposed for debarment	No	HCA	No	No
20	FAR 9.405-1(b) AFFARS 5309.405-1(b)	For contractors debarred, suspended, or proposed for debarment, makes written determination of the compelling reasons to place orders exceeding the guaranteed minimum; place orders under FSS, BPAs, or BOAs; or add new work, exercise options, or otherwise extend duration or current contracts or orders	No	HCA	No	No
21	FAR 9.405-2(a) DFARS 209.405-2(a) AFFARS 5309.405-2(a)	States in writing that compelling reason exists for CO to consent to proposed subcontracts with contractors debarred, suspended, or proposed for debarment	No	HCA	No	No
22	DFARS 211.274-2(b)(2)(i)(A) AFFARS 5311.274-2(b)(2)(i)(A)	Executes D&F that it is more cost effective for the Government to assign, mark, and register the unique item identifier after delivery, & item is from SB concern or is commercial acquired under FAR Part 12 or 8 <b>for an ACAT I program</b>	No	PEO	No	No
23	FAR 11.501(d) AFFARS 5311.501(d)	Waives or reduces the amount of liquidated damages assessed under a contract if Commissioner, Financial Management Service, or designee approves (see Treasury Order 145-10).	No	HCA	No	No

Item	Reference	Responsibilities	Retained by HoA, SPE, or SAE (SAF/AQ)	Delegated	Delegated to SCO	Delegable Below SCO
24	DFARS 212.207(b)(iii) AFFARS 5312.207(b)(iii)	Approves written determination by the contracting officer to use T&M for commercial services outlined in 212.207(b)(iii)(A), (B), (C), <b>AND</b> (D)  <a href="#">INTERIM CHANGE: CPM 20-C-09</a>	No	HCA, if the base period plus any option period exceeds 3 years	Yes, if the base period plus any option period is 3 years or less and T&M or LH value exceeds \$1M	Yes, one level above the CO if the base period plus any option period is 3 years or less and the T&M or LH value is less than or equal to \$1M
25	FAR 13.501(a)(2)(iv)	Approves the justification for sole source (including brand name) acquisitions conducted under subpart 13.5 for a proposed action exceeding \$93 million <a href="#">INTERIM CHANGE: CPM 20-C-21</a>	Yes	No	No	No
26	FAR 16.504(c)(2)(i)(A) AFFARS 5316.504(c)(2)(i)(A)	Designates official other than contracting officer to make determination in writing, after the evaluation of offers, that multiple awards are not practicable (Contracts for A&S)	No	PEO - For PEO designated programs HCA - For All Other Programs	No	No
27	FAR 16.504(c)(2)(i)(B) AFFARS 5316.504(c)(2)(i)(B)	Designates official other than contracting officer to make determination in writing, after the evaluation of offers, that only one offeror is capable of providing the services required at the level of quality required (Contracts for A&S)	No	PEO - For PEO designated programs HCA - For All Other Programs	No	No
28	FAR 16.504(c)(2)(ii) AFFARS 5316.504(c)(2)(ii)	Designates official other than contracting officer to make determination whether advisory and assistance services are incidental and not a significant component of contract	No	PEO - For PEO designated programs HCA - For All Other Programs	No	No
29	FAR 16.505(b)(2)(ii)(C)(4)	Approves the justification for exceptions to fair opportunity for a proposed order over \$93 million <a href="#">INTERIM CHANGE: CPM 20-C-21</a>	Yes	No	No	No
30	FAR 17.105-1(b) AFFARS 5317.105-1(b)	Enters into a multi-year contract (MYC) for supplies (DoD) if conditions at (b)(1)-(5) are met	No	PEO - For PEO designated programs HCA - For All Other Programs	No	No
31	DFARS 217.170(a) AFFARS 5317.170(a)	Compares cost if MYC to cost of an annual procurement approach, using present value analysis; award only if MYC will result in the lower cost	No	PEO - For PEO designated programs HCA - For All Other Programs	No	No
32	DFARS 217.170(b) AFFARS 5317.170(b)	Provides written notice to the congressional defense committees at least 30 days before termination of any MYC	No	PEO - For PEO designated programs HCA - For All Other Programs	No	No
33	DFARS 217.171(c) AFFARS 5317.171(c)	Makes written determination before entering into a MYC that the conditions at (c)(1)-(3) are met	No	PEO - For PEO designated programs HCA - For All Other Programs	No	No
34	DFARS 217.172(h) AFFARS 5317.172(h)	Ensures that the conditions at (h)(1)-(7) are satisfied before awarding a MYC for a defense acquisition program that has been specifically authorized by law to be carried out using MYC authority	No	PEO - For PEO designated programs HCA - For All Other Programs	No	No
35	DFARS 217.173 AFFARS 5317.173	Enters into a MYC for up to 4 years (for supplies and services required for management, maintenance, and operation of military family housing) and pay for each year from annual appropriations	No	PEO - For PEO designated programs HCA - For All Other Programs	No	No
36	DFARS 217.204(e)(i)(C) AFFARS 5317.204(e)(i)(C)	Determines in writing that exceptional circumstances require an ordering period that exceeds 10 years.	No	PEO - For PEO designated programs HCA - For All Other Programs	No	No
37	DFARS 217.204(e)(iii) AFFARS 5317.204(e)(iii)	Approves issuance of an order subject to 217.204(e)(i) if performance under the order is expected to extend more than 1 year beyond the 10-yr limit or extended limit described in (e)(i)(C)  <a href="#">INTERIM CHANGE: CPM 20-C-02</a>	No	PEO - For PEO designated programs HCA - For All Other Programs	No	No

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38	FAR 17.502-2(c)(2)	Approves D&F for an Economy Act order to obtain supplies or services by interagency acquisition when the servicing agency is not covered by the FAR	Yes	No	No	No
39	DFARS 217.7404-5(b) AFARS 5317.7404-5(b)	Waives limitations of 217.7404(a) Foreign military sales contracts; 217.7404-2 Price ceiling; 217.7404-3 Definitization schedule; and 217.7404-4 Limitations of obligations, if necessary to support cont. ops or humanitarian/peacekeeping op.	No	HCA	No	No
40	FAR 19.1505(g)(3) AFFARS 5319.1505(g)(3)	Issues a written decision on appeal of CO rejection of SBA recommendation or makes a written determination that urgent and compelling circumstances which significantly affect the interests of the United States compel award of the contract	No	HCA	No	No
41	FAR 19.1505(g)(5) AFFARS 5319.1505(g)(5)	Specifies in writing the reasons for a denial of an SBA formal appeal	No	HCA	No	No
42	FAR 22.1203-3(a)	Waives, in writing, some or all of the provisions of this subpart after determining in writing that the application of this subpart would not serve the purposes of EO 13495 or would impair the ability of the Federal Government to procure services on an economical and efficient basis	Yes	No	No	No
43	DFARS 222.7003 AFFARS 5322.7003	Waives the requirements of 222.7002 on case-by-case basis for national security	No	HCA	No	No
44	FAR 25.103(a) DFARS 225.103(a)(ii)(B)(3) AFFARS 5325.103(a)(ii)(B)(3)	Determines that domestic preference for foreign end product would be inconsistent with the public interest for acquisitions valued at \$1.5 million or more.	Yes - For ACAT I Programs	HCA - For other than ACAT I programs	No	No
45	FAR 25.202(a)(1) AFFARS 5325.202(a)(1)	Determines that application of the restrictions of the Buy American statute to a particular construction material would be impracticable or would be inconsistent with the public interest.	Yes - For ACAT I Programs	HCA - For other than ACAT I programs	No	No
46	FAR 25.204(b) AFFARS 5325.204(b)	Specifies a higher percentage than 6 percent that the CO adds to the offered price of any foreign construction material proposed for exception from the requirements of the Buy American statute based on the unreasonable cost of domestic construction materials.	Yes - For ACAT I Programs	HCA - For other than ACAT I programs	No	No
47	FAR 25.603(a)(1)(iii) AFFARS 5325.603(a)(1)(iii)	Determines that application of the restrictions of section 1605 of the Recovery Act to a particular manufactured construction material, or the restrictions of the Buy American statute to a particular unmanufactured construction material would be inconsistent with the public interest	Yes - For ACAT I Programs	HCA - For other than ACAT I programs	No	No
48	FAR 25.603(a)(2) AFFARS 5325.603(a)(2)	Determines that application of the Buy American statute to a particular unmanufactured construction material would be impracticable	Yes - For ACAT I Programs	HCA - For other than ACAT I programs	No	No
49	FAR 25.603(b)(2) AFFARS 5325.603(b)(2)	When a determination is made, for any of the reasons stated in this section, that certain foreign construction materials may be used, provides a notice to the Federal Register within three business days after the determination of the inapplicability of Section 1605 of the Recovery Act is made, with a copy to the Administrator for Federal Procurement Policy and to the Recovery Accountability and Transparency Board.	No	HCA	No	No
50	FAR 25.1001(a)(2)(iii) AFFARS 5325.1001(a)(2)(iii)	Executes D&F in accordance with 25.1001(b), that use of 52.215-2 w/ Alt III or 52.215-5 w/ Alt I will best serve interest of the United States	No	HCA	No	No
51	DFARS 225.7501(c) AFFARS 5325.7501(c)	Any time during the acquisition process, determines that not in the public interest to apply the restrictions of the Balance of Payments Program to end product or construction material	No	HCA	No	No
52	DFARS 225.7703-2	Makes written determination that it is in the national security interest of the US to use procedures in 225.7703-1(a) for products or services not limited to use by the military forces, police, or other security personnel of Afghanistan	Yes	No	No	No
53	FARS 26.203(b) AFFARS 5326.203(b)	Determines in writing that transition to local firms is not feasible or practicable (individual or class basis)	No	HCA	No	No

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54	FAR 27.306(a)	In contracts with small business concerns or nonprofits, approves and signs written justification allowing Government to require licensing to 3rd parties of inventions. May only authorize if (1) Use of the invention by others is necessary for the practice of a subject invention or for the use of a work object of the contract; and (2) Action is necessary to achieve the practical application of the subject invention or work object.	Yes	No	No	No
55	FAR 30.202-6(b)	Authorizes award of a CAS-covered contract w/o obtaining submission of the required disclosure statement	Yes	No	No	No
56	FAR 32.402(c)(1)(iii) AFFARS 5332.402(c)(1)(iii)	Determines, based on written findings, that advance payment is in public interest or facilitates national defense	No	HCA	No	No
57	FAR 32.906(a) AFFARS 5332.906(a)	Determines that (1) making invoice and contract financing payments earlier than 7 days prior to the dates specified in the contract is warranted in a specific case; or (2) use of accelerated payment methods described in 5 CFR §1315.5 is necessary	No	HCA	No	No
58	FAR 32.1106(b) AFFARS 5332.1106(b)	Authorizes electronic funds transfer (EFT) for a non-domestic transaction if (1) the political, financial, and communications infrastructure in the foreign country supports EFT payment; or (2) payments of other than United States currency may be made safely	No	HCA	No	No
59	DFARS 236.270(a)	Certifies that the additional expenditures are necessary to protect the National interest AND establishes a reasonable completion date for the project (Approval to expedite the completion date of a contract funded by a MILCON appropriations act, if additional costs are involved)	Yes	No	No	No
60	FAR 37.113-1(a) AFFARS 5337.113-1(a)	May waive the 31.205-6(g)(6) cost allowability limitations on severance payments to foreign nationals that meet the conditions at 37.113-1(a)(1)-(2)	No	HCA	No	No
61	DFARS 243.204-70-5(c) AFFARS 5343.204-70-5(c)	Waives limitations of 243.204-70-2 (price ceiling); 243.204-70-3 (definitization schedule); and 243.204-70-4 (limitations on obligations) if necessary to support cont. ops or humanitarian/peacekeeping op.	No	HCA	No	No
62	FAR 44.302(a) AFFARS 5344.302(a)	Raises or lowers the \$25 million contractor purchasing system review (CPSR) level if considered to be in the Government's best interest	No	HCA	No	No
63	DFARS 245.102(4)(ii)(B) AFFARS 5345.102(4)(ii)(B)	Determines contractor will not be required to tag, label, or mark items that are to be in support of contingency operation or to facilitate defense against/recovery from NBCR attack	No	HCA	No	No
64	DFARS 245.102(4)(ii)(C)(1)(i) AFFARS 5345.102(4)(ii)(C)(1)(i)	Executes D&F concluding that it is more cost effective for the Government requiring activity to assign, mark, and register the unique item identification after delivery of an item acquired from a small business concern or a commercial item acquired under FAR part 12 or part 8 <b>for ACAT I programs.</b>	No	PEO	No	No
65	DFARS 249.501-70(a) AFFARS 5349.501-70(a)	Approves the use of 252.249-7000, Special Termination Costs in incrementally funded contract	No	HCA	No	No