

GSA ORDER

Subject: General Services Administration Acquisition Manual; GSAM
Case 2023-G510, Contracting Executive

1. Purpose. This order transmits a revision to the General Services Administration Acquisition Manual (GSAM) to update approval thresholds and identify the new Contracting Executive role.
2. Background. The approval thresholds within scope of this GSAM case were last updated in 2009 and therefore needed to be adjusted for inflation. In addition, the Federal Acquisition Service has centralized several operational contracting activities which would drastically increase the number of actions requiring approval by certain heads of contracting activities. Therefore, approval thresholds for various acquisition documents were updated to account for these changes while ensuring adequate oversight can still be maintained for high risk acquisitions.

In addition, this GSAM case establishes the role of a Contracting Executive - an individual, above the GS-15 level, that may be designated by the HCA to carry out various contracting functions. If the HCA determines that they can benefit from a Contracting Executive, the HCA may designate an individual in the role. Such appointments must be made in writing by the HCA and a copy must be sent to the SPE. Contracting Executives will not exist in every contracting activity.

This GSAM change does not make any changes to the GSA Order ADM 5000.4B Office of General Counsel for Legal Review.

3. Effective date. October 6, 2023
4. Explanation of changes. This amendment includes non-regulatory changes. For full text changes of the amendment see Attachment A, GSAM Text Line-In/Line-Out.

This amendment revises the language in the following GSAM subparts as summarized below:

501.4 Deviations from the FAR and GSAR

- Revised 501.403(a)
 - Provided guidance to allow HCAs to designate approval authority for individual deviations to the FAR to a level no lower than the Contracting Executive.

- Removed the second sentence in section (a) to allow the authority to be designated.
- Revised 501.403(b):
 - Replaced “Contracting Director” with “Contracting Executive”.
 - Updated guidance to allow HCAs to designate approval authority for individual deviations to the GSAM to a level no lower than the Contracting Executive.

501.6 Career Development, Contracting Authority, and Responsibilities

- Revised 501.601(b)(1):
 - Added Contracting Executive as another contracting official to support the HCA.
 - Added the term “Contracting Activity” before “Advocate for Competition” in order to provide consistency in how the word is used throughout the GSAM.
- Revised 501.601(b)(2):
 - Added new paragraph (ii)(C) for reviewing and approving “interagency acquisitions” as a HCA responsibility.
 - Re-alphabetized section (v) re-delegations by removing (A) and the existing number sequence.
- Added 501.601(b)(3) to describe the role and appointment of the Contracting Executive.
- Revised 501.601(b)(4):
 - Updated paragraph (i) to add “Contracting Executive” as an additional official that the Contracting Director may coordinate with on contracting matters.
 - Updated paragraph (ii) to add guidance that Contracting Directors may be appointed or rescinded by the HCA.
- Revised 501.601(b)(5) to add guidance that Contracting Activity Advocate for Competition may be appointed or rescinded by the HCA.
- Revised 501.601(b)(6):
 - Updated paragraph (i) to add “Contracting Executive” as an additional official that the Acquisition Career Navigator may support by managing the workforce career management responsibilities.
 - Updated paragraph (ii) to add guidance that Acquisition Career Navigator may be appointed or rescinded by the HCA.

501.7 Determinations and Findings

- Added 501.707 to provide guidance on approvals for Determinations and Findings (D&Fs). Any justifications approved by the SPE shall be first routed as required by the Service.

502.1 Definitions

- Revised the definition of Contracting Director by removing the words “or contract administration” and replacing “defined” with “described”.
- Added the definition for “Contracting Executive” and how the role is designated by the HCA.
- Added the definition for “Head of the agency” to replace language that used to be in GSAM 501.707 prior to Change 161.

506.3 Other than Full and Open Competition

- Removed 506.303 Justifications and 506.303-1 Requirements from Subpart 506.3.
- Added 506.304 “Approval of the justification” to better align the section title at FAR 6.304.
- Revised paragraph (a) to replace “Senior Procurement Executive” with the acronym “SPE”.
- Revised paragraph (b) to replace “Senior Procurement Executive” with the acronym “SPE”.
- Revised paragraph (c) to include the SPE email address and replaced “Senior Procurement Executive” with the acronym “SPE”.
- Added paragraph (d):
 - Provided guidance on the approval and routing process for justifications for other than full and open competition.
 - Clarified that the Contracting Activity Advocate for Competition must approve all justifications for other than full and open competition over \$750K. This is in addition to other approval requirements (e.g., approval by the contracting executive or HCA)
 - Clarifies that FAS and PBS may have additional routing/approval requirements for justifications approved by the SPE.
- Added paragraph (e):
 - Provided the updated dollar value thresholds and the level of approving official for justifications for other than full and open competition.
 - Emphasized that the thresholds are minimum approval requirements and that HCAs may further limit approval authority or lower thresholds. This recognizes the difference between GSA’s many contracting activities and that the dollar value of the acquisition is not the sole determinant of risk.

507.1 Acquisition Plans

- Updated 507.103 “Agency-head responsibilities”.
- Revised paragraph (b)(1):
 - Provided guidance to allow HCA’s to further limit approval authority for approving officials.

- Updated the chart to provide new dollar value thresholds and the level of approving officials to account for time and inflation.
- Revised the Contracting Officer Approval threshold for Acquisition Plans to \$5M to align with the legal review thresholds in GSA Order ADM 5000.4B. This figure represents minimum requirements and HCA's may further limit approval authority for the various approving officials.
- Removed paragraph (i) and (ii) and incorporated the guidance in paragraph (b)(1).
- Revised paragraph (b)(2):
 - Provided guidance that contracting activities shall provide notification to the Service-Level Acquisition Policy Office and to the SPE during the market research phase for acquisitions anticipated to be valued over \$500 million.
- Added paragraph (b)(3):
 - Replaced the existing paragraph (2) with (3) and re-numbered the remaining sections.
 - Revised the guidance to clarify that if an acquisition meets certain criteria identified in paragraph (i), (ii) or (iii), and (iv), the planner must obtain HCA approval of the acquisition plan.
 - Provided guidance that this HCA authority cannot be re-delegated lower than the Contracting Director.
 - Revised paragraph (3)(ii) to replace “GSA” with “the contracting activity” in order to provide clarification on an acquisition that the service level has little or no experience.
 - Incorporated guidance on “consolidation or bundling over \$2 million” into section (v).
 - Removed paragraphs (A) and (B) and re-numbered the remaining section.

508.4 Federal Supply Schedules

- Added 508.405(a) for approval requirements for single award BPA D&Fs.
- Re-alphabetized the paragraphs to add (b) before the INFORM procedures.

516.6 Time-and-Materials, Labor-Hour, and Letter Contracts

- Added 516.601 for approval requirements for time-and-material contract D&Fs.

517.5 - Interagency Acquisitions

- Added 517.502(a)(3) for approval requirements for interagency acquisitions.
- Added 517.502(a)(4) to provide guidance on acceptance procedures for PBS Reimbursable Work Authorizations (RWA).

527.3 - Patent Rights under Government Contracts

- Added 527.306 for approval requirements for third party licensing D&Fs.

5. Cancellations. None.
6. Point of contact. For clarification of content, contact the GSA Acquisition Policy Division at gsarpolicy@gsa.gov.

Jeffrey Koses
Senior Procurement Executive
Office of Acquisition Policy
Office of Government-wide Policy

GSAM Case 2023-G510
GSAM Text, Line-In/Line-Out

GSAM Baseline: Change 169 effective 09/08/2023

- Additions to baseline made by rule are indicated by **[bold text in brackets]**
- Deletions to baseline made by rule are indicated by ~~strikethroughs~~
- Five asterisks (* * * * *) indicate that there are no revisions between the preceding and following sections
- Three asterisks (* * *) indicate that there are no revisions between the material shown within a subsection

Part 501 - General Services Administration Acquisition Regulation System

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Subpart 501.4 - Deviations from the FAR and GSAR

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501.403 Individual deviations

(a) Individual deviations to the FAR may be approved by the HCA. **[HCAs may designate approval authority for individual deviations to the FAR to a level no lower than the Contracting Executive.]** ~~This authority may not be delegated.~~

(b) Individual deviations to the GSAM may be approved by the HCA. HCAs may ~~delegate~~**[designate]** approval authority for individual deviations to the GSAM to a level no lower than the **[Contracting Executive]** ~~Contracting Director~~.

(c) * * *

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Subpart 501.6 - Career Development, Contracting Authority, and Responsibilities

501.601 General.

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(b) *Contracting Officials.*

(1) The Head of the Contracting Activity (HCA) is ultimately responsible for managing all aspects of their respective contracting activity. Additional roles are identified throughout the FAR and GSAM to support HCAs in their responsibilities, including the Contracting Director, **[Contracting Activity]** Advocate for Competition, and Acquisition Career Navigator (ACN). **[The HCA may also designate a Contracting Executive by making the appointment in writing and transmitting a copy to the Senior Procurement Executive.]** Additional resources for HCAs, **[Contracting Executives,]** Contracting Directors, Advocates for Competition and ACNs can be found on the ~~Contracting Officials topic~~ **[Acquisition Contacts and Offices]** page on the GSA Acquisition Portal at <https://insite.gsa.gov/acquisitionportal>.

(2) HCA. A summary of HCA responsibilities include, but are not limited to:

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(ii) *Operational matters.*

(A) Procuring solutions, services, supplies, acquiring and divesting real property and personal property.

(1) For PBS only, also acquiring and divesting real property (including leases, site acquisition, design and construction), public utilities and real property disposal.

(2) For FAS only, also personal property disposal.

(3) Construction-related procurements.

(i) FAS contracting activities may award contracts that include ancillary commercial construction-related products and services as discussed in GSAM [512.203\(c\)](#);

(ii) FAS contracting activities shall not award contracts for architect-engineering services as defined in 40 U.S.C. § 1102;

(iii) FAS and PBS shall maintain a Memorandum of Understanding (MOU) published on the GSA Acquisition Portal at <https://insite.gsa.gov/acquisitionportal> setting forth agreed-upon terms, conditions and limitations to support the acquisition of ancillary commercial

construction-related products and services, including the FAS governmentwide procurement vehicles and the FSS Program;

(iv) FAS, in consultation with PBS, shall maintain an Ordering Guide published on the MAS Buyer Resources page at www.gsa.gov, or successor location, that will give specific guidance to ordering activities procuring ancillary commercial construction-related products and services through the FSS Program.

(B) Reviewing and approving procurement actions, determinations and decisions.

[(C) Reviewing and approving interagency acquisitions.]

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(v) *Redelegations.*

~~(A)~~-HCA authority redelegations are limited pursuant to 502.101 and the following conditions:

~~[(A)]~~(1) The SPE shall be consulted prior to a redelegation;

~~[(B)]~~(2) Redelegations shall be in writing with a copy sent to the SPE at spe.request@gsa.gov; and

~~[(C)]~~(3) Redelegations shall include, as applicable, the following information:

~~[(1)]~~(i) HCA responsibilities being redelegated (i.e., operational matters, policy matters, workforce career management);

~~[(2)]~~(ii) HCA responsibilities being retained; and

~~[(3)]~~(iii) Limitations on the authority or responsibilities being redelegated.

(3) Contracting Executive.

(i) Some GSA contracting activities are so complex that there may be a GSA executive responsible for contracting operations. In those cases, the HCA may appoint a contracting executive in addition to or in lieu of a contracting director.

(ii) Contracting Executives may be appointed or rescinded by the HCA and serve within the limits of their appointed authority.

(iii) Appointments must be in writing with a copy sent to the SPE at spe.request@gsa.gov.

~~(3)~~ [(4)] *Contracting Director*.

(i) A summary of contracting director responsibilities include, but are not limited to:

(A) Coordinating with the HCA [**or Contracting Executive as appropriate**] on contracting matters ~~as appropriate~~;

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(ii) *Appointment*. [**Contracting Directors may be appointed or rescinded by the HCA and serve within the limits of their appointed authority.**]

Appointments must be in writing with a copy sent to the SPE at spe.request@gsa.gov.

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~~(4)~~ [(5)] *Contracting Activity Advocate for Competition*. The duties and responsibilities for Advocates for Competition are identified in [FAR 6.502](#). [**Contracting Activity Advocate for Competition may be appointed or rescinded by the HCA and serve within the limits of their appointed authority.**] Appointments must be in writing with a copy sent to the SPE at spe.request@gsa.gov.

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~~(5)~~ [(6)] *Acquisition Career Navigator*.

(i) A summary of ACN responsibilities include, but are not limited to the following, and may vary by service:

(A) Support the HCA [**or Contracting Executive as appropriate**] by managing the workforce career management responsibilities set forth in paragraph (b)(2)(iv);

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(ii) *Appointment*. [**Acquisition Career Navigators may be appointed or rescinded by the HCA and serve within the limits of their appointed authority.**] Appointments must be in writing with a copy sent to the SPE at spe.request@gsa.gov.

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[Subpart 501.7 - Determinations and Findings

501.707 Signature authority

(a) Refer to the appropriate FAR and GSAM section to identify the required approval thresholds for D&Fs.

(b) The contracting officer shall obtain approvals as required by the Service prior to routing any D&Fs to the SPE.]

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Part 502— Definitions of Words and Terms

Subpart 502.1— Definitions

502.101 Definitions.

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“Contracting Director” means an individual designated in writing by the Head of the Contracting Activity responsible for performing contracting ~~or contract administration~~ functions as **[described]** defined in [501.601](#). Contracting directors are identified on the GSA Acquisition Portal at <https://insite.gsa.gov/acquisitionportal>.

[“Contracting Executive” means a civilian serving in a position in a grade above GS-15 under the General Schedule (or in a comparable or higher position under another schedule) designated in writing by an HCA with the authority to perform contracting functions as described in 501.601. Contracting Executives can be found on the Acquisition Contacts and Offices page on the GSA Acquisition Portal at <https://insite.gsa.gov/acquisitionportal>.]

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[“Head of the agency” means the official who has been delegated as the Head of the Contracting Activity. Under Section 309 of the Federal Property and Administrative Services Act, the GSA Administrator authorized HCA’s to act as agency head to facilitate procurement of property and services under Title III of the Act. If statute, regulations or policies (e.g., FAR 6.302-7) preclude such action, agency head authority remains with the GSA Administrator.]

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Part 506 - Competition Requirements

Subpart 506.2 - Full and Open Competition After Exclusion of Sources

506.202 Establishing or maintaining alternative sources.

An HCA signs determinations and findings required by FAR 6.202.

Subpart 506.3 - Other than Full and Open Competition

~~506.303 Justifications.~~

~~506.303-1 Requirements.~~

[506.304 Approval of the justification.]

(a) *Proposing a class justification.* If you determine that the facts supporting other than full and open competition would be present in other GSA contracting activities, you should propose a class justification. Recommend through appropriate channels that the ~~Senior Procurement Executive~~**[SPE]** approve a class justification for all GSA contracting activities. This does not apply to justifications based on the authority of 41 U.S.C. 253(c)(7), which does not permit class justifications.

(b) *Justifications based on 41 U.S.C.253(c)(7).* For a justification based on the authority of 41 U.S.C. 253(c)(7) (see FAR 6.302-7), submit the justification for the Administrator's approval through the ~~Senior Procurement Executive~~**[SPE]**.

(c) *Justifications for contract actions subject to the Agreement on Government Procurement.* When you acquire eligible products without full and open competition using the authority in FAR 6.302-3(a)(2)(i) or 6.302-7, furnish a copy of the approved justification to the ~~Senior Procurement Executive~~**[SPE at spe.request@gsa.gov]**. The ~~Senior Procurement Executive~~**[SPE]** will transmit the justification to the U.S. Trade Representative.

[(d) *Approval for Justifications.* The contracting officer shall obtain approval for justifications for other than full and open competition as required by the approval thresholds in paragraph (e).

(1) Contracting Activity Advocate for Competition approval is required for all justifications for other than full and open competition over \$750K.

(2) The contracting officer shall obtain approvals as required by the Service prior to the SPE, as applicable.]

[(e) Approval Thresholds. The following are the minimum approval requirements for justifications. The HCA may further limit approval authority for designated officials or impose lower thresholds. Thresholds include all options.]

[Threshold	Approving Official
Up to but not exceeding \$750K	Contracting Officer
Over \$750K to \$75M	HCA or Contracting Executive, if applicable
Over \$75M	GSA SPE]

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**Part 507 - Acquisition Planning
Subpart 507.1 - Acquisition Plans**

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507.103 Agency-head responsibilities.

(a) The HCA must ensure that the planning team adheres to the requirements of FAR part 7 and this part.

(b) *Approval thresholds.* (1) The following are the dollar value thresholds and the level of the approving official for approving acquisition plans or waiving written acquisition plans. ~~For purposes of leasing, the Simplified Leasing Acquisition Threshold (SLAT) is defined in part 570. The HCA may authorize approving officials up to the thresholds set out below.~~ **[The HCA may further limit approval authority for the approving officials. Thresholds include all options.]**

Threshold	Approving Official
Up to, and including the SAT (SLAT for leases) [Up to but not exceeding \$5M]	Contracting Officer

Over SAT (SLAT for leases) to, and including, the threshold for Simplified Procedures for Certain Commercial Products and Commercial Services [Over \$5M to \$15M]	One Level above the Contracting Officer
Over the threshold for Simplified Procedures for Certain Commercial Products and Commercial Services to, and including, \$20 million [Over \$15M to \$75M]	Contracting Director
Over \$20 million [Over \$75M]	HCA [or Contracting Executive, if applicable]

[(2) Contracting activities shall provide notification to the Service-Level Acquisition Policy Office and to the SPE at spe.request@gsa.gov during the market research phase for acquisitions anticipated to be valued over \$500 million.]

~~(i) Thresholds include all options.~~

~~(ii) The thresholds provided in paragraph (1) are defined as follows-~~

~~(A) The SAT is defined at FAR 2.101.~~

~~(B) The SLAT for leases is defined at [570.102](#).~~

~~(C) The threshold for Simplified Procedures for Certain Commercial Products and Commercial Services is detailed at FAR 13.500.~~

[(3)](2) If the acquisition meets one of the following criteria and is greater than the SAT, the planner must obtain HCA approval of the acquisition plan: **[. HCAs may designate approval authority to a level no lower than the Contracting Director.]**

(i) Complex, critical to agency strategic objectives and mission, highly visible or politically sensitive.

(ii) An acquisition with which GSA **[the contracting activity]** has little or no experience that may result in a need for greater oversight or risk management.

(iii) Actions using significantly changed methods (e.g., methods of procurement such as lease versus purchase, or methods of performance such as contractor versus Government personnel).

(iv) New construction or repair, lease prospectus and alteration prospectus budget line items.

(v) Any acquisition that involves **[consolidation or bundling above \$2 million].-**

~~(A) Consolidation above \$2 million (FAR 7.107-2); or~~

~~(B) Bundling at any dollar value (FAR 7.107-3).~~

~~[(4)](3) * * *~~

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Part 508 - Required Sources of Supplies and Services

Subpart 508.4 - Federal Supply Schedules

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508.405 Ordering procedures for Federal Supply Schedules.

[(a) For a D&F for a single award Blanket Purchase Agreement (BPA) with an estimated value exceeding \$100 million, the D&F must be approved by the HCA.

[(b)] COs shall follow the INFORM procedures in section 515.370 for all applicable orders and BPAs.

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Part 516 - Types of Contracts

Subpart 516.6 - Time-and-Materials, Labor-Hour, and Letter Contracts

[516.601 Time-and-materials contracts. For a D&F for a time-and-material contract exceeding three years, the D&F must be approved by the HCA. HCAs may designate approval authority for the D&F to a level no lower than the Contracting Executive (see FAR 16.601(d)).]

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Part 517 - Special Contracting Methods
Subpart 517.5 - Interagency Acquisitions

517.502 Procedures.

(a) General.

(1) GSA provides interagency acquisition (IA) services to support the mission of federal agencies, foster competition and use of economies of scale, and provide options for agencies to meet their administrative and procurement needs.

(2) The Office of Acquisition Policy maintains tools and resources for the acquisition workforce on the GSA Acquisition Portal (<http://insite.gsa.gov/interagencyacquisition>).

[(3) When conducting interagency acquisitions, an interagency agreement must be signed by the HCA. HCAs may designate approval authority for the interagency agreement to a level no lower than the Contracting Director.

(4) For PBS Reimbursable Work Authorizations (RWA), only authorized PBS Officials shall accept an RWA in accordance with PBS National RWA Policy available at www.gsa.gov/rwa.]

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Part 527 - Patents, Data, and Copyrights

[Subpart 527.3 - Patent Rights under Government Contracts]

[527.306 Licensing background patent rights to third parties. For a D&F for licensing to third parties, submit the D&F for the Administrator's approval through the SPE (see FAR 27.306).]

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