




NOV 13 2019

MEMORANDUM FOR: Ben Friedman
Deputy Under Secretary for Operations

Jeffrey S. Thomas
Director, Acquisition and Grants Office

FROM: Neil A. Jacobs, Ph.D. 
Assistant Secretary of Commerce for Environmental
Observation and Prediction
Performing the Duties of Under Secretary of Commerce
For Oceans and Atmosphere

SUBJECT: Delegation of Authority

The purpose of this memorandum is to issue a re-delegation of specific contracting functions that have been delegated to the Head of Contracting Activity (HCA), which are re-delegable pursuant to the Commerce Acquisition Manual (CAM) or the Federal Acquisition Regulation (FAR) as referenced in the table below.

As the NOAA HCA, I hereby officially delegate the functions in Table 1, below. The authorities may not be further delegated unless specifically stated under the "HCA Delegation" column of the table.

Table 1 -Delegation of Authority

FUNCTION	HCA DELEGATION	FAR/CAM REFERENCE
Serve as the source selection authority for all competitive negotiated acquisitions with lifecycle costs of \$10 million or more when formal source selection procedures are used.	Senior Bureau Procurement Official (SBPO) (May be re-delegated to a senior official at a level above the contracting officer)	FAR 15.303(a) / CAM 1315.3 subsection 2.2
Approve Justifications for Limiting Sources for Federal Supply Schedule orders or BPAs exceeding \$13.5M but not exceeding \$68M.	SBPO as the Operating Unit Competition Advocate	FAR 8.405-6(d) / CAM 1301.70 Appendix A



Approve Justifications for sole source (including brand name) acquisitions or portions of an acquisition requiring a brand-name exceeding \$13.5M but not exceeding \$68M when using simplified acquisition procedures.	SBPO as the Operating Unit Competition Advocate	FAR 13.501(a)(2) / CAM 1301.70 Appendix A
Approve Justifications for an Exception to Fair Opportunity for indefinite delivery, indefinite quantity (IDIQ) orders exceeding \$13.5M but not exceeding \$68M.	SBPO as the Operating Unit Competition Advocate	FAR 16.505(b)(2)(ii)(C) / CAM 1301.70 Appendix A
Provide congressional notification within 30 days of single source task/delivery order contract awards in excess of \$112 million (including all options).	SBPO as the Operating Unit Competition Advocate through the NOAA Office of Legislative and Intergovernmental Affairs	FAR 16.504(c)(1)(ii)(D)(2) / CAM 1316.1 subsection 1.6.2(f)
Establish exceptions to limitation on allowability of compensation for scientists, engineers, or other specialists.	Deputy Under Secretary for Operations (DUSO)	FAR 31.205-6(p)(4)(iii) / CAM 1301.70 Appendix A
Reaffirms mission need and program objectives; and grants approval to proceed with production of successfully tested major systems.	DUSO	FAR 34.005-6 / CAM 1301.70
Approve construction contracts with architect-engineer (A&E) firms that designed the project or its subsidiaries or affiliates.	SBPO	FAR 36.209 / CAM 1301.70 Appendix A
Determination that A&E design within funding limitations are secondary to performance considerations and additional project funding can be expected.	DUSO	FAR 36.609-1(c) / CAM 1301.70 Appendix A
Determine that costs associated with determining collateral savings exceed benefits.	SBPO	FAR 48.104-3(a) / CAM 1301.70 Appendix A

This delegation is effective on the date of signature and remains in effect unless revised or rescinded. As the HCA, I retain the right to rescind this delegation in its entirety, for a specific delegated function, or for an individual action covered by this delegation.

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CONTRACTING AUTHORITY

Number: DAO 208-2

Effective Date: 2004-12-03

SECTION 1. PURPOSE.

.01 This Order establishes clear lines of contracting authority and accountability as required by Executive Order (E.O.) 12931, Federal Procurement Reform, Public Law (P.L.) 98-191, Office of Federal Procurement Policy Act, 41 United States Code (U.S.C) 414, and the Services Acquisition Reform Act of 2003, P.L. 108-136.

.02 This revision: provides a major update and rewrite of the Order; aligns authority with function, responsibility, and accountability by decentralizing contract decision making authority to the lowest possible level within the operating units; reflects organizational changes and various delegations and reservations of contracting authority.

SECTION 2. DEFINITIONS.

.01 Head of the Agency (or Agency Head) means the Secretary of Commerce (the Secretary), except that pursuant to Department Organization Order (DOO) 10-5, "Chief Financial Officer and Assistant Secretary for Administration," for procurement matters the head of the agency shall be the Chief Financial Officer and Assistant Secretary for Administration (the Assistant Secretary), unless a statute provides that the authority of the Secretary is nondelegable.

.02 Chief Acquisition Officer (CAO) means the Department's Executive-level non-career employee designated pursuant to the Services Acquisition Reform Act to advise and assist the head of the agency and other agency officials to ensure that the mission of the agency is achieved through the management of the agency's acquisition activities. The Assistant Secretary has been designated by the Head of the Agency as the Chief Acquisition Officer for the Department of Commerce (the Department).

.03 Procurement Executive or Senior Procurement Executive (PE) means the official appointed pursuant to E.O. 12931 and the Services Acquisition Reform Act, to carry out the responsibilities identified in both the Executive Order and the Services Acquisition Reform Act. Pursuant to DOO 20-26, "Director for Acquisition Management," the Director for Acquisition Management is the PE for the Department.

.04 Head of the Contracting Activity (HCA), for purposes of this Order, means the following individuals:

a. Officials who are designated as the Heads of Operating Units (those who are assigned by the President or by the Secretary to manage the primary or constituent operating units of the Department as defined in DOO 1-1, "Mission and Organization of the Department of Commerce") in Orders establishing the respective operating units and in paragraph 2.08 of this Order, with the exception of the Office of the Secretary, are designated as the HCA for procurements initiated in support of the programs and activities of that operating unit.

b. The Assistant Secretary is designated as the HCA for procurements initiated in support of the programs and activities of the Office of the Secretary and all other Secretarial Offices and Departmental Offices.

.05 Senior Bureau Procurement Official (BPO) means the senior career procurement official within each

operating unit that has been delegated contracting authority. The BPO must be a procurement professional who has both experience and training in the area of federal procurement and contracting. HCAs may designate one BPO for their organization to carry out the day-to-day functions of managing the contracting activity. BPOs may also serve as the Head of the Contracting Office. The PE will issue each BPO a Contracting Officer Warrant which delegates the authority to enter into, administer, and/or terminate contracts and to make related determinations and findings.

.06 Head of the Contracting Office (HCO) means those individuals designated by the BPO to head the contracting offices within each operating unit that has designated contracting authority to award and administer contracts to the full limit of the Department's contracting authority. The HCO must be a procurement professional in the GS-1102 occupational series. BPOs will issue each HCO a Contracting Officer Warrant, which delegates the authority to enter into, administer, and/or terminate contracts and to make related determinations and findings.

.07 Contracting Officer means those individuals with the authority, designated by the BPO, to enter into, administer, and/or terminate contracts and make related determinations and findings. Only those individuals who have been certified and designated as contracting officers in accordance with the requirements and procedures of the Commerce Acquisition Regulation (CAR) (http://oamweb.osec.doc.gov/stage_04_01_04/final/index.html) and the Commerce Acquisition Manual (CAM) may exercise the authorities of contracting officers. However, by virtue of their positions, the Head of the Agency, the Chief Acquisition Officer, the PE, and the heads of operating units identified in paragraph 4.04 are also designated as contracting officers.

.08 Operating Unit, for purposes of this Order, means the following entities as defined in DOO 1-1, and in the Orders establishing the respective operating units: Bureau of Economic Analysis (BEA), Bureau of Industry and Security (BIS), Bureau of the Census (Census), Economic Development Administration (EDA), Economics and Statistics Administration (ESA) (excluding BEA and Census), International Trade Administration (ITA), Minority Business Development Agency (MBDA), National Institute of Standards and Technology (NIST), National Oceanic & Atmospheric Administration (NOAA), National Telecommunications & Information Administration (NTIA), National Technical Information Service (NTIS), United States Patent and Trademark Office (USPTO), Technology Administration (TA) (excluding NIST and NTIS), Office of Inspector General (OIG), and Office of the Secretary (OS).

.09 Contracting Activity, for purposes of this Order, means the operating units identified in paragraph 2.08 above. Contracting activities may or may not have authority to operate contracting offices (see paragraphs 2.10 and 4.04 of this Order).

.10 Contracting Office means an office that awards or executes contracts for supplies or services and performs post-award functions.

SECTION 3. APPLICABILITY

.01 The Secretary has delegated the authority of "Head of Agency" under the authorities in 41 U.S.C Chapter 4, and 48 Code of Federal Regulation (CFR) Chapter 1, regarding purchases and contracts for property or services, and other procurement-related authorities to the Chief Acquisition Officer who is the Chief Financial Officer and Assistant Secretary for Administration. The Chief Acquisition Officer has further delegated to the Director for Acquisition Management the authority to serve as the PE (in accordance with Executive Order 12931, the Office of Federal Procurement Policy Act, 41 U.S.C. 414, and the Services Acquisition Reform Act), to establish clear lines of contracting authority and accountability, and to implement acquisition-related requirements of the Competition in Contracting Act (P.L. 98-369); Executive Order 12931, Federal Procurement Reform, dated October 13, 1994; the Government Performance and Results Act of 1993; the Federal Acquisition Streamlining Act of 1994 (P.L. 103-355); the Clinger-Cohen Act of 1996 (P.L. 104-106), the Services Acquisition Reform Act of 2003 (P.L. 108-136); and other statutory, regulatory and administrative directives, with the authority to re-delegate to appropriate officials.

.02 The authority delegated or re-delegated is to be exercised in conformity with federal acquisition laws and regulations, Department policies, and conditions or limitations that are established by the Secretary, the Deputy Secretary, the Chief Acquisition Officer or the PE.

.03 Delegations of authority specifically outlined in the Federal Acquisition Regulation have been further defined for the Department and delegated by the PE in CAM Part 1301.70, "Delegations of Contracting Authority."

SECTION 4. DELEGATIONS OF AUTHORITY.

.01 Secretary of Commerce. The Secretary has delegated the authority of Agency Head under the authorities in 41 U.S.C. Chapter 4, and 48 CFR Chapter 1, regarding purchases and contracts for property or services, and other procurement-related authorities of the Secretary to the Chief Acquisition Officer, unless a statute provides that the authority of the Secretary is non-delegable. Specific authorities that cannot be delegated and remain with the Secretary are set forth in CAM Part 1301.70.

.02 Chief Acquisition Officer.

a. Pursuant to DOO 10-5, the Secretary has delegated to the Chief Acquisition Officer the authorities in the Code of Federal Regulations regarding purchases and contracts for property or services, and other procurement-related authorities of the Secretary.

b. Specific contracting authorities are set forth in CAM Part 1301.70. These authorities are delegated to the Chief Acquisition Officer and must be performed by that individual. They may not be redelegated.

.03 Director for Acquisition Management and Procurement Executive.

a. Pursuant to DOO 10-5 and DOO 20-26, the Chief Acquisition Officer has delegated to the Director for Acquisition Management the authority to serve as the PE. As the PE, the Director for Acquisition Management is delegated Departmentwide responsibility for planning, developing and implementing policies and procedures for the acquisition of materials, supplies, equipment and services through procurement and contracting processes, and for operation of a contracting office for the Office of the Secretary and other elements of the Department.

b. The authority to establish contracting activities and delegate broad contracting authority to HCAs lies with the PE.

c. Specific contracting authorities are set forth in CAM Part 1301.70. These authorities are delegated to the PE and must be performed by that individual. They may not be redelegated.

d. The PE issues each BPO a Contracting Officer Warrant, which delegates the authority to enter into, administer, and/or terminate contracts and to make related determinations and findings.

.04 Heads of Operating Units.

a. The heads of the following operating units are authorized to operate contracting offices:

1. NOAA, pursuant to DOO 25-5, "National Oceanic and Atmospheric Administration";
2. NIST, pursuant to DOO 30-2B, "National Institute of Standards and Technology";
3. USPTO, pursuant to DOO 30-3, "United States Patent and Trademark Office"; and
4. Census, pursuant to DOO 35-2B, "Bureau of the Census."

b. Heads of operating units are not authorized to establish new contracting offices. Only the PE can authorize establishment of new contracting offices.

.05 Heads of Contracting Activities.

a. Heads of Contracting Activities (HCA) have overall responsibility and accountability for procurements initiated in support of the programs and activities of their organizations, and specifically, for the contracting decisions required to be made by them in their capacity as HCA, or by those in their organizations having delegated authority for contract decision making.

b. Specific contracting authorities are delegated in CAM Part 1301.70. These authorities are delegated to the HCA and must be performed by that individual. They may not be redelegated.

c. The HCAs in operating units not having contracting offices (see paragraphs 2.10 and 4.04 of this order) may delegate those authorities specified in CAM Part 1301.70 which can be performed below the level of the HCA to individuals in the operating unit which provides their procurement service. Such delegations must be by mutual agreement of the parties. The individuals performing such delegated functions must be at appropriate levels in the servicing organization, as specified in paragraph 4.05, in paragraph 2.04 of this order and in CAM Part 1301.70.

d. Delegations made pursuant to paragraph 4.05 must be in writing, designating the specific organizational position receiving the delegation.

.06 Senior Bureau Procurement Official

a. HCAs may delegate authority to carry out the day-to-day functions of managing the organization's contracting activity to the Senior Bureau Procurement Official (BPO).

b. Specific contracting authorities are delegated in CAM Part 1301.70. These authorities are delegated to the BPO and must be performed by that individual. They may not be redelegated.

c. BPOs issue each HCO a Contracting Officer Warrant which delegates the authority to enter into, administer, and/or terminate contracts and to make related determinations and findings.

d. BPOs issue Contracting Officer warrants to qualified individuals within their respective operating units.

.07 Miscellaneous Delegations. CAM 1301.70 identifies delegations to individuals other than those named in paragraphs 4.01 through 4.06 of this Order.

.08 Government Purchase Card. Delegations of authority to make purchases using the Government Purchase Card are provided to individual employees by the HCO who services the respective employee's organization. Procedures covering the Purchase Card Program are set forth in CAM Part 1313.301, Commerce Purchase Card Procedures, issued under authority of DAO 200-0, "Department of Commerce Handbooks and Manuals."

.09 Non-Appropriated Funds. Authority to obligate non-appropriated funds is delegated by the PE to the BPO. The BPO may further delegate the authority to obligate non-appropriated funds no lower than the HCO. Although such contracts are not subject to the Federal Acquisition Regulation, they remain subject to legal review and other applicable regulations and statutes such as the Competition in Contracting Act.

SECTION 5. EFFECT ON OTHER ORDERS.

This Order supersedes Department Administrative Order 208-2 of March 12, 1996.

Signed by: Director for Acquisition Management and Procurement Executive

Approved by: Chief Financial Officer and Assistant Secretary for Administration

Office of Primary Interest: Office of Acquisition Management

Questions and Comments

Send Questions or Comments on the Commerce Directives Management program to Directives@doc.gov.

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Office of the Chief Financial Officer and Assistant Secretary for Administration
U.S. Department of Commerce

Page last updated: February 4, 2010

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MISSION AND ORGANIZATION OF THE DEPARTMENT OF COMMERCE

Number: DOO 1-1

Effective Date: 2012-11-09

[Exhibit 1: Organization Chart](#)

[Exhibit 1: Organization Chart - Accessible Text Description](#)

[Exhibit 2: Executive Order 13613](#)

SECTION 1. PURPOSE.

.01 This Order prescribes the mission, functions and organization of the Department of Commerce (the Department).

.02 This revision: revokes Appendix A and replaces Executive Order (E.O.) 13242 dated December 18, 2001, with E.O. 13613, "Providing an Order of Succession Within the Department of Commerce," dated May 21, 2012 ([Exhibit 2](#)); revokes Appendix B, White House Memorandum, "Designation of Officers of the Department of Commerce to Act as Secretary of Commerce," dated October 3, 2002; removes, per P.L. 110-69 (August 2007), the Technology Administration, which has been abolished; updates the title of the NIST Director to the Under Secretary of Commerce for Standards and Technology; and updates the Department's organization chart ([Exhibit 1](#)).

SECTION 2. MISSION, FUNCTIONS AND AUTHORITY.

.01 The historic mission of the Department is "to foster, promote, and develop the foreign and domestic commerce" of the United States. This has evolved, as a result of legislative and administrative additions, to encompass broadly the responsibility to foster, serve, and promote the Nation's economic development and technological advancement. The Department fulfills this mission by:

- a. Participating with other Government agencies in the creation of national policy, through the President's Cabinet and its subdivisions.
- b. Promoting and assisting international trade.
- c. Strengthening the international economic position of the United States.
- d. Promoting progressive domestic business policies and growth.
- e. Improving comprehension and uses of the physical environment and its oceanic life.
- f. Ensuring effective use and growth of the Nation's scientific and technical resources.

g. Acquiring, analyzing, and disseminating information regarding the Nation and the economy to help achieve increased social and economic benefit.

h. Assisting states, communities, and individuals with economic progress.

.02 The specific functions and programs of the Department that make up the broad activities, above, are authorized by the Department's organic statute (Act of February 14, 1903, 32 Stat. 826) or by other legislation. They also include responsibilities transferred from other Government agencies by Presidential Reorganization Plans, and responsibilities assigned to the Secretary of Commerce or the Department by Executive Order or other actions of the President.

.03 Functions (including powers, authorities, duties and responsibilities) of the Department of Commerce are by law vested directly in the Secretary of Commerce, except for those vested by the Administrative Procedure Act in administrative law judges.

.04 .04 The Secretary is vested by legislation (e.g., 5 U.S.C. 301) and Reorganization Plans with an authority to provide for the organization and general management of the Department. Reorganization Plan No. 5 of 1950, in particular, provides that:

"The Secretary of Commerce may from time to time make such provisions as [the Secretary] shall deem appropriate authorizing the performance by any officer, or by any agency or employee, of the Department of Commerce of any function of the Secretary...."

.05 The principal organizational components and officers of the Department are established either by statute or Reorganization Plan, or by the Secretary pursuant to the authorities referred to above. The Secretary determines the functions to be carried out by the principal organizational components and the authorities exercised by the principal officers of the Department. These are normally prescribed by the Secretary in Department Organization Orders (DOOs). Unless a DOO expressly provides to the contrary, delegations of Secretarial authority constitute only a sharing of that authority, and coequal authority is reserved by the Secretary.

SECTION 3. ORGANIZATION STRUCTURE.

The attached chart (see Exhibit 1) depicts the organizational structure of the Department which has been established through DOOs issued for each of the principal organizational components and officers of the Department. The chart reflects the following general organizational plan for the Department.

a. Office of the Secretary.

1. The Office of the Secretary is the general management arm of the Department and provides the principal support to the Secretary in formulating policy and in providing advice to the President. It provides program leadership for the Department's functions and exercises general supervision over the operating units. It also directly carries out program functions as may be assigned by the Secretary, and provides, as determined to be more economic or efficient, administrative and other support services for designated operating units.

2. The Office of the Secretary consists of the Secretary, certain Secretarial Officers, designated staff immediately serving those officials, and a number of "Departmental offices" which have Department-wide functions or perform special program functions directly on behalf of the Secretary.

3. Secretarial Officers located in the Office of the Secretary:

- Deputy Secretary
- General Counsel
- Chief Financial Officer and Assistant Secretary for Administration
- Assistant Secretary for Legislative and Intergovernmental Affairs

b. Secretarial Officers of the Department.

1. The Secretarial Officers are:

- Deputy Secretary
- General Counsel
- Under Secretary for Economic Affairs
- Under Secretary for International Trade
- Under Secretary of Commerce for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration
- Under Secretary for Industry and Security
- Under Secretary of Commerce for Standards and Technology
- Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office
- Chief Financial Officer and Assistant Secretary for Administration
- Assistant Secretary for Legislative and Intergovernmental Affairs
- Assistant Secretary for Economic Development
- Assistant Secretary for Communications and Information
- Inspector General

2. The Deputy Secretary serves as the principal deputy of the Secretary in all matters affecting the Department and performs continuing and special duties as the Secretary may assign including, as may be specified by the Secretary, the exercise of policy direction and general supervision over operating units not placed under other Secretarial Officers or other Department officials.

3. The Chief Financial Officer and Assistant Secretary for Administration, Assistant Secretary for Legislative and Intergovernmental Affairs, Inspector General, and General Counsel are the Secretary's principal assistants on administrative management, congressional and legislative relations, oversight of programs and operations, and legal matters of the Department.

4. The other Secretarial Officers (referred to as "Program Secretarial Officers") are the Secretary's principal assistants on program management matters, each being responsible for a particular program area of the Department. This responsibility may include policy direction and general supervision over an assigned operating unit charged with carrying out programs, or direct supervision by serving as the head of a primary operating unit.

c. Operating units.

1. The operating units of the Department are organizational entities outside the Office of the Secretary charged with carrying out specified substantive functions (i.e., programs) of the Department. The heads of some operating units are Program Secretarial Officers; in other cases, they are officers who report to and are responsible to a Program Secretarial Officer or directly to the Secretary or Deputy Secretary, as may be specified (see subparagraph 3.b.2.). The operating units are the components of the Department through which most of its substantive functions are carried out.

2. For Department management purposes, each operating unit is designated as being in one of the following two organizational classes:

(a) Primary operating units are organizations assigned broad substantive functions of the Department. The Secretary delegates directly to the heads of these units the authority necessary to carry out the functions of their units. Heads of primary operating units are the operating general managers of the Department.

(b) Constituent operating units are organizations assigned limited substantive functions, or functions supporting a primary operating unit. Heads of these units may receive delegations of authority directly from the Secretary, or carry out their responsibilities under authorities delegated through a Secretarial Officer, subject to the latter's direct supervision.

SECTION 4. OFFICERS DESIGNATED TO PERFORM THE DUTIES OF THE SECRETARY.

.01 The Deputy Secretary performs such duties and exercises such powers as the Secretary may from time to time prescribe and shall perform the duties of the Secretary of Commerce as Acting Secretary in case of absence or incapacity of the Secretary and in case of a vacancy in the Office of the Secretary.

.02 During any period when by reason of absence, disability, or vacancy in office, neither the Secretary of Commerce nor the Deputy Secretary of Commerce is available to exercise the powers or perform the duties of the Office of the Secretary, the President has directed the officers of the Department of Commerce, to act as Secretary in such order as reflected in E.O. 13613 of May 21, 2012 ([Exhibit 2](#)).

.03 No individual who is serving in an office listed in section 1(a)-(i) of E.O. 13613 in an acting capacity shall, by virtue of so serving, act as Secretary pursuant to E.O. 13613.

.04 Notwithstanding these provisions, the President retains discretion, to the extent permitted by the Federal Vacancies Reform Act of 1998, to depart from this order of succession in designating an Acting Secretary.

SECTION 5. OFFICERS DESIGNATED TO PERFORM THE DUTIES OF OTHER SECRETARIAL OFFICERS AND HEADS OF OPERATING UNITS.

.01 If an officer of the Department of Commerce, whose appointment to office is required to be made by the President, by and with the advice and consent of the Senate, dies, resigns or is otherwise unable to perform the functions and duties of the office, the first assistant to the office of such officer shall perform the functions and duties of the office temporarily in an acting capacity, subject to the limitations set forth in the Federal Vacancies Reform Act of 1998.

.02 During any period when by reason of absence, disability, or vacancy in office, neither the officer nor the first assistant to the office is available to exercise the powers or perform the duties of the office, the President may, in accordance with the Federal Vacancies Reform Act of 1998, direct another person to perform the functions and duties of the vacant office in an acting capacity.

.03 If, pursuant to the limitations in the Federal Vacancies Reform Act of 1998, no person is performing the functions and duties of an office in an acting capacity in accordance with paragraphs .01 or .02 above, then the Secretary may designate an official who, while not bearing the title "acting," will perform the functions and duties of that office, and the issue of designating the acting Secretarial Officer or head of operating unit shall be referred to the President.

SECTION 6. EFFECT ON OTHER ORDERS.

This Order supersedes Department Organization Order 1-1, dated April 4, 2005.

Signed by: Acting Secretary of Commerce

Questions and Comments

Send Questions or Comments on the Commerce Directives Management program to Directives@doc.gov.

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