

DEPARTMENT OF ENERGY
REDESIGNATION OF AUTHORITY AND
REDELEGATION OF AUTHORITY ORDER NO. ~~00-001-09~~ S2-DEL-SPE-2019
TO THE DIRECTOR, OFFICE OF ACQUISITION MANAGEMENT

1. REDELEGATION AND REDESIGNATION. Under the authority vested in me as Deputy Secretary of Energy and pursuant to section 642 of the Department of Energy Organization Act (Public Law 95-91, 42 U.S.C. 7252), I delegate to the Director, Office of Acquisition Management authority to take the following actions:
 - 1.1 Perform the role of Senior Procurement Executive (as defined by 41 U.S.C. 1702 and Executive Order No. 12931 "Federal Procurement Reform," October 13, 1994) for all Departmental elements, except the National Nuclear Security Administration and the Federal Energy Regulatory Commission. As the Senior Procurement Executive you have agency-wide responsibility and authority to: provide overall management direction of the Department of Energy's (Department) procurement system; oversee development of procurement goals, guidelines, and innovation; measure and evaluate procurement office performance against stated goals; and enhance career development of the procurement workforce. As Senior Procurement Executive, you are authorized to approve justifications for other than full and open competition in the case of a contract for an amount exceeding \$50,000,000. (41 U.S.C. 3304).
 - 1.2 Designate Contracting Officers (48 C.F.R. 1.601, 48 C.F.R. 1.603-1, 48 C.F.R. 901.601).
 - 1.3 Designate a program manager to implement an electronic commerce capability for the Department who shall report directly to the Senior Procurement Executive (41 U.S.C. 4709).
 - 1.4 Designate Heads of Contracting Activities, subject to such thresholds and other limitations as may be appropriate (48 C.F.R. 1.601, 48 C.F.R. 901.601).
 - 1.5 Designate a Senior Competition Advocate to perform the duties required by the Competition in Contracting Act of 1984, Public Law 98-369. (41 U.S.C. 1705, 48 C.F.R. 6.501, 48 C.F.R. 906.501).
 - 1.6 Designate Contracting Activity Competition Advocates to perform the duties required by the Competition in Contracting Act of 1984, Public Law 98-369. This authority may be redelegated no lower than the Heads of Contracting Activities. A Contracting Activity Competition Advocate shall be appointed for each installation that has been delegated contracting authority (41 U.S.C. 1705, 48 C.F.R. 6.501, 48 C.F.R. 906.501).

- 1.7 Assign contracting functions and responsibilities to another agency, and create Joint or combined offices with another agency to exercise acquisition functions (41 U.S.C. 3102, 48 C.F.R. 1.601, 48 C.F.R. 901.601).
- 1.8 Enter into, approve, administer, modify, close-out, terminate, and take such other actions as may be necessary and appropriate with respect to any procurement transaction binding the Department to the obligation and expenditure of public funds. Serve as Source Selection Authority (SSA) or appoint another individual to serve as SSA for a particular acquisition or group of acquisitions (48 C.F.R. 15.303).
- 1.9 Enter into, approve, administer, modify, close-out, terminate and take such other actions as may be necessary and appropriate with respect to any financial assistance agreement or similar transaction, whether or not binding DOE to the obligation and expenditure of public funds. Such action shall include the rendering of approvals, determinations, and decisions, except those required by law or regulation to be made by other authority. Serve as Selection Authority (SA) or appoint another individual to serve as SA for a particular financial assistance action or group of financial assistance actions.
- 1.10 Enter into, approve, administer, modify, close-out, terminate and take such other actions as may be necessary and appropriate with respect to any sales contract, reimbursable orders, or similar transaction, whether or not binding DOE to the obligation and expenditure of public funds. Such action shall include the rendering of approvals, determinations, and decisions, except those required by law or regulation to be made by other authority. Serve as Selection Authority (SA) or appoint another individual to serve as SA for a particular action or group of actions.
- 1.11 Approve extraordinary contractual actions, not to exceed the regulatory threshold found in 48 C.F.R. 50.102-1 to facilitate the national defense, pursuant to Public Law 85-804 and Executive Order No. 10789, as amended.
- 1.12 Sign applications for permits to procure tax-free spirits from a distilled spirits plant for non-beverage purposes for use by the Department, as authorized by 26 U.S.C. 5271.
- 1.13 Exercise the authorities under sections 101(a) of the Defense Production Act of 1950 [50 U.S.C. App. 2071(a)] delegated to the Secretary in Department of Commerce (DOC) Defense Priorities and Allocations System (DPAS) Delegation 2, as amended, contained in the DOC DPAS regulation at 15 C.F.R. Part 700; and the authorities under section 101(c)(2)(A) of the Defense Production Act of 1950 [50 U.S.C. 4511(c)(2)(A)], as delegated to the Secretary by section 203 of

Executive Order No. 13603. The exercise of these authorities is subject to the concurrence of the Department's General Counsel.

- 1.14 Designate a task and delivery order ombudsman to perform the duties required by the Federal Acquisition Streamlining Act of 1994 (title I, section 1054(a) of Public Law 103-355, as amended by Public Law 110-181, 41 U.S.C. 4106).
- 1.15 Serve as my authorized representative to void and rescind contracts in relation to which there has been either:
 - A. A final conviction for bribery, conflict of interest, disclosure or receipt of contractor bid or proposal information or source selection information in exchange for a thing of value or to give anyone a competitive advantage in the award of a Federal agency procurement; or
 - B. You have determined, as my designee, that contractor bid or proposal information or source selection information has been disclosed or received in exchange for a thing of value, or for the purpose of obtaining or giving anyone a competitive advantage in the award of a Federal Agency procurement (18 U.S.C. 218 and 41 U.S.C. 2105).
- 1.16 Enter into, administer, modify, closeout, terminate and take such other actions as may be necessary and appropriate with respect to any other transaction agreement, whether or not binding DOE to the obligation and expenditure of public funds. Such actions shall include the rendering of determinations and decisions, except those required by law or regulation to be made by other authority.
- 1.17 Enter into long-term utility contracts except area wide contracts, for total terms not to exceed ten (10) years, for all utility services; e.g., electric, natural gas, water, sewage, and steam, pursuant to Delegation of Authority to the Secretary of Energy from the General Services Administrator, reflected in 48 C.F.R. 41.103(b). [40 U.S.C. 501(b), 40 U.S.C. 121(d)].
- 1.18 Pursuant to section 311 of title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85), or any similar provisions enacted in subsequent appropriations acts, notify the Committees on Appropriations of the Senate and House of Representatives at least three full business days in advance of making a grant allocation, discretionary grant award, discretionary contract award, Other Transaction Agreement, or issuing a letter of intent totaling in excess of \$1,000,000 or to announce publicly the

intention to make such an award, including a contract covered by the Federal Acquisition Regulation.

- 1.19 Consistent with the policy process set forth in the Memorandum on the Rulemaking Process issued to all Departmental elements by the Deputy Secretary on September 14, 2010, approve and issue all rulemaking and rule-related documents regarding Department acquisition and financial assistance regulations as required or authorized by applicable law. This includes in particular serving as my authorized representative to issue agency acquisition regulations that implement or supplement the Federal Acquisition Regulation (FAR) as provided for in 48 C.F.R. 1.301, and issuing agency regulations concerning financial assistance as provided in 2 C.F.R. Part 200. For those rules determined to be administrative/ informational or substantive/non-significant, the process involving the Regulatory Leadership Group described in the Deputy Secretary's Memorandum dated September 14, 2010, shall not apply and approval of those rulemakings is delegated to the Senior Procurement Executive. The process involving the Regulatory Leadership Group described in the Deputy Secretary's memorandum remains in effect for those rules determined to be significant or for which there is a DOE policy required. This authority does not include the authority to issue rule and rule-related documents for the Title XVII Loan Guarantee or Advanced Technology Vehicles Manufacturing Incentive Programs.
- 1.20 Make a determination to award a single source Blanket Purchase Agreement in excess of the regulatory threshold found at 48 C.F.R. 8.405-3(a)(3)(ii).
- 1.21 Make a determination to award a single source task or delivery order contract in excess of the regulatory threshold found at 48 C.F.R. 16.504(c)(1)(ii)(D), and notify Congress within 30 days after making a determination pursuant to 48 C.F.R. 16.504(c)(1)(ii)(D)(1)(iv).
2. RESCISSION. Delegation Order 00-002.17A is hereby rescinded.
3. LIMITATION.
 - 3.1 In exercising the authority delegated in this Order, a delegate shall be governed by the rules and regulations of the Department of Energy and the policies and procedures prescribed by the Secretary or delegate(s).
 - 3.2 Nothing in this Order precludes the Secretary of Energy or the Deputy Secretary from exercising any of the authority delegated by this Order.
 - 3.3 Nothing in this Order shall be construed to supersede or otherwise interfere with the authorities provided to the Administrator for Nuclear Security by law

or by delegation. Furthermore, nothing herein constitutes authority to exercise authority, direction, or control of an employee of the National Nuclear Security Administration or its contractors.

- 3.4 Any amendments to this Order shall be in consultation with the Department of Energy General Counsel.

4. AUTHORITY TO REDELEGATE.

- 4.1 Except as expressly prohibited by law, regulation, or this Order, the Director, Office of Acquisition Management, may delegate this authority further, in whole or in part.
- 4.2 Copies of redelegations and any subsequent redelegations shall be provided to the Office of Management, which manages the Secretarial Delegations of Authority system.

5. DURATION AND EFFECTIVE DATE.

- 5.1 All actions pursuant to any authority delegated prior to this Order or pursuant to any authority delegated by this Order taken prior to and in effect on the date of this Order are ratified and remain in force as if taken under this Order, unless or until rescinded or amended.
- 5.2 This Order is effective OCT 22 2019.



Dan Brouillette
Deputy Secretary of Energy