

DEPARTMENT OF ENERGY
DELEGATION ORDER NO. 0204-174
TO THE DIRECTOR, OFFICE OF PROCUREMENT AND ASSISTANCE MANAGEMENT

1. DELEGATION. Pursuant to the authority vested in me as Secretary of Energy (Secretary) and Section 642 of the Department of Energy Organization Act, Pub. L. No. 95-91, 42 U.S.C. § 7252 (1994), there is hereby delegated to the Director, Office of Procurement and Assistance Management, on a non-exclusive basis, the authority to perform the role of Senior Procurement Executive (as defined by 41 U.S.C. 414 and Exec. Order No. 12931 “Federal Procurement Reform,” October 13, 1994) for all Departmental elements, except for the National Nuclear Security Administration and the Federal Energy Regulatory Commission, with agency-wide responsibility and authority to: provide overall management direction of the Department’s procurement system; issue procurement policies, regulations and procedures; 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 the Director is authorized to:
 - a. Designate Heads of Contracting Activities, without further delegation, subject to such thresholds and other limitations as may be appropriate. 48 C.F.R. § 1.601; 48 C.F.R. § 901.601.
 - b. Designate Contracting Officers. 48 C.F.R. § 1.601; 48 C.F.R. § 901.601.
 - c. Designate a Senior Competition Advocate for the Department to perform the duties required by the Competition in Contracting Act of 1984, Pub. L. No. 98-369. This authority may not be redelegated. 41 U.S.C. § 418, 48 C.F.R. § 6.501; 48 C.F.R. § 906.501.
 - d. Designate Contracting Activity Competition Advocates to perform the duties required by the Competition in Contracting Act of 1984, Pub. L. No. 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. § 418; 48 C.F.R. § 6.501; 48 C.F.R. § 906.501.
 - e. Designate a task and delivery order ombudsman to perform the duties required by the Federal Acquisition Streamlining Act (FASA) of 1994 (Title I, Section 1054) (41 U.S.C. § 253j(e)).

- f. 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. § 252c.
- g. Assign contracting functions and responsibilities to another agency, and create joint or combined offices with another agency to exercise acquisition functions, without further delegation. 41 U.S.C. § 261; 48 C.F.R. § 1.601; 48 C.F.R. § 901.601.
- h. 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 of Energy to the obligation and expenditure of public funds. 42 U.S.C. § 7254, 7256.
- i. Approve extraordinary contractual actions, not to exceed \$50,000 to facilitate the national defense, pursuant to Pub. L. No. 85-804 and Exec. Order No. 10789, as amended. 48 C.F.R. § 50.201.
- j. Sign applications for permits to procure tax-free spirits from a distilled spirits plant for nonbeverage purposes for use by the Department, as authorized by 26 U.S.C. § 5271.
- k. Determine whether to utilize the authority contained in Section 101(c) of the Defense Production Act of 1950, 50 U.S.C. App. 2071(c)(1994), as amended, to “maximize domestic energy supplies.” This determination will be made after consultation with the General Counsel and the Assistant Secretary for Policy and International Affairs.
- l. Approve justifications for other than full and open competition in the case of a contract for an amount exceeding \$50,000,000, without further delegation. 41 U.S.C. § 253(f).
- m. Approve supplemental regulations, definitions, and clauses to 48 C.F.R. § 3.104 (Procurement Integrity), without further delegation. 48 C.F.R. § 3.104-1.
- n. Take such other action as may in the future be assigned to an agency Senior Procurement Executive by law or applicable regulation and as the Secretary of Energy or his/her authorized delegate(s) may, from time to time, direct or authorize.

2. LIMITATIONS.

- a. The authorities delegated in this Order are in addition to, and not in limitation of, any authorities delegated or responsibilities assigned to the Director, Office of Procurement and Assistance Management, by any other DOE delegation, written or oral, or by any Departmental Directive, regulation, or other issuance.
- b. In exercising the authority delegated by this order, or as redelegated pursuant thereto the delegate shall be governed by the rules and regulations of the Department of Energy and the policies and procedures prescribed by the Secretary and his or her delegates.
- c. Nothing in this order shall preclude the Secretary from exercising any of the authority so delegated whenever in his or her judgement the exercise of such authority is necessary or appropriate to administer the functions vested in him or her.
- d. Nothing in this order shall be construed as to supercede or otherwise interfere with the authorities delegated to the Administrator for Nuclear Security by law and by order of delegation to act as the Senior Procurement Executive for the Administration; furthermore, nothing herein constitutes authority to direct or control an officer or employee of the Administration or its contractors.

1. AUTHORITY TO REDELEGATE. Except as expressly prohibited by law, regulation, or this order, the authorities delegated herein may be redelegated in whole or in part.

2. DURATION AND EFFECTIVE DATE.

- a. All actions pursuant to any authority delegated prior to his Order or pursuant to any authority delegated by this Order taken prior to, and in effect on, the date of this Order are hereby confirmed and ratified, and shall remain in full force and effect as if taken under this Order, unless or until rescinded, amended, or superseded.
- b. This order is effective March 1, 2000.

/s/
Bill Richardson
Secretary of Energy