

PENTAGON RENOVATION PROGRAM CONTRACTING OFFICER WARRANT POLICY

No. 99-30
August 31, 1999

1.0 References:

- a. 41 USC 252, Competition in Contracting Act,
- b. 41 USC 414, Office of Federal Procurement Policy (OFPP) Act,
- c. Federal Acquisition Regulation (FAR) 1.6, Contracting Authority and Responsibilities,
- d. Defense Federal Acquisition Regulation Supplement (DFARS) 201.603, Selection, Appointment, and Termination of Appointment,
- e. OFPP Policy Letter No. 92-3, "Procurement Professionalism Program Policy-Training for Contracting Personnel," June 24, 1992,
- f. DoD Directive 5000.52, "Defense Acquisition, Education, Training and Career Development Program," October 25, 1991,
- g. DoD Manual 5000.52M, "Acquisition Career Development Program for Acquisition Personnel,"
<http://www.acq.osd.mil/dau/files/5000-52m.pdf>, November 1995,
- h. USD(A&T) Memorandum, Reform Through Learning USD(A&T) Policy on Continuous Learning for the Defense Acquisition Workforce, December 15, 1998, <http://www.acq.osd.mil/ar/doc/contlear.pdf>,
- i. Defense Acquisition University Fiscal Year Online Catalogue, <http://www.acq.osd.mil/dau/catalog.html>,

2.0 Purpose

This document establishes uniform procedures and minimum standards for the certification, maintenance, and termination of Contracting Officer Warrants. It applies to all components and Contracting Officers of the Pentagon Renovation Program (PENREN). It supercedes all previous PENREN guidance on this subject.

The policies and procedures stated here are intended to ensure PENREN Contracting Officers are properly qualified and authorized to award contracts and obligate funds. However, there is no intended relationship between grade levels and warrant levels. Contracting Officer Warrants will be issued based on the needs of this organization and in accordance with the guidelines established in this document.

3.0 Policy

The procedures established in this document implement the referenced authorities. These procedures reflect the overarching importance of establishing and maintaining the highest levels of professional education, training, and experience for those individuals who are charged with Contracting Officer responsibilities. A complete dedication to the application of professional knowledge, practical judgement, absolute integrity and fairness are indispensable for a Contracting Officer. It is PENREN policy that only those individuals that possess a high degree of such dedication should have the status and responsibilities of a Contracting Officer. It is also the policy of this organization to ensure that individuals possessing the requisite dedication and maturity receive every possible opportunity to expand and enhance their level of professional competence and experience to qualify as Contracting Officers. Contracting Officer authority shall only be delegated to individuals, never to positions.

To satisfy the urgent contracting needs of this program, some Contracting Officer Warrants were established by, or carried over from, other organizations. For the same reason, some PENREN Contracting Officers were appointed prior to the existence of written PENREN procedures. Warrants obtained from other DoD components will continue to receive the full recognition and reciprocity to which they are entitled under DoD regulations. All future Contracting Officer appointments and re-certifications will be made in accordance with the PENREN procedures described below.

4.0 Procedures

- a. Delegation and Appointment: Washington Headquarters Services has delegated all Head of Contracting Activity authority to the PENREN Program Manager (PM). The PM hereby designates the Deputy Program Manager (DPM) as the approving authority for certifying Contracting Officer Warrants in accordance with the procedures established in this document. All certified Contracting Officers will be appointed on Standard Form 1402, Certificate of Appointment. The Certificate of

Appointment will specify a level of contracting authority or maximum dollar signatory authority, an effective date, the term of the appointment (if limited), and the identity of the Contracting Officer and Appointing Official. The certificate will be prominently displayed in the vicinity of the Contracting Officer's work area.

b. Contracting Officer Warrant Review Board: A PENREN Contracting Officer Warrant Review Board is hereby established. This board will be comprised of the Contracting Group Leader (Contracting GL), the Contracting Integrated Product Team Leader (CIPTL), the Acquisition Integrated Product Team Leader (Acq IPTL), and PENREN Legal Counsel. The Contracting GL will serve as Chair of the Warrant Review Board.

c. Nomination Process: The Warrant Review Board may make its own nominations for the position of Contracting Officer. The Warrant Review Board will also accept Contracting Officer nominations made by others. PENREN supervisors and Contracting Officers may nominate candidate Contracting Officers by submitting a letter, together with evidence of the candidate's level of completion of Defense Acquisition University (DAU) education, experience, and training requirements, to the Chair, Contracting Officer Warrant Review Board.

The Board will meet and conduct a thorough evaluation of each candidate Contracting Officer. This evaluation will include not only an assessment of whether the candidate has met the mandatory education, training and experience requirements, but also an appraisal of the total experience, knowledge, abilities, skills, and integrity of the individual. This evaluation may include a personal interview of the candidate and others at the Board's discretion.

After a complete evaluation of the qualifications of the candidate Contracting Officer, the board will submit its recommendations to the DPM. The DPM may issue warrants at the appropriate level, deny warrant applications, or return the application to the Board without action and with directions for additional Board action.

d. Training and Experience: The Contracting Officer education and training requirements for receiving warrants above the Small Purchase Threshold or for other than the International Merchants Purchase Authorization Card (IMPAC), are listed in DoD 5000.52M, <http://www.acq.osd.mil/dau/files/5000-52m.pdf>. Experience requirements are outlined in paragraph 4 below.

The specific Contracting Officer education, training and experience requirements for receiving warrants above the Small Purchase Threshold are:

1). Training. Complete mandatory contracting courses for positions at the level and grade at which the person is serving. Certification at that level is sufficient to meet this standard.

2). Education. *Bachelor's degree OR 24 semester credit hours in certain disciplines OR pass approved equivalency examinations. The following are the disciplines that can be used: accounting; business finance; law; contracts; purchasing; economics; industrial management; marketing; quantitative methods; organization and management. For a mathematics course to be considered "quantitative methods" it must be mathematics applied to business and management, such as probability, statistics, operations research, or mathematics as is normally taught in a school of business, and not pure mathematics such as calculus or differential equations. Equivalency exams are given at installation education centers under a program managed by the DANTES (Defense Activity for Non-Traditional Education Support).

*Exception: The education standard does not apply to employees who had 10 years of acquisition experience on Oct. 1, 1991.

3). Experience. As outlined below.

4). PENREN Specific: PENREN Contracting Officer warrant thresholds are associated with the following minimum requirements:

PENREN CONTRACTING WARRANT EXPERIENCE AND CERTIFICATION REQUIREMENT CHART

WARRANT THRESHOLD	EXPERIENCE	EDUCATION/TRAINING LEVEL
Up to \$100,000	1 year	Certified Level 1
\$100,000 to \$10,000,000	2 Years	Certified Level 2
Unlimited	4 years	Certified Level 3

e. Annual PENREN Assessment: Within thirty days following the beginning of each fiscal year, the Contracting Officer Warrant Review Board will conduct a review of PENREN contracting activities and requirements to determine the appropriateness of the number and distribution of PENREN Contracting Officers. The initial survey will also determine the

number of existing warrants, the source of warrants, warrant amounts, the positions of the warrant holders and their current duties. The Contracting IPTL will ensure that one Contracting Officer is assigned as the primary Contracting Officer for each PENREN contract.

The annual review will produce an assessment of the current number of Contracting Officers, current number and complexity of contracts and contracting actions, the projected duration of major contracts, the projected number of major contract awards during the next fiscal year, and any anticipated turnover of current Contracting Officers.

At the discretion of the Warrant Review Board, recommendations concerning the required number and appropriate assignments of Contracting Officers may be solicited from Group Leaders, Geographic Leaders, Functional Leaders and current Contracting Officers. The Warrant Review Board will make appropriate recommendations to the DPM concerning the number and assignments of PENREN Contracting Officers and implement DPM decisions.

5.0 RECORD OF WARRANTS

The Warrant Review Board will maintain a record of all current and former PENREN Contracting Officer Warrants issued.

6.0 CONTINUING EDUCATION REQUIREMENT

To maintain their warrant, Contracting Officers must acquire a minimum of eighty (80) hours of training every two years in accordance with the general acquisition professional guidelines for crediting continuous learning activities contained in reference 1h above. Supervisors and Contracting Officers are responsible for ensuring this requirement is met. Contracting Officers and their supervisors will jointly determine the relevance of potential education courses and the timing of continuing education. Contracting Officers will maintain a record of their continuing education training, current level of training, equivalency credits, and general training history. A copy of this documentation will be submitted to the Warrant Review Board upon request.

As outlined in the USD (A&T) policy memorandum, <http://www.acq.osd.mil/ar/doc/contlear.pdf>, and provided they are relevant to acquisition or management subjects; procurement conferences, classroom teaching experiences, and similar activities, as well as formal training, may be used to meet continuing education requirements.

7.0 INTERNATIONAL MERCHANTS PURCHASE AUTHORIZATION CARD (IMPAC) WARRANT

Persons authorized to use an International Merchants Purchase Authorization Card (IMPAC) shall receive a limited PENREN IMPAC Contracting Officer Warrant. IMPAC transaction and warrant authority for these individuals shall be limited to amounts up to \$25,000 per transaction, under \$2,000 on construction purchases. PENREN IMPAC warrants are not subject to the mandatory training, education, and experience requirements specified for other contracting warrants.

Persons designated to make IMPAC transactions must, as a minimum, receive ethics training and IMPAC use-specific training.

8.0 WARRANT TERMINATION

A Contracting Officer's warrant authority may be terminated administratively or for cause. In both cases, the Contracting Officer's supervisor is responsible for notifying the Warrant Review Board when an administrative reason or other cause for termination arises. The Warrant Review Board may also undertake terminations based on its own motion.

a. Administrative Termination: The following are examples of reasons for administrative warrant termination:

- 1) the Warrant Review Board is notified in writing that the need for a Contracting Officer no longer exists and confirms this information,
- 2) reassignment of the warrant holder to a new position not requiring a warrant,
- 3) transfer of the warrant holder to another agency,
- 4) retirement, resignation, or other termination of the appointee's Government employment.

The Warrant Review Board will review the facts and submit a written recommendation, including a proposed Letter of Administrative Termination if appropriate, to the DPM for a final decision. The DPM's final decision is not subject to appeal. The Warrant Review Board will implement the DPM's decision.

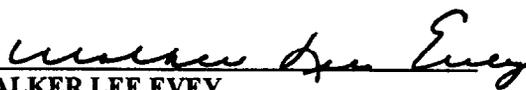
b. Termination for Cause: Termination for Cause must be accomplished formally by the DPM. Termination recommendations by supervisors or other knowledgeable individuals must be forwarded to the Contracting Officer Warrant Review Board. The Warrant Review Board may also initiate a hearing on its own motion. The Board will conduct a review of all relevant information and, where it is in the best interests of fairness, conduct a hearing into the facts. The Board will forward its recommendations, accompanied by a proposed Letter of Termination, when appropriate, to the DPM for a final decision. There will be no appeal from the DPM's decision. The Warrant Review Board will implement the DPM's decision.

Patterns of negligent use of warrant authority need not be a prerequisite for termination of a warrant for cause. Circumstances should be examined on a case-by-case basis. Corrective action should be taken in a timely manner. The following are examples of sufficient reasons for removing a warrant for cause:

- 1) failure to comply with statutes, Executive Orders, Office of Management and Budget Circulars, the FAR, PENREN regulations, policies, or procedures, or failure to use good business judgment,
- 2) failure to comply with delegated responsibilities i.e., exceeding warrant authority,
- 3) failure to complete continuing education requirements,
- 4) violation of Standards of Conduct and/or Procurement Integrity restrictions.

c. Suspension of Warrant: The DPM may suspend warrant authority pending completion of corrective actions or while investigating alleged procurement abuses or other potential causes for termination.

This PMP is effective immediately and will remain in effect until modified or rescinded.


WALKER LEE EVEY
Pentagon Renovation Program Manager

06 August 1995
Date