



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

NOV 3 - 2011

Department of the Interior Acquisition Policy Release (DIAPR) 2010-09, Amendment 1

Subject: Certificate of Appointment Program Supplement – Emergency Acquisitions

References: DIAPR 2010-09, Contracting Officer Certificate of Appointment Program Manual; and
Office of Federal Procurement Policy Letter 05-01, Developing and Managing the Acquisition Workforce

1. **Purpose:**

This DIAPR amendment establishes a supplement to the Contracting Officer Certificate of Appointment (COA) Program Manual covering Emergency Acquisition COAs for non-GS 1102s. This amendment supplements DIAPR 2010-09 and subsequent issuances of the COA Program Manual.

2. **Effective Date:**

Upon signature.

3. **Expiration Date:**

No expiration unless cancelled or superseded.

4. **Background and Explanation:**

The COA Manual issued under DIAPR 2010-09 covers the requirements for minimum Department-wide standards for issuing and terminating CO COAs, with certain types of COAs excluded from the program. Emergency Acquisition COAs, such as temporary warrants issued to non-1102 Department of the Interior employees engaged in response to an emergency, are excluded from COA Manual coverage. This DIAPR amendment establishes a supplement to the COA Manual that covers policy on the standards for issuing and terminating Emergency Acquisition COAs.

5. **Action Required:**

Effective immediately, Emergency Acquisition COAs must be issued and terminated in accordance with the attached COA Manual Supplement.

Please disseminate this guidance within your bureau. It will also be available on the web at <http://www.doi.gov/pam/diapr.html>. You may contact Tiffany Schermerhorn of the Office of Acquisition and Property Management on (202) 254-5517 or Tiffany_Schermerhorn@ios.doi.gov if you have any questions regarding this policy issuance.



Debra E. Sonderman, Director
Office of Acquisition and Property Management

Attachment

**Certificate of Appointment Program Supplement
Emergency Acquisitions**



October 2011

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PART I - Introduction

A. Purpose

The purpose of the Department of the Interior (DOI) Certificate of Appointment Program Supplement – Emergency Acquisitions (hereafter Supplement) is to:

1. Supplement the coverage in Federal Acquisition Regulation (FAR) Subpart 1.6, Career Development, Contracting Authority and Responsibilities, by specifying minimum Department-wide standards for issuing and terminating Contracting Officer (CO) Certificates of Appointment (COAs) used to procure emergency goods and services;
2. Supplement the DOI Certificate of Appointment Program Manual by establishing policy covering emergency acquisition COAs, which are excluded from coverage in the DOI COA Program Manual.

B. Authority

1. Contracting authority is vested in the Secretary of the Interior under the Office of Federal Procurement Policy (OFPP) Act (41 U.S.C. 414(4)), the Competition in Contracting Act (CICA) (41 U.S.C. 252) and FAR 1.601 to award and modify contracts for supplies and services (see the Federal Property and Administrative Services Act of 1949).
2. The Secretary's authority and responsibility have been delegated in the following order to:
 - a. Assistant Secretaries (see 205 DM 11.1); and further to
 - b. Heads of bureaus and offices under their supervision, and to Heads of Contracting Activity (known as HCAs) as defined in Department of the Interior Acquisition Regulation (DIAR) 1402.1 (see 200 series of Departmental Manual); and further to
 - c. Bureau Procurement Chiefs (BPCs) as prescribed in DIAR 1401.603; and further to
 - d. Appointed COs.
3. BPCs' authority to appoint COs may not be re-delegated.
4. Delegation to serve as a Contracting Officer Representative (COR) is distinct from a grant of CO authority. COR appointment procedures may be found in the DOI Contracting Officer's Representative Program Manual.

5. Privacy Act of 1974 and Employee Training and Career Development Records--Interior, DOI—76 provide authority to maintain records related to the COA and the Federal Acquisition Certification in Contracting (FAC-C) Program.

C. Definitions¹

1. **Emergency Acquisition:** Procurement activities undertaken in support of contingency operations, defense or recovery from certain attacks, response to disasters or other incidents declared by the President, or other emergencies such as a fire incident.
2. **Standing Emergency Acquisition COA:** COAs needed on a continual basis, which are activated upon the occurrence of a specific type of emergency or incident, such as a fire. The type of emergency triggering activation of the COA authority must be specified on the COA. Only purchases supporting response to the type of emergency specified may be made under the COA, and purchase files must contain documentation showing how the purchase is related to the emergency. The COA is valid for two (2) years from the date of issuance, and may be re-issued provided all required continuous learning maintenance training hours have been completed.
3. **Temporary Emergency Acquisition COA:** COAs issued in support of a specific emergency incident, such as an oil spill or natural disaster. The specific incident (i.e., Blue Mountain Fire) and time period that the COA authority is active must be specified on the COA. The COA time period must not be longer than six (6) months from date of issuance. Purchase files must contain documentation showing how the purchase is related to the specific emergency.

D. Exclusions

The following are excluded from the Supplement:

- Emergency acquisitions procured by a CO holding a COA issued under the DOI COA Program, rather than this Supplement.
- Charge Card Micro-purchase Authority, which is covered in the DOI Integrated Charge Card Program Policy Manual.

1. COA Program

Procurement authority for COs holding a COA under the DOI COA Program is covered by the DOI COA Program Manual issued, not by this Supplement, even in situations where the CO is supporting emergency acquisitions. This Supplement covers special COA authority excluded from coverage in the DOI COA Program Manual.

¹ Definitions included in the COA Program Manual are not repeated in this Supplement.

2. Micro-purchases

A micro-purchase is an acquisition of supplies or services using simplified acquisition procedures, the aggregate amount of which does not exceed the micro-purchase threshold as defined in FAR 2.101, Definitions. Micro-purchases procured via charge card or convenience checks are excluded from this Supplement, since these are covered under the DOI Integrated Charge Card Program Policy Manual.

PART II – Emergency Acquisition Contracting Officer (EACO) Certificate of Appointment

A. Need for Contracting Authority

1. The BPC shall only issue an EACO COA when there is a valid organizational need for standing and/or temporary emergency acquisition COAs. Bureaus may set criteria that are more restrictive than those contained in this manual, but must not set criteria that are less restrictive.
2. In addition to the factors mentioned in FAR 1.603-2, when selecting EACOs, the BPC shall also consider the complexity, volume, and dollar value of the acquisitions to be procured, internal controls, and organizational alignment. Authority must be delegated only to the **lowest** dollar amount needed to provide effective and efficient acquisition support and is not based on past delegated authority or position.
3. Bureaus must consider the extent to which needs can be met through mechanisms not requiring Emergency Acquisition COAs, such as emergency purchases being made by existing COs issued COAs under the DOI COA Program, rather than this Supplement;
4. Bureaus must ensure internal control reviews of purchases made by EACOs, including periodic review of level and authority of COA to verify sustained need.

B. EACO COA Types

1. Types of EACO COA Authority

Emergency Acquisition COA Type	Series ¹	Required FAC-C Level	Open Market (Up to a maximum of)	Interagency Agreements ² (Up to a maximum of)	Ordering from Established Sources (Up to a maximum of)
Standing	Any Series	None	\$10,000	\$50,000	\$150,000
Temporary	Any Series	None	\$10,000 Supply, \$2,500 Service & \$2,000 Construction	\$50,000	\$50,000

Notes

¹ Appointments may only be made to Federal employees.

² COs are only required to sign obligations; i.e., funding being transferred to another agency, not agreements under which funds are received by DOI.

2. Limitations on EACO Authority

- a. The authority to serve as an EACO on an acquisition is determined by the total potential value of the stand-alone contract or task/delivery order, not just the obligated amount of the initial award. EACOs are prohibited from signing the following actions:
- 1) a contract award that exceeds their COA authority,
 - 2) a modification to a contract with a cumulative amount greater than their COA authority,
 - 3) base plus option contracts or multi-year contracts; these must be procured by a CO with authority under the COA program, rather than this Supplement,
 - 4) modifications to indefinite-delivery vehicles; these must be executed by a CO with authority under the COA Program, rather than this Supplement
 - 5) claims, and
 - 6) any other transaction that exceeds their COA authority.

- b. Except as outlined above, EACOs are authorized to sign contract actions up to their delegated COA authority as specified on the SF 1402, Certificate of Appointment. In accordance with FAR 13.301, EACOs are also authorized to use DOI charge cards as a payment mechanism for contractual actions over the micro-purchase threshold and up to their delegated COA limit. EACOs may also use convenience checks up to their delegated COA limit, or up to the \$10,000 limit for emergency incidents as specified in the DOI Integrated Charge Card Program Policy Manual, whichever is less.
- c. Task/delivery orders issued by EACOs under indefinite-delivery vehicles are limited to the EACO's COA authority for the amount of the individual task/delivery order.
- d. The EACO is ultimately responsible for every aspect of the contract, including FPDS-NG reporting. Other individuals may perform certain functions only as delegated by the EACO. Emergency acquisitions may be conducted and awarded outside of a contracting writing system, but all actions exceeding micro-purchase level must be reported to FPDS-NG in accordance with FAR 4.6.

C. Qualification Requirements

1. Federal Acquisition Certification in Contracting (FAC-C)

EACOs are exempt from the DOI FAC-C Program per OFPP Policy Letter 05-01, which states that FAC-C requirements do not apply to individuals whose COAs are generally used to procure emergency goods and services.

2. Basic Requirements

Sixty (60) hours of required basic training are required for the initial Standing or Temporary Emergency Acquisition COA. In addition, for a Standing Emergency Acquisition COA, 40 hours of maintenance training are required every two (2) years from date of COA issuance. Training requirements are as follows:

a. Department-wide Requirements

- 1) Every EACO candidate must complete a minimum of 16 hours of training in Incident Procurement prior to appointment. Recommended courses include:
 - i. Incident Procurement Workshop (IPW), 24 hours, available through National Wildland Fire Training at <http://www.nationalfiretraining.net/>
 - ii. Incident Contracting Officers Training (DOI Learn), 16 hours
 - iii. Disaster Contracting (E706), 24 hours, available through FEMA at <http://training.fema.gov/EMICourses/EMICatalog.asp>

- 2) Every EACO candidate must complete a minimum of 16 hours of training in Incident Management prior to appointment. Recommended courses include:
 - i. Interagency Incident Business Management (S260), 16 hours, available through National Wildland Fire Training at <http://www.nationalfiretraining.net/>
 - ii. Introduction to ICS (I100), 4 hours, available through National Wildland Fire Training at <http://www.nationalfiretraining.net/> .
 - iii. Introduction to the Incident Command System (ICS) (IS 100.a), 3 hours, available through FEMA at <http://training.fema.gov/IS/crslist.asp>
 - iv. National Incident Management System (NIMS), An Introduction (IS 700.a), 3 hours, available through FEMA at <http://training.fema.gov/IS/crslist.asp>
 - v. An Introduction to Incident Command System (DOILearn), 1 hour
 - vi. Incident Command System ICS 200 (DOILearn), 1 hour
 - vii. Incident Command System ICS 700 (DOILearn), 1 hour
 - 3) Every EACO candidate must complete CON 237, Simplified Acquisition Procedures, prior to appointment. 16 hours, available online at <http://icatalog.dau.mil/onlinecatalog/tabnav.aspx>.
 - 4) Every EACO candidate must complete an additional 12 hours of elective courses in federal procurement. These elective training hours must be completed within 90 days of appointment. Required bureau-specific coursework [see paragraph (b) below] may count toward the elective hours.
 - 5) Every EACO with a Standing Emergency Acquisition COA must complete 40 hours of procurement training every two (2) years from date of COA issuance in order to maintain eligibility for the COA.
- b. The BPC may require EACOs working on specialized acquisitions (e.g., IT, construction, contingency, wildland fire) to have additional specialized training and experience commensurate with their duties. Additional certification requirements may also be applicable.
 - c. All EACO candidates must exhibit strong business acumen and personal integrity.

D. Federal Acquisition Institute Training Application System

The Federal Acquisition Institute Training Application System (FAITAS 2.0) is the mandatory source to track acquisition workforce training. Each executive agency is required to collect, maintain and use information to ensure effective management of

the acquisition workforce (see section 37(d) of the OFPP Act, as amended, (41 U.S.C. 433(d)). Bureaus are required to have complete, current records in FAITAS for COs (regardless of classification series), CORs, and other positions as designated by the CAO.

E. Appointment of EACOs

Contracting authority may only be delegated to individuals who meet the specific criteria delineated in this Supplement, and not to positions. This is accomplished by a written appointment on SF 1402, Certificate of Appointment, as specified in FAR 1.603-3. A CO cannot re-delegate the authority to bind the Government.

The initial 48 hours of prescribed training outlined in Section C.2.a.1, 2, and 3 must be completed before an Emergency Acquisition COA may be granted. The additional 12 hours of required electives described in Section C.2.a.4 must be completed within 90 days of issuance of the COA.

Emergency incident COAs issued prior to the date of this Supplement will automatically expire December 31, 2012. Individuals who hold these COAs must meet all requirements and apply for a new EACO COA in accordance with this Supplement.

1. Application

- a. An applicant's supervisor or higher level manager must submit a completed Application for Emergency Acquisition Contracting Officer Certificate of Appointment (Appendix 1), with supporting documentation, to the BPC for review and approval.
- b. Supporting documentation must include:
 - 1) certificates of completion of required training, or FAITAS print-out showing completion of required training;
 - 2) justification for need, including why the emergency procurement needs cannot be adequately supported by existing COAs;
 - 3) any anticipated changes in acquisition workload for existing COAs.

2. Written Appointment

EACO appointments shall be issued on the SF 1402, Certificate of Appointment. The certificate shall be prominently displayed in the CO's work area. See Appendices 2 and 3 for Sample COAs. A fillable SF 1402 may be found at [http://contacts.gsa.gov/webforms.nsf/0/26356DA22CA38F7B85256A1F005F1C89/\\$file/sf%201402_2.pdf](http://contacts.gsa.gov/webforms.nsf/0/26356DA22CA38F7B85256A1F005F1C89/$file/sf%201402_2.pdf).

3. Increase in COA Authority

- a. A new application must be submitted to request an increase in Emergency Acquisition COA authority. The EACO's supervisor must document:
 - 1) that a need for the increase exists (See Part II, A. Need for Contracting Authority.);
 - 2) documentation that required elective and continuous learning maintenance and training hours have been completed since original Emergency Acquisition COA was issued;
 - 3) any increase in the number of on-site transactions (in the relevant dollar authority);
 - 4) any increase in the numbers or complexity of requisitions; and
 - 5) other operational needs supporting the increase.
- b. Before granting any authority increase, the BPC must verify that the EACO maintains satisfactory performance in such areas as quality, regulatory and reporting compliance, timeliness, price analysis and productivity, as measured by the Internal Control Reviews conducted by an 1102 with Level III FAC-C, as described in section F below.

4. Relocation

If an EACO is reassigned to another office or location within a bureau, the existing COA is automatically suspended until a need for the COA at the new office or location is documented and reviewed. After reviewed and documented in accordance with bureau procedures, the COA may or may not be reinstated for use at the new office. All training requirements must be met prior to reinstatement. This provision does not apply to employees promoted or reassigned to a new position within the same office.

5. Maintenance

An EACO with a Standing Emergency Acquisition COA must complete forty (40) hours of continuous learning maintenance training in procurement every two (2) years from COA issuance date. The training must be documented by the EACO and entered into FAITAS (see Section D). The COA will automatically expire two (2) years from COA issuance date, but may be re-issued if a new application showing completion of continuous learning maintenance training is approved.

F. Internal Controls

1. Delegation of COA authority to individuals is subject to review. BPCs must appoint an 1102 with Level III FAC-C to review 100% of the EACOs purchases. Bureaus may determine appropriate criteria, timing and mechanisms for such reviews, within the internal control review parameters established by the Office of Acquisition and Property Management, and pursuant to Office of Financial Management (PFM) guidance; but reviews of EACO purchases must be conducted annually, at a minimum, and must be documented. The purpose of this review is to determine whether the purchases were made in compliance with federal and agency acquisition policy.
2. Reviews must include, at a minimum:
 - a. Verification of the sustained need by COA type and dollar value; and
 - b. Evaluation of 100% EACO's purchase for compliance with federal and agency acquisition policy.

G. Changes, Suspensions, or Terminations of Authority

COA authority may be changed, suspended or terminated administratively or for cause.

1. Automatic Administrative Actions

- a. EACO appointments are automatically terminated upon:
 - 1) transfer of the EACO to another bureau or office within DOI or to another Government agency;
 - 2) the EACO's retirement, resignation, or other termination of the EACO's employment; or
 - 3) failure to meet the elective and continuous learning maintenance training requirements.
 - 4) completion of the time period noted on the Temporary Emergency Acquisition COA, or (2) years from date of issuance of the Standing Emergency Acquisition COA.
- b. EACO appointments are automatically suspended when an EACO is reassigned to another office or location within a bureau until a need for the COA at the new office or location is documented and reviewed. See Section E.4., Relocation, above.

2. Discretionary Actions

- a. The BPC or HCA may suspend or reduce COA authority in writing pending completion of required training, completion of corrective actions, or while investigating procurement abuses or other possible termination causes. Reinstatement of the COA authority must also be in writing.
- b. The BPC or HCA must reduce or terminate COA authority if the need for an EACO, or for that type of authority, no longer exists or has changed.
- c. The BPC or HCA must justify a termination for cause in writing. Patterns of negligent use of COA authority need not be a prerequisite for suspension or termination of a COA for cause. Rather, the circumstances should be examined on a case-by-case basis. In all cases, action should be taken in a timely manner. The following are examples of actions that would justify terminating COA authority for cause:
 - 1) failure to comply with statutes, Executive Orders, OMB Circulars, the FAR, the DIAR and other DOI regulations and policies, bureau or office regulations, policies or procedures, limitations of this Supplement; or
 - 2) failure to comply with delegated responsibilities; i.e., exceeding COA authority requiring ratifications; or
 - 3) violation of the Employee's Responsibility and Standards of Conduct and/or Procurement Integrity restrictions; or
 - 4) misuse of a government charge card (DOI Integrated Charge Card Policy Manual, Section 1.8.4, Misuse); or
 - 5) failure to demonstrate sound business acumen and personal integrity.

H. Waivers

1. A request for waiver from this Supplement, for both standing and temporary EACO COAs, must be submitted by the BPC to the Senior Procurement Executive (SPE) for approval. At a minimum, the request should address these applicable factors:
 - a. Explain specifically the authority requested. State requested dollar limit, type(s) of acquisition actions for which the authority is requested, and any other additional authority required.
 - b. Describe the acquisition training and experience of the individual for whom the authority is requested.
 - c. Describe the specific emergency (temporary COA) or type of emergency (standing COA) that requires exercise of the authority. Discuss the nature of

the work and the expected frequency (daily, weekly or monthly) of acquisition actions requiring the authority.

- d. Discuss the specific reasons why the waiver is needed and cite any historical information available to support those reasons.
 - e. State the specific impact on the bureau/office/incident if the waiver request is denied. Give examples of expected time delays in processing actions and the effect on response to or recovery from an emergency or other incident. Include any other anticipated negative impact.
2. Any waivers under this program will be issued with an expiration date established by the SPE.

**Department of the Interior
Application for Emergency Acquisition Contracting Officer Certificate of Appointment (COA)**

I.	Applicant Information	
	Name (Last, First, M.I.) _____	
	Current COA Number (if applicable): _____	Type of COA Requested (Standing or Temporary): _____
	Bureau/Organization: _____	
	Position Title: _____	Series/Grade: _____
	Duty Station: _____	
II.	COA Action (Place X or ✓ next to action requested and indicate COA Level sought.)	
	Grant initial COA: _____	Re-issue Standing COA: _____
	Increase/decrease COA dollar authority _____.	
	Transfer COA authority from location _____ to _____.	
	<i>Attach copies of training documentation. Also attach documentation supporting the need for COA authority, or for a change in COA authority, that addresses the information required in Part II, E., of the Contracting Officer COA Program Supplement, Emergency Acquisitions.</i>	
III.	Dollar Authority (Required for any action requested in Section II; dollar amount up to a maximum of)	
	Open Market: _____	Established Sources: _____
	Interagency Agreement: _____	Other: _____
IV.	Applicant Certification	
	I certify that all supporting documentation is true, complete, and correct to the best of my knowledge and belief and is submitted in good faith.	
	Applicant's Signature: _____	Date: _____
V.	Recommendation/Concurrence	
	The applicant's record of acquisition duties has been satisfactory. The applicant has demonstrated strong business acumen and personal integrity. I recommend this applicant for appointment to the type and dollar authority requested above, and I am providing required documentation in support of this request.	
	Supervisor Printed Name: _____	
	Signature: _____	Date: _____
	As applicable, the Senior CO or Regional COA Coordinator (CC):	
	Senior CO or Regional CC Printed Name: _____	
	Signature: _____	Date: _____
	As applicable, Bureau COA Coordinator (CC) Concurrence:	
	CC Printed Name: _____	
	Signature: _____	Date: _____
VI.	Bureau Procurement Chief Disposition	
	Approved _____ Disapproved _____	BPC Printed Name: _____
	Signature: _____	Date: _____

Certificate of Appointment

Under authority vested in the undersigned and in conformance with
Subpart 1.6 of the Federal Acquisition Regulation

I.M. INTERIOR

is appointed

Contracting Officer

for the

United States of America

Subject to the limitations contained in the Federal Acquisition Regulation and to the following:
The Department of the Interior Acquisition Regulation (DIAR).

Temporary Emergency Acquisition COA

Limited to Deepwater Horizon Oil Spill Response Efforts from date of certificate through September 30, 2011.

Open Market \$10,000 Supply, \$2,500 Service & \$2,000 Construction;
Established Sources \$50,000;
Interagency Agreements \$50,000

Unless sooner terminated, this appointment is
effective as long as the appointee is assigned to:

U.S. Department of the Interior
(Organization)

National Business Center, Division of Acquisition Services
(Agency/Department)

Bureau Procurement Chief
(Signature and Title)

August 23, 2011
(Date)

NBC-01-02
(No.)