



NUMBER: Directive 0340.2

SUBJECT: Delegation of Procurement Authority

DIRECTIVE OWNER: Office of Financial Management, Planning, and Evaluation (EXFM), Division of Procurement Services (FMPS)

EFFECTIVE DATE: January 23, 2023

- 1) **PURPOSE.** This Directive memorializes the designation of the Executive Director as the Senior Procurement Executive (SPE), delegates procurement authority to the Executive Director, and establishes the criteria for the selection, appointment, and termination of appointment of Contracting Officers (COs) within the Consumer Product Safety Commission (CPSC).
- 2) **AUTHORITY.**
 - a. 41 U.S.C. 1702(c)
 - b. Federal Acquisition Regulation (FAR) Subpart 1.601
 - c. 15 U.S.C. 2053(f)(1)
 - d. Office of Federal Procurement Policy (OFPP) Policy Letter 05-01, *Developing and Managing the Acquisition Workforce*, dated April 15, 2005.
- 3) **DEFINITIONS.**
 - a. **Agency Head** – for the purposes of procurement, the Chair is the head of the CPSC.
 - b. **Contracting Officer (CO)** – a person with the authority to enter into, administer, and/or terminate contracts and make related determinations and findings. The term includes certain authorized representatives of the contracting officer acting within the limits of their authority as delegated by the contracting officer.
 - c. **Grants and Cooperative Agreements Authorizing Official (GAO)** – an official authorized to award and terminate grants.
 - d. **Senior Procurement Executive (SPE)** – the executive who is appointed pursuant to



- 41 U.S.C. 1702(c), and responsible for management direction of the CPSC's acquisition system, including implementation of the unique acquisition policies, regulations, and standards of the CPSC.
- e. **Warrant** – a document that describes a Contracting Officer appointment, including limitations on authority. CPSC uses Standard Form 1402 Certificate of Appointment (SF-1402) as the warrant.
- 4) **SCOPE.** This delegation applies to those CPSC employees selected for, appointed to, or terminated from a CO or GAO position and to individuals holding agency titles linked to specific procurement-related functions.
- 5) **DELEGATION.** The Chair hereby appoints the Executive Director as the Commission's Senior Procurement Executive (SPE) and delegates to the Executive Director the agency head's delegable procurement authority. This delegation includes the authority to appoint COs and GAOs.
- 6) **RESPONSIBILITIES.**
- a. **Senior Procurement Executive (SPE).** The SPE must appoint COs in writing on an SF-1402. The delegation and certification must be to an individual, not a position, and must state any limitation on the scope of authority (e.g., dollar thresholds) and specific responsibilities (e.g., authority to delegate). The SPE must appoint GAOs in writing, must list any applicable limitations on the GAO's authority, and must state if the authority can or cannot be re-delegated.

In issuing warrants to appoint COs, the SPE shall consider the complexity and dollar value of the assigned acquisitions and the candidate's experience, training, education, business acumen, judgment, character, and reputation. Examples of selection criteria include:

- (1) Experience in Government contracting and administration, commercial purchasing, or related fields;
- (2) Education or special training in business administration, law, accounting, engineering, or related fields;
- (3) Knowledge of acquisition policies and procedures, including the FAR and other applicable regulations;
- (4) Specialized knowledge in the particular assigned field of contracting; and
- (5) Satisfactory completion of acquisition training courses.



- b. **Contracting Officers (COs)**. Subject to the limitations of the warrant, COs have authority to enter into, administer, or terminate contracts, simplified acquisitions and delivery orders, grants, cooperative agreements and interagency agreements. COs will bind the Government only to the extent of the authority delegated to them. COs must ensure that all requirements of law, executive orders, regulations, and other applicable procedures have been met prior to entering into a contract.
 - c. **Grants and Cooperative Agreements Authorizing Officials (GAO)**. These officials must ensure that CPSC only enters into grants or cooperative agreements that meet the applicable requirements of law, executive orders, regulations, and other procedures. The GAO will only issue awards within any limits placed on their authority. The GAO is authorized to designate a Grants Management Officer/Specialist to award, administer and terminate grants awards.
- 7) **CANCELLATION**. This Delegation supersedes and cancels Directive D207.1, *Delegation of Procurement Authority*, dated May 15, 2019.

Alexander Hoehn-
Saric

Digitally signed by Alexander
Hoehn-Saric
Date: 2023.01.25 14:55:01 -05'00'

Alex Hoehn-Saric
Chair

Date

Attachment: [SF1402](#), Certificate of Appointment