



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET NW
WASHINGTON, D.C. 20314-1000

JUN 02 2011

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MEMORANDUM FOR COMMANDERS/DIRECTORS, ALL USACE COMMANDS
(DIRECTORS/CHIEFS OF CONTRACTING)

SUBJECT: Procurement Instruction Letter (PIL) Instruction Letter 2011-08, U.S. Army Corps of Engineers (USACE) Policy for Issuance of Contracting Officer Warrants

1. Reference:

- a. Defense Acquisition Workforce Improvement Act, P.L. 101-510, § 1202 as amended (2006) (codified at 10 U.S.C. § 1724).
- b. FAR 1.602 and 1.603, DFARS 201.603, AFARS 5101.602 and 5101.603, and EFARS 1.602 and 1.603.
- c. AR 70-1, Army Acquisition Policy, Chapter 9, dated 31 December 2003.
- d. DoD Directive 5000.52, Defense Acquisition, Technology and Logistics Workforce Education, Training, and Career Development Program, dated 12 January 2005.
- e. DOD Instruction Number 5000.66, Operation of the Defense Acquisition, Technology, and Logistics Workforce Education, Training, and Career Development Program, dated 21 December 2005.
- f. AT&L Workforce Desk Guide dated 10 January 2006.

2. This policy is issued to set forth the U.S. Army Corps of Engineers policy for warranting Contracting Officers. This PIL rescinds all prior guidance related to the warranting of Contracting Officers. .

3. Contracting Officers are granted authority to enter into, administer, or terminate contracts and make related determinations and findings. Contracting Officers may bind the Government only to the extent of the authority delegated to them in their warrant. No contract shall be entered into unless the Contracting Officer ensures that all requirements of law, executive orders, regulations, and all other applicable procedures, including clearances and approvals, have been met.

4. The USACE Head of the Contracting Activity (HCA) has delegated the authority to the USACE Regional Principal Assistants Responsible for Contracting (PARCs) to appoint Contracting Officers. Any change to the initial condition of an individual's Contracting Officer

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warrant e.g., increase or decrease in authority, termination of warrant, will also be executed by a PARC.

5. Within USACE all new warrants are issued with USACE-wide authority except for contingency warrants issued for specific theater, location or program contingencies. USACE-Wide warrant authority will not be limited to a particular Division, District, Center or emergency or contingency response effort. Warrants will deploy to contingency operations with the Contracting Officer. Personnel warranted for contingency operations only will be granted warrant authority solely for the contingency operation. Warrants issued for contingency only circumstances will be theater, location or program specific and will not be transferred back to the home Division, District or Center. When an individual holding a USACE wide warrant moves to a new position within USACE, the losing District/Center Contracting Chief will notify the issuing PARC office and also the gaining District/Center Contracting Chief that the individual currently has a warrant. The gaining District/Center Chief will determine if the warrant will be required for the new position and will coordinate with the losing District/Center Contracting Chief. If the warrant will no longer be needed, the losing District/Center Contracting Chief will send a termination request, along with the supporting documentation, to the issuing PARC at the time of the individual's departure from the old position. The issuing PARC will then terminate the warrant and provide notice of termination to the losing District/Center Chief and affected individual. However, if the gaining District/Center Chief determines that the warrant will be required for the new position, the gaining District/Center Chief will notify the losing and gaining PARCs of the need for retention of the warrant so that the accountability of the warrant can be transferred from the losing PARC to the gaining PARC's records. If the warrant is not USACE-wide but instead limited to a district or a region then it must be terminated by that Regional PARC when the individual leaves the area stated in the warrant. If the individual requires a warrant in their new position it will be requested by the gaining District/Center Chief.

6. Pursuant to AFARS 5101.602-1(c), personnel in the 1101 series are prohibited from being appointed or holding a warrant. Personnel in the 1101 series shall not be issued a warrant under any circumstance.

7. DoD Instruction 5000.66 states that Foreign National positions shall not be designated as AT&L positions. Therefore, individuals filling foreign national positions are prohibited from being appointed as or serving as a Contracting Officer.

8. Warrants will no longer be issued with a separate authority for Information Technology (IT) contracts and completion of an IT contracting course is no longer required to procure IT. However, all FAR, DFARS, AFARS requirements governing the procurement of IT shall be followed.

9. New warrants will be issued to those individuals who meet the minimum requirements as noted further in this policy. Provisional warrants shall not be issued and existing provisional warrants will be reviewed.

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10. DoD Instruction 5000.66 and the AT&L Workforce Desk Guide outline the minimum qualification requirements for Contracting Officers. In order to be appointed as a Contracting Officer with the authority to award or administer contracts above the simplified acquisition threshold, the candidate must:

a. Have completed all mandatory Contracting training courses;

b. Have at least two years experience in a Contracting position; and

c. Have received a baccalaureate degree from an accredited educational institution and have completed at least 24 semester credit hours of study from an accredited institution in any of the following disciplines: accounting, business, finance, law, contracts, purchasing, economics, industrial management, marketing, quantitative methods, or organization and management.

11. Exceptions to the education requirements in paragraph 10(c). The education requirements do not apply to a DOD employee or member of the Armed Forces who:

a. Served as a Contracting Officer with authority to award or administer contracts in excess of the simplified acquisition threshold on or before September 30, 2000;

b. Served in an 1102 position or as a member of the Armed Forces in a similar occupational specialty on or before September 30, 2000;

c. Is a member of a contingency Contracting force (though they must complete the 24 semester credit hours); or

d. Individuals in developmental positions as discussed in DoD Instruction 5000.66, paragraph E2.2.10.

12. Mandatory training courses for Defense Acquisition Workforce Improvement Act (DAWIA) certification in Contracting are listed in Appendix B of the Defense Acquisition University (DAU) Catalog at <http://icatalog.dau.mil/>. Some courses no longer offered by DAU qualify as "Predecessor Courses." See the DAU catalog for the listing of predecessor courses and transition matrix.

13. As DAWIA certification standards are changed, an individual certified at a particular level remains certified at that level regardless of any new requirements made effective after certification. Individuals not currently certified at that level must meet the new certification standards.

14. DOD policy mandates the acceptance of acquisition career field certification throughout the Defense community. The certifications achieved while employed by another Service are fully recognized by the Army in accordance with AR 70-1, Army Acquisition Policy.

15. The Deputy Assistant Secretary of the Army (Policy & Procurement) introduced a standardized Procuring Contracting Officer (PCO) and Grants Officer (GO) warrants framing

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and award of warrants within the Army. Since Contracting/acquisition is a core competency for the USACE, the importance of attaining competence through appropriate training and credentialing will be the standardized method to recognize this achievement. Therefore, within USACE, all future PCO, Administrative Contracting Officer (ACO) and GO warrants above the simplified acquisition threshold will be awarded in the standardized format by matting and framing the warrant along with the coin of the Head of the Contracting Activity as funding is available. These awards will be issued to USACE PCOs, ACOs, and GOs for recognition of their efforts to complete extensive training and education requirements and achieving at least the DAWIA Level II Certification in Contracting by the Army Acquisition Corps. These efforts epitomize excellence in accomplishments, which clearly contribute to the increased effectiveness and efficiency throughout USACE.

16. Effective immediately, the following guidelines will be used for the appointment of PCOs, ACOs and GOs.

a. PCO guidelines: Unlimited warrants require Level III certification. Lower level warrants will be issued for \$1 million, \$5 million, \$10 million or \$50 million. All PCOs must be at least Level II certified in Contracting..

b. ACO guidelines: GS 0800 series personnel requiring an ACO warrant will be issued a \$500,000 warrant for modifications to construction contracts under the following contract clauses: Changes, Differing Site Conditions, and Variations in Estimated Quantities, Value Engineering, Suspension of Work, and Time Extensions under Default. ACOs must be DAWIA Level II certified in Contracting, to include 24 semester credit hours of study from an accredited institution in any of the following disciplines: accounting, business, finance, law, contracts, purchasing, economics, industrial management, marketing, quantitative methods, or organization and management. All ACO warrants for \$100,000 or less issued on or before 30 September 2000, meet the exception to the qualification requirements in accordance with the regulations and statute set forth in paragraph 11 above. Any request for increase in such warrant to the \$500,000 threshold, if deemed necessary, may be authorized in accordance with the exception in the law as outlined in paragraph 11 above. In the event an ACO that held a warrant on or before 30 September 2000 changes locations, the warrant may be re-issued. All ACO warrants for \$100,000 issued after 30 September 2000 will be reviewed for compliance with law.

c. GO guidelines: Grant Officer warrants will be limited to candidates who hold an existing PCO warrant and have completed the Grants Management Course, GRT 201. All Grants Officers must be at least Level II certified in Contracting. Monetary value of warrant will be the same as the PCO warrant. A copy of the course certificate of completion must be provided if not reflected on the Acquisition Career Record Brief (ACRB).

17. Warrant request will be submitted by the District or Center Contracting Chief to the PARC. Requests for ACO warrants must first be endorsed by the candidate's Functional Chief at the Division, District or Center. Warrants shall be requested of the PARC only as needed. Submission of the warrant request shall be considered the organization's statement of need. The warrant request shall include as a minimum:

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a. A request outlining the nominee's appointment as Contracting Officer shall include:

- (1) Name, grade/rank or pay band, and level of authority desired;
- (2) Brief description of current duties;
- (3) If applicable, name of Contracting Officer being replaced;
- (4) Experience in Government Contracting and administration, commercial purchasing, or related fields;
- (5) Education or special training in business administration, law, accounting, engineering, or related fields;
- (6) Knowledge of acquisition policies and procedures;
- (7) Specialized knowledge in the particular assigned field of Contracting;
- (8) Satisfactory completion of acquisition training courses; and
- (9) Comments on business acumen, judgment, character and reputation of the individual.

b. Completed Contracting Officer Warrant Worksheet (copy of form enclosed).

c. Current Acquisition Career Record Brief (ACRB) which reflects DAWIA certification in Contracting.

d. Note for New ACOs: If DAWIA certification was received on or before 30 September 2000, college transcripts must also be provided unless the ACRB clearly identifies completion of 24 semester credit hours as outlined in paragraph 16.b.

18. Contracting Officers shall be appointed in writing on an SF 1402, Certificate of Appointment. GOs shall be appointed in writing on a Grants Officer certificate (no form number). PARCs shall use the standard language prescribed below on each certificate of appointment. Warrants shall state that the appointment is effective as long as the appointee is assigned to the U.S. Army Corps of Engineers. The organization is the U.S. Army Corps of Engineers and Agency is the Department of the Army. Standard language for individual appointments is as follows:

a. Unlimited Warrant

Subject to the limitations contained in the Federal Acquisition Regulation and supplements thereto. This appointment has an unlimited monetary authority for all types of contracts.

b. Limited Warrant

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Subject to the limitations contained in the Federal Acquisition Regulation and supplements thereto. This appointment is limited to \$_____ monetary authority for all types of contracts. The same dollar threshold applies to modifications, delivery orders and task orders issued under existing contracts.

c. ACO Warrant

The Administrative Contracting Officer appointed herein is authorized to execute Construction Contract modifications which do not exceed \$500,000, subject to the limitations contained in the Federal Acquisition Regulation and supplements thereto, and as outlined in the appointment letter from the Contracting Officer for specific clauses under a designated contract.

d. Unlimited Grants Officer Warrant

An Unlimited authority per instrument to enter into Grants and Cooperative Agreements, provided that the relevant delegated authority has been obtained and the action complies with the DoD Grant and Agreement Regulations (DoD 3210.6-R), any program specific regulations and governing rules, stipulated in program statutes.

e. Limited Grants Officer Warrant

A \$_____ monetary limitation per instrument to enter into Grants and Cooperative Agreements, provided that the relevant delegated authority has been obtained and the action complies with the DoD Grant and Agreement Regulations (DoD 3210.6-R), any program specific regulations and governing rules, stipulated in program statutes.

19. Contingency Operations. USACE shall recognize and honor the information and levels of authority presented for a Contracting Officer position by a warranted member of other Army organizations, the Navy (including Marine Corps) and Air Force assigned to support a contingency mission. When an Army, Navy or Air Force candidate is identified for assignment, the requesting office shall submit a copy of any previously held warrant(s) and a copy of the candidate's highest certification level.

20. Name Changes. Changes in name for the warranted individual must be supported by a copy of the SF50 action reflecting the name change. The District/Center Contracting Chief shall submit the name change request and SF 50 to the PARC requesting issuance of a new warrant.

21. Warrant Termination. The District or Center Contracting Chief shall provide the warrant termination request by memorandum to the PARC, with the following information: Contracting Officer's name, warrant number, requested effective date of termination, reason for the termination request, and the original Contracting Officer warrant worksheet. The PARC will provide the requesting office / individual confirmation that the warrant has in fact been terminated. The original warrant will not be returned to the PARC and may be retained by the individual formerly holding the warrant authority.

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22. It is anticipated that a centralized electronic warrant management system (WAMAS) will be established in the near future. At the time the WAMAS is in place, requests for warrants warrant authority increase/decrease, name changes and terminations will be submitted through the WAMAS electronic system from point of origin to the PARC and returned to the warrant recipient.

23. PARC offices shall maintain/update a database/spreadsheet listing of all warrants Issued or terminated until such time that the centralized warrant management system is put in place.

24. Point of contact for this PIL 2007-05 is Ms. Robin A. Baldwin, Chief, Contracting Policy, (202) 761-8645, Robin.A.Baldwin@usace.army.mil.

A handwritten signature in black ink, appearing to read 'Kim D. Denver', with a long horizontal flourish extending to the right.

KIM D. DENVER
Director, National Contracting Organization
U.S. Army Corps of Engineers