



# Order

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U.S. DEPARTMENT OF  
TRANSPORTATION

**Subject**  
Contracting Officer Warrant Program

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**Federal Highway  
Administration**

<b>Classification Code</b>	<b>Date</b>	<b>OPI</b>
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1. **What is the purpose of this directive?**

To detail the procedures for the nomination, appointment, maintenance, and revocation of Contracting Officer warrants within the FHWA.

**2. Does this directive cancel an existing directive?**

This directive cancels the FHWA Order 4400.4, "Contracting Officer Warrant Program," dated August 18, 2008.

**3. What is the background concerning this directive?**

The Department of Transportation Office of the Senior Procurement Executive issued a new policy pertaining to the training, certification, and warrants for acquisition personnel on July 1, 2015 entitled, "[Acquisition Workforce Career Development Program](#)." As a result of this policy, revisions to the warrant program are necessary as described herein.

**4. To whom does this directive apply?**

This directive applies to all FHWA acquisition personnel, including those assigned to the Federal Lands Highway Program.

**5. What types of actions does this directive cover?**

This directive applies to the FHWA Contracting Officers as defined in the Federal Acquisition Regulation Subpart 2.1.

**6. What constitutes an acquisition?**

a. A warranted Contracting Officer is needed for the award of all FHWA acquisitions, including:

- (1) Contracts;
- (2) Grants and cooperative agreements;
- (3) Purchase orders;
- (4) Delivery orders under the General Services Administration Federal Supply Schedule contracts;
- (5) Government Wide Acquisition Contracts;
- (6) FHWA Indefinite Delivery–Indefinite Quantity (IDIQ) Task Order Contracts, including individual Task Orders;
- (7) Modifications to existing contracts, grants, cooperative agreements, purchase orders, and delivery orders;
- (8) Inter/Intra agreements;
- (9) Reimbursable agreements; and
- (10) Small Business Innovative Research (SBIR) funding transfers.

b. For purposes of this directive, acquisitions do not include:

- (1) Grants to States issued through the FHWA Federal-aid highway program (Title 23, Code of Federal Regulations (CFR) through Fiscal Management Information System and
- (2) Purchases using micro-purchase procedures under the purchase card program.

**7. Where can I find historical information?**

- a. Title 23, CFR, Highways.
- b. Office of Federal Procurement Policy, Policy Letter 05-01.
- c. Federal Acquisition Regulation (FAR), Part 1.603-2.
- d. Transportation Acquisition Regulation (TAR), Chapter 1201.
- e. Transportation Acquisition Manual (TAM), Chapter 1201.
- f. "DOT Acquisition Career Development Policy for Contracting Professionals," under TAM Note 98-03, as a supplement to Chapter 1201.
- g. FHWA Order M 1100.1A, "FHWA Delegations and Organization Manual," Part I, Chapter 4, Section 3, Paragraph 60.
- h. Office of Management and Budget (OMB) Memorandum dated January 20, 2006 – Federal Acquisition Certification in Contracting (FAC-C).

**8. What references were used in writing this directive?**

- a. "Acquisition Workforce Career Development Program" issued by The Department of Transportation Office of the Senior Procurement Executive dated July 1, 2015.
- b. Transportation Acquisition Regulation 1202.1.
- c. Transportation Acquisition Manual 1201.603.

**9. What are the definitions of terms used in this directive?**

- a. **Chief Acquisition Officer (CAO).** The CAO is an executive level acquisition official responsible for agency performance of acquisition activities and acquisition programs. For the FHWA, the CAO is the COCO and the Director of the Office of Acquisition and Grants Management.
- b. **Chief of Contracting Office (COCO).** The COCO is the individual responsible for managing the contracting office(s) within an operating administration. For the FHWA, the COCO is the Chief Acquisition Officer and Director, Office of Acquisition and Grants Management.
- c. **Contracting Officer (CO).** Contracting Officers are defined in the FAR 2.101 and the TAR 1202.1, and must be appointed in writing using a Certificate of Appointment (SF 1402) following the procedures described in the TAM 1201.603 and the Acquisition Workforce Career Development Program.

- d. **Federal Acquisition Institute Training Application System (FAITAS).** This system is used to apply for acquisition certifications and warrants and maintain copies of training certificates.
- e. **Federal Acquisition Certification in Contracting (FAC–C).** Certification that confirms that the individual has met the core requirements for education, training, and experience for contracting professionals in civilian agencies.
- f. **Head of the Contracting Activity (HCA).** The Executive Director is designated as the HCA for the FHWA and is the individual responsible for managing the contract activities within the operating administration. In accordance with 48 CFR 1201.601, the HCA is delegated the authority to enter into contracts for authorized supplies and services and shall be considered a Contracting Officer within the FHWA by virtue of his/her position.
- g. **Senior Procurement Executive (SPE).** The official responsible for the management direction of all DOT procurement systems and programs including implementing the full range of procurement policies, regulations, and standards applicable to the Department.
- h. **Warrant.** A written appointment issued on SF 1402 to a qualified Federal employee to serve as a Contracting Officer.

**10. Who is responsible for managing the Contracting Officer Warrant Program within the FHWA?**

The authority of the HCA to establish and maintain a procurement career management program and a system for the selection, appointment, and termination of a Contracting Officer is delegated to the COCO.

**11. What are the levels of authority delegated to the warranted Contracting Officers?**

Based on the Acquisition Workforce Career Development Program, the following warrant levels are established:

Warrant Level	Maximum Warrant Value Limits	Warrant Threshold Authority	Minimum Experience	FAC-C Level
Level I  Generally Grades 5/7/9	Up to \$150K	The warrant authority should be appropriate to the level of experience, education, and training and should be limited to the lowest possible dollar threshold for assigned responsibility.	At least 1 year of current (within last 3 years) purchasing and contracting experience with progressively broader work assignments.	Level I
Level II  Generally Grades 11/12	Up to \$20M	The warrant authority should be appropriate to the level of experience, education, and training and should be limited to the lowest possible dollar threshold for assigned responsibility.	At least 2 years of current (within last 5 years) contracting experience with progressively broader work assignments.	Level II
Level III  Generally Grades 13 and above	Up to unlimited	The warrant authority should be appropriate to the level of experience, education, and training and should be limited to the lowest possible dollar threshold for assigned responsibility.	At least 4 years of current (within last 10 years) contracting experience with progressively broader work assignments.	Level III

Warrant authority will vary depending on the need of the office and the credentials of the nominated individual. Warrant levels do not have to coincide with a particular grade; however, the individual's grade will be considered by the COCO, along with his/her training and experience prior to approving the warrant.

There must be a demonstrated need for the authority requested. Warrant authority should be limited to the lowest possible dollar threshold for the assigned responsibility.

## 12. Who may be appointed as a warranted Contracting Officer?

The Executive Director serving as the HCA is delegated the authority to enter into contracts for authorized supplies and services, and shall be considered a warranted Contracting Officer within the FHWA by virtue of the position.

All other persons seeking Contracting Officer warrants will be recommended through FAITAS, by their supervisor for appointment by the COCO.

Any position, regardless of General Schedule Series, may be considered for a warrant; selections and appointments shall be consistent with the Department's Acquisition Workforce Career Development Program dated July 1, 2015.

**13. What is the authority of a warranted Contracting Officer?**

Only a warranted Contracting Officer is authorized to obligate the Government. Contracting Officers may not exceed the scope of their authority as stated on their Certificate of Appointment (SF 1402). For new awards, the Contracting Officer's warrant must be sufficient to cover the entire potential value of the award. For modifications, the Contracting Officer's warrant must be sufficient to cover the total value of the individual transaction, including the total amount of the change when obligating and de-obligating funding on the same modification.

The appointed Contracting Officer may not further delegate his/her authority. For example, if a Contracting Officer is on leave or travel, no other individual may sign procurement obligations in his/her place, unless that person is also a warranted Contracting Officer at the appropriate warrant level.

**14. What are the procedures for obtaining a warrant?**

A request for a Contracting Officer warrant is initiated (invited – FAITAS term) by the employee's immediate supervisor. The immediate supervisor shall ensure that the nominee meets the qualification standards under this policy and ensure that the employee is otherwise qualified for appointment at the level proposed. In addition, the supervisor shall ensure that there is a demonstrated need for the warrant at the level requested.

The warrant request shall, as a minimum, include:

- Evidence of a valid/current FAC-C Certification at the appropriate level, including currency with CLP maintenance; and
- A copy of the employee's most recent resume, reflecting the applicant's education, experience, and general knowledge in government contracting, as outlined in FAR 1.603-2.

**15. What are the selection criteria for issuing a warrant?**

In order to be appointed as a Contracting Officer for contract actions above the micro-purchase threshold, an individual must meet the FAC-C requirements for education, training, and experience at an appropriate level to support their warrant authority.

With the exception of the FHWA Administrator and the Executive Director, which are warranted by virtue of their position, all Contracting Officers shall possess a current FAC-C certification as long as they remain warranted.

**16. What are the training and certification requirements?**

The training and certifications requirement for all the core training courses must be provided by the Defense Acquisition University/Federal Acquisition Institute (DAU/FAI) or have been determined to be DAU or FAI equivalent courses. A list of DAU approved providers can be accessed through the DAU Web site. A list of FAI verified providers can be found at the FAI Web site. Business related academic courses that are recognized by DAU as equivalent courses may be used to meet certain training requirements of this program.

**17. Who may issue a warrant?**

Within the FHWA, the COCO is the individual with authority to issue warrants. The COCO's warrant is issued by the HCA.

**18. What is required to maintain a warrant?**

In order to maintain a warrant, there must be a continued demonstrated need for the procurement authority requested. In addition, the individual must meet all the qualifications, including achieving the required continuous learning points, for the authority requested.

Contracting professionals are required to earn 80 continuous learning points (CLPs) supporting skills currency every 2 years, beginning with the date of their original certification. If an individual fails to maintain 80 CLPs during a 2-year cycle, the FAC-C will be revoked and the individual must reapply for the FAC-C through FAITAS.

Should the certification lapse be longer than 2 years, the DOT ACM will review the situation on a case-by-case basis and make a reasonable determination of what training will make the individual current on the required competencies.

**19. When are warrants terminated?**

A warrant is terminated when there is no longer a demonstrated need for the warrant, the individual has left the agency or assumed a different position which no longer requires a warrant, failure to maintain required CLPs, misconduct, unethical behavior, blatant disregard for procurement regulations, or any other reason.

The COCO is the individual responsible for terminating warrants in FAITAS. The hardcopies of all terminated and revoked warrants shall be turned in to the Office

of Acquisition Policy and Oversight. Hardcopy terminated and revoked warrants shall be destroyed.

**20. Where can I get additional information?**

For additional information please contact the [Director of Acquisition Policy and Oversight](#) within the Office of the Chief Financial Officer.

A handwritten signature in blue ink, appearing to read 'W. Waidelich, Jr.', with a stylized flourish at the end.

Walter C. Waidelich, Jr.  
Acting Deputy Administrator