

services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of the Act, to the extent and in such amounts as may be provided in advance by appropriations Acts.

(b) In exercising the special authority provided in paragraph (a) of this section, the Inspector General may request the assistance of the servicing Acquisition and Materiel Management Service in developing appropriate contract or agreement documents.

(c) If, in the opinion of the Inspector General, a reason to exercise the special authority does not exist, the services required by the Inspector General shall be obtained by the servicing Acquisition and Materiel Management Service or the local purchase and contract activity in accordance with the provisions of FAR and VAAR.

(d) Contracts entered into under the authority of paragraph (a) of this section are subject to the provisions of the Federal Acquisition Regulation. In addition, such contracts are subject to those provisions of VAAR which implement and supplement the FAR on matters other than those stemming from or related to delegations of the Secretary's contracting authority (e.g., management controls and approvals specified in subpart 837.2 will not apply to contract actions under the contract authority of the Inspector General).

[49 FR 12583, Mar. 29, 1984, as amended at 50 FR 791, Jan. 7, 1985; 54 FR 31964, Aug. 3, 1989; 61 FR 11586, Mar. 21, 1996; 63 FR 69218, Dec. 16, 1998]

#### **801.690 VA Contracting Officer Certification Program.**

The policy and procedures for the VA-wide Contracting Officer Certification Program (COCP) are established in this section and subsections.

[52 FR 24010, June 26, 1987]

#### **801.690-1 Definitions.**

(a) *Head of the Contracting Activity (HCA)* means an individual who has overall responsibility for managing the procurement program assigned to the activity. HCA designations are prescribed in VAAR 802.100. The HCA has the authority to appoint contracting officers with authority to conduct pro-

urements of up to and including \$25,000 or the maximum order limitation for orders placed against established contracts, and terminate such appointments.

(b) *Recommending official* means an individual who is authorized by VAAR 801.690 and its subsections to recommend to a designating official that an individual be appointed as a contracting officer.

(c) *Designating official* means an individual who is authorized to appoint and terminate contracting officers.

(d) *Contracting Officer Certification Board (COCB)* means the group of Department officials, listed in VAAR 801.690-3(c), that evaluates and recommends to the designating official individuals as contracting officers at the Intermediate and Senior levels of authority, which levels are described in VAAR 801.690-2(c).

(e) *Contracting Officer Certification Program (COCP)* means a program designated by Department management for the selection, appointment, and termination of appointment of contracting officers. Training, experience, education, performance, and conduct are the objective criteria reviewed prior to appointment as contracting officer.

(f) *Qualifications* means an employee's record of training, experience, education, performance, and conduct which are reviewed prior to designation as contracting officer. These "qualifications" are not identical, supplemental, or related to the position qualification requirements published by the Office of Personnel Management in Handbook X-118.

(g) *Appointment* means the delegation of authority to any employee to enter into, administer or terminate contracts, and make related determinations and findings. Appointment provisions are identified in 801.690-5.

(h) *Certification* means an evaluation that the candidate has the experience, education and training to perform properly the duties of a contracting officer.

(i) *Selection* means that an employee has been appointed or certified as a contracting officer. The "selection" process is not identical, supplemental or related to any process whereby an

employee is placed into a position by any competitive action (merit promotion) or noncompetitive action (reassignment, reinstatement). Selection provisions are identified in 801.690-4.

(j) *Termination* means the revocation of contracting authority of a contracting officer by the designating official. Termination provisions are identified in 801.690-6.

(k) *Acquisition Training Program (ATP)* means a program designed to provide contracting officers with classroom knowledge to further develop their acquisition skills.

[52 FR 24010, June 26, 1987, as amended at 54 FR 31964, Aug. 3, 1989; 54 FR 40062, Sept. 29, 1989]

#### **801.690-2 General.**

(a) The VA COCP applies to all programs of the Department of Veterans Affairs except for those contracting officers appointed pursuant to the Inspector General Act (Pub. L. 95-452).

(b) A certification of appointment is not required for contracting officers designated in 801.670 who exercise special and limited delegations of authority.

(c) The COCP is based on three levels of authority:

(1) *Basic*. Expenditures up to and including \$25,000 or the maximum order limitation for orders placed against established contracts.

(2) *Intermediate*. Expenditures up to and including \$100,000 for negotiation and \$1,000,000 for sealed bids.

(3) *Senior*. Unlimited.

[52 FR 24011, June 26, 1987, as amended at 54 FR 31964, Aug. 3, 1989]

#### **801.690-3 Responsibility for administration of Contracting Officer Certification Program (COCP).**

(a) *The Deputy Assistant Secretary for Acquisition and Materiel Management (A&MM)*. The Deputy Assistant Secretary for A&MM is responsible for:

(1) Administering the COCP to ensure that the certification board evaluates, recommends acceptance, rejection, or termination of applicants at the Senior and Intermediate Levels according to the requirements of the COCP.

(2) Developing additional training and the level of certification as required by the COCP.

(3) Serving as the designating official, and in that capacity appoints or terminates contracting officers at the Senior and Intermediate Levels of authority.

(b) *Heads of contracting activities (HCA)*. The HCA is responsible for:

(1) Implementing and maintaining an effective and efficient program for the procurement of personal property and nonpersonal services assigned to the activity.

(2) Establishing adequate controls to ensure compliance with applicable laws and regulations.

(3) Appointing or terminating appointments of contracting officers at the Basic Level within their activity. Each HCA will establish procedures for the appointment or termination of appointment of contracting officers at the Basic Level to include maintenance of records on individual training and experience, as well as appointment and termination actions.

(4) Recommending to the designating official the appointment or termination of appointment of contracting officers at the Intermediate and Senior Levels of authority based on candidate qualifications, as well as a valid organizational need.

(c) *Contracting Officer Certification Board (COCB)*. The COCB may receive, evaluate, and recommend to the designating official, candidates for contracting officer positions at the Intermediate and Senior Levels. The board will be chaired by the Associate Deputy Assistant Secretary for Acquisitions, OA&MM, and membership will consist of:

(1) Chief Administrative Officer (VHA) (or designee),

(2) Deputy Facilities Management Officer (or designee),

(3) Acquisition Training Officer, and

(4) Additional members to be selected on an ad hoc basis depending on the organizational need for certified contracting officers.

(d) *Acquisition Training Officer (ATO)*. The ATO in the OA&MM will serve as the Executive Secretary to the COCB. The ATO will coordinate all requests for certification with the COCB. Upon the decision by the Deputy Assistant Secretary for A&MM, the ATO will respond to the HCA with a copy of the