

41.103 Statutory and delegated authority.

(a) Statutory authority.

(1) The General Services Administration (GSA) is authorized by 40 U.S.C. 501 to prescribe policies and methods governing the *acquisition* and supply of utility services for *Federal agencies*. This authority includes related functions such as managing public utility services and representing *Federal agencies* in proceedings before Federal and state regulatory bodies. GSA is authorized by 40 U.S.C.501 to contract for utility services for periods not exceeding tenyears.

(2) The Department of Defense (DoD) is authorized by 10 U.S.C. 3201(a) and 40 U.S.C.113(e)(3) to acquire utility services for military facilities.

(3) The Department of Energy (DOE) is authorized by the Department of Energy Organization Act (42 U.S.C.7251, etseq.) to acquire utility services. DOE is authorized by the Atomic Energy Act of1954, as amended (42 U.S.C.2204), to enter into new contracts or modify existing contracts for electric services for periods not exceeding 25 years for uranium enrichment installations.

(b) *Delegated authority.* GSA has delegated its authority to enter into utility service contracts for periods not exceeding tenyears to DoD and DOE, and for *connection charges* only to the Department of Veteran Affairs. *Contracting* pursuant to this delegated authority *shall* be consistent with the requirements of this part. Other agencies requiring utility service contracts for periods over oneyear, but not exceeding tenyears, *may* request a delegation of authority from GSA at the address specified in 41.301(a). In keeping with its statutory authority, GSA will, as necessary, conduct reviews of *delegated agencies' acquisitions* of utility services to ensure compliance with the terms of the delegation and applicable laws and regulations.

(c) Requests for delegations of *contracting* authority from GSA *shall* include a certification from the acquiring agency's *Senior Procurement Executive* that the agency has-

- (1) An established *acquisition* program;
- (2) Personnel technically qualified to deal with specialized utilities problems; and
- (3) The ability to accomplish its own pre-award contract review.

Parent topic: Subpart 41.1 - General