5601.601 General.

(1) Title 10, United States Code (U.S.C.), section 167(e)(4)(B), provides that the Commander, United States Special Operations Command, has the authority to exercise the functions of the Head Of Agency under Chapter 137 of Title 10, U.S.C., subject to the authority, direction and control of the Secretary of Defense. In addition, the Director of Defense Procurement has delegated to the Commander, USSOCOM, the authority to act as:

(i) Senior Procurement Executive (SPE) for USSOCOM, except for such actions that by terms of statute or any other delegation must be exercised by the Under Secretary of Defense (Acquisition and Technology); and,

(ii) Head Of Agency (HOA) for those functions prescribed by FAR and DFARS that are in addition to those exercised under Chapter 137 of Title 10, U.S.C., pursuant to 10 U.S.C., Section 167(e)(4)(B).

(2) The Commander, USSOCOM, has delegated all delegable HOA and SPE authority to the Director, Special Operations Forces Acquisition, Technology, and Logistics Acquisition Executive (SOAE). The SOAE establishes policies, directs, and supervises USSOCOM activities with respect to contracting, acquisition, and related matters. The USSOCOM Staff Judge Advocate is the legal advisor to the Commander, USSOCOM, and SOAE.

(i) The SOAE has further delegated the authority to exercise certain HOA functions to the DoP with the power of redelegation. Exceptions to this delegation include those actions reserved by FAR and DFARS for Senior Executive Service (SES) members, Flag Officers, General Officers, or the authority for the actions required by the agency head in the following:

FAR 1.404

FAR 6.501

FAR 19.201

FAR 19.505

FAR 19.812

FAR 27.303

FAR 34.003

FAR 34.005-6

FAR 35.014(b)

FAR 35.017-7

DFARS 201.404

DFARS 203.570-3

(ii) The following function cannot be delegated below the SES, Level IV (for USSOCOM the SPE):

FAR 32.006

PGI 206.302-1

(iii) In accordance with the FAR, the following functions are not delegable below the HOA:

FAR 23.506

FAR 27.306

(iv) The following function cannot be delegated below the Secretary of Defense:

DFARS 206.302-7

(v) The DoP shall maintain Head of Contracting Activity (HCA) authority as designated throughout the FAR and DFARS. This authority is delegable in the absence of the DOP as permitted by the FAR and DFARS.

(vi) The DOP or DDOP is responsible for the first-level performance appraisal of all military and civilian headquarters contracting division or field contracting office chiefs.

(3) Unless otherwise specified in SOFARS, the approval level for contracting actions shall be the Contracting Officer.

(4) The HOA authority to determine when acquisitions support contingency operations, humanitarian or peacekeeping operations, facilitate the provision of international disaster assistance, support response to emergency or major disasters, or facilitate defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack, is delegated to USSOCOM headquarters contracting divisions and field contracting office chiefs.

(i) Once the determinations have been made in writing and included in each file, the following authorities may be utilized:

FAR 13.000

FAR 13.201(g)

FAR 13.500(c)

FAR 18.2

DFARS 211.274-2(b)(1)

(5) *(Removed June 2018)*

Parent topic: Subpart 5601.6 - CAREER DEVELOPMENT, CONTRACTING AUTHORITY AND RESPONSIBILITIES