

MEMORANDUM

TO: Deputy Executive Director, Acquisitions Directorate, Federal Student Aid

FROM: Chief Operating Officer, Federal Student Aid

SUBJECT: Delegation of Authority: Appointment of Advocate for Competition

I. DELEGATION

Under the authority vested in me in accordance with Delegation of Authority EA/EN/56, certified on April 18, 2005, "Delegation of Acquisition and Contracting Authority" and the Memorandum of Understanding (MOU) between the Department's Chief Financial Officer and FSA's Chief Operating Officer, I hereby delegate to you or your successor in function, or anyone serving for you in an acting capacity, the authority to carry out the responsibilities of the position of Advocate for Competition for Federal Student Aid as set forth at 41 U.S.C. 1705 and 48 CFR Chapter 1, Subchapter B, Part 6, Subpart 6.5.

Unless otherwise noted in future delegations of authority, amendments to the authority cited herein are included within the scope of this delegation.

II. DUTIES & RESPONSIBILITIES

The Advocate for Competition for Federal Student Aid is responsible for the following:

- A. Approving sole or limited source procurements less than or equal to the maximum threshold noted in 48 CFR Chapter 1, Sections 6.304(a)(2), 8.405-6(d)(2), and 13.501(a)(2)(ii).
- B. Promoting the acquisition of commercial products and commercial services, promoting full and open competition, challenging barriers to the acquisition of commercial products and commercial services and full and open competition such as unnecessary restrictive statements of work, unnecessarily detailed specifications, and unnecessarily burdensome contract clauses.
- C. Reviewing the contracting operations of Federal Student Aid and identifying and reporting to Federal Student Aid's Chief Operating Officer (COO) the following:
 1. Opportunities and actions taken to acquire commercial products and commercial services to meet the needs of Federal Student Aid.
 2. Opportunities and actions taken to achieve full and open competition in the contracting operations of Federal Student Aid.
 3. Actions taken to challenge requirements that are not stated in terms of functions to be performed, performance required, or essential physical characteristics.

4. Any condition or action that has the effect of unnecessarily restricting the acquisition of commercial products or commercial services or competition in the contract actions of Federal Student Aid.
- D. Preparing and submitting an annual report to the COO, in accordance with the Department's procedures, describing:
1. The duties and responsibilities of the Advocate for Competition for Federal Student Aid, as outlined in Subpart 6.5 of the Federal Acquisition Regulations (FAR).
 2. New initiatives required to increase the acquisition of commercial products and commercial services.
 3. New initiatives required to increase competition.
 4. New initiatives to ensure requirements are stated in terms of functions to be performed, performance required, or essential physical characteristics.
 5. Any barriers to the acquisition of commercial products or commercial services or competition that remain.
 6. Other ways in which Federal Student Aid has emphasized the acquisition of commercial products and commercial services and competition in areas such as acquisition training and research.
 7. Initiatives that ensure task and delivery orders over \$1,000,000 issued under multiple award contracts are properly planned, issued, and comply with 48 CFR Chapter 1, Sections 8.405 and 16.505.
- E. Recommending to the COO goals and plans for increasing competition on a fiscal year basis.
- F. Recommending to the COO a system of personal and organizational accountability for competition, which may include the use of recognition and awards to motivate program managers, contracting officers, and others in authority to promote competition in acquisition.

III. RESERVATIONS

Unless otherwise noted, in existing or future delegations of authority, the following are not delegated:

- A. unless otherwise provided by law, the authority to submit reports to Congress or the President;
- B. the authority to serve as or appoint the agency competition advocate pursuant to 48 C.F.R. Section 6.501;
- C. any authorities reserved by the FAR, the MOU between the Department's Chief Financial Officer and FSA's Chief Operating Officer, or other law solely to the head of the agency, the Chief Acquisitions

Officer, or the Senior Procurement Executive; and

D. the authority to impose debarments and suspensions and to manage enforcement of debarments and suspensions.

IV. REDELEGATION

Subject to the requirements of law, you may delegate any of the authority delegated to you and authorize further delegation except for authority to approve sole or limited source actions as specified under Section II.A of this delegation. The authority to approve under Section II.A cannot be further delegated.

V. CERTIFICATION AND EFFECTIVE DATE

This delegation is effective upon certification of the Department's Delegations Control Officer and shall remain in effect until modified by the Chief Operating Officer.

I hereby ratify actions within the scope of this delegation taken by you prior to certification of this delegation.

_____/s_____
Richard Cordray

OGC Clearance and Date: Debbie Friendly; 5/31/2022

Delegations Control Officer: Jim Clemmens

Date Certified: 6/2/2022

Date FSA Signed: 6/2/2022

Control Number: EA/EN2S/102