

requirements and technical personnel are responsible for the accuracy and adequacy of the supporting factual information, which shall be furnished to the contracting officer.

Insert specific information indicated in brackets.

#### *Determination and Findings*

Under [insert citation for appropriate statutory and/or regulatory basis for D&F], the Department of Homeland Security, [insert contracting activity], is granted authority to [insert nature and/or description of the action being approved].

#### *Findings*

[Findings that detail the particular circumstances, facts, or reasoning essential to support the determination.]

#### *Determination*

[A determination, based on the findings, that the proposed action is justified under the applicable statute or regulation.]  
[Expiration date of the D&F, if required.]  
[Signature of authorized official]

Name and Title

[month, day, and year]

Date

### **Subpart 3001.70—Other Determinations, Waivers, Exceptions, Approvals, Reviews, and Submittals**

#### **3001.7000 Coordination and approval.**

*Documents requiring CPO approval.*  
Requests shall be prepared in writing by the contracting officer and submitted through the HCA to the CPO for approval.

#### **3001.7001 Content.**

The general format at (HSAR) 48 CFR 3001.704 shall be used to provide a justification to support the requested determination, waiver, exception or approval.

## **PART 3002—DEFINITIONS OF WORDS AND TERMS**

### **Subpart 3002.1—Definitions**

Sec.  
3002.101 Definitions.

### **Subpart 3002.2—Abbreviations**

3002.270 Abbreviations.

### **Subpart 3002.1—Definitions**

#### **3002.101 Definitions.**

*Chief Information Officer (CIO)* means the Director of the Office of the CIO.

*Chief of the Contracting Office (COCO)* means the individual(s) responsible for managing the contracting office(s) within an organizational element (OE).

*Chief Procurement Officer (CPO)* means the Senior Procurement Executive (SPE).

*Contracting activity* includes all the contracting offices within an OE and is the same as the term “procuring activity.”

*Contracting officer* means an individual authorized by virtue of position or by appointment to perform the functions assigned by the Federal Acquisition Regulation and the Homeland Security Acquisition Regulation.

*Head of Contracting Activity (HCA)* means the individual responsible for direct management of the entire acquisition function within an organizational element.

*Head of the Agency* means the Secretary of the Department of Homeland Security, or, by delegation, the Under Secretary of Management. “Legal counsel” means the Department of Homeland Security Office of General Counsel or OE office providing legal services to the contracting organization.

*Legal review* means review by legal counsel.

*Major system* means an acquisition as defined in Management Directive Number 1400, Investment Review Process.

*Micro-purchase threshold* means \$2,500 (see (HSAR) 48 CFR 3013–70), except it means—

(1) \$2,000 for construction subject to the Davis-Bacon Act; and

(2) \$7,500 for acquisitions of supplies or services, except for construction subject to the Davis-Bacon, if the Secretary determines in writing that the mission of the Department (described in Pub. L. 107–296, Sec. 101) would be seriously impaired without the use of such authorities, Act (Pub. L. 107–296, section 833).

*Organizational Element (OE)* means the following entities for purposes of this chapter:

(1) Bureau of Customs and Border Protection (CBP);

(2) Bureau of Immigration and Customs Enforcement (ICE);

(3) DHS Office of Procurement Operations (OPO);

(4) Federal Emergency Management Agency (FEMA) (Includes all elements of the Emergency Preparedness and Response Directorate);

(5) Federal Law Enforcement Training Center (FLETC);

(6) Transportation Security Administration (TSA); (TSA is exempt from the HSAR and HSAM according to the “Aviation and Transportation Security Act of 2001”);

(7) U.S. Coast Guard (USCG); and

(8) U.S. Secret Service (Secret Service).

*Senior Procurement Executive (SPE)* for the Department of Homeland

Security is the Chief Procurement Officer (CPO).

*Simplified acquisition threshold* means \$100,000 (see (HSAR) 48 CFR 3013–70), except that for acquisitions of supplies or services that, if the Secretary determines in writing that the mission of the Department (described in Pub. L. 107–296, section 101) would be seriously impaired without the use of such authorities from November 25, 2002 to December 30, 2007 (Pub. L. 107–296, section 833(c)), the term means—

(1) \$200,000 for any contract to be awarded and performed, or purchase to be made, inside the United States; and

(2) \$300,000 for any contract to be awarded and performed, or purchase to be made, outside the United States.

### **Subpart 3002.2—Abbreviations**

#### **3002.270 Abbreviations.**

CFO Chief Financial Officer  
CIO Chief Information Officer  
COCO Chief of the Contracting Office  
COR Contracting Officers Representative  
COTR Contracting Officer's Technical Representative  
CPO Chief Procurement Officer  
D&F Determination and Findings  
DOTBCA Department of Transportation Board of Contract Appeals  
FOIA Freedom of Information Act  
HCA Head of Contracting Activity  
J & A Justification and Approval for Other than Full and Open Competition  
KO Contracting officer  
MD Management Directive  
OCPO Office of the Chief Procurement Officer  
OE Organizational Element  
OIG Office of the Inspector General  
OSDBU Office of Small and Disadvantaged Business Utilization  
PCR SBA's Procurement Center Representative  
RFP Request for Proposal  
SBA Small Business Administration  
SBS Small Business Specialist  
SPE Senior Procurement Executive

## **PART 3003—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST**

### **Subpart 3003.1—Safeguards**

Sec.  
3003.101 Standards of conduct.  
3003.101–3 Agency regulations.

### **Subpart 3003.2—Contractor Gratuities to Government Personnel**

3003.203 Reporting suspected violations of the Gratuities clause.  
3003.204 Treatment of violations.

### **Subpart 3003.3—Reports Of Suspected Antitrust Violations**

3003.301 General.