

R2-204 [RESERVED]

**Regulation 2-205 - Delegation of Procurement Authority**

CODE PROVISION:

**§2-205 Delegation of Authority by the Chief Procurement Officer.**

**Subject to regulations, the Chief Procurement Officer may delegate authority to designees or to any department, agency, or official.**

**R2-205.01 Authority to Delegate.**

R2-205.01.1 Rule of Interpretation. Authority may not be delegated by the Chief Procurement Officer or by the head of a Purchasing Agency unless so provided in the [State] Procurement Code or these regulations by the use of the phrase "or such officer's designee."

**R2-205.01.2 General. Except as provided by Subsections R2-205.02.1, R2-205.02.3, and R2-205.02.4 of this Section, any authority conferred on the Chief Procurement Officer by the [State] Procurement Code may be delegated by that officer to any employee in any department or agency; and any authority conferred on the head of a Purchasing Agency by the [State] Procurement Code may be delegated by that officer to any employee in that Purchasing Agency. Such delegations shall remain in effect unless modified or until revoked in writing.**

COMMENTARY:

As the head of a substantial organization, the Chief Procurement Officer will be unable to do everything himself or herself. Rather, it will be necessary for him or her to delegate authority to others.

**R2-205.01.3 Statutory Exceptions to Delegation.** The authority conferred on the Chief Procurement Officer or the head of a Purchasing Agency in the following Sections of the [State] Procurement Code shall not be delegated:

(a) Section 5-302(2) (Contract Performance and Payment Bonds, Reduction of Bond Amounts);

(b) Section 5-401(4) (Contract Clauses and Their Administration,

**R2-205.02 General Policy.**

**R2-205.02.1 Decision to Delegate.** The Chief Procurement Officer or the head of a Purchasing Agency may delegate authority or may revoke authority such officer has delegated. **Factors to consider** in making the decision to delegate include:

- (a) the expertise of the potential delegate in terms of procurement knowledge and any specialized knowledge pertinent to the authority to be delegated;**
- (b) the past experience of the potential delegate in exercising similar authority;**
- (c) the degree of economy and efficiency to be achieved in meeting the [State's] requirements if authority is delegated;**
- (d) the available resources of the Office of the Chief Procurement Officer to exercise the authority if it is not delegated; and**
- (e) the consistency of delegation under similar circumstances.**

R2-205.03.2 Compliance with Code and Regulations. Any designee of the Chief Procurement Officer, or of the head of a Purchasing Agency, shall exercise delegated authority in accordance with the delegation, the [State] Procurement Code, and these regulations.

R2-205.03 Delegation of Authority to Officials in Other Departments and Agencies.

**R2-205.03 Delegation of Authority to Officials in Other Departments and Agencies.**

**The Chief Procurement Officer may delegate in writing such authority as may be deemed appropriate to the head of any department or independent agency of this [State]. Such delegation shall be in writing and shall specify:**

- (a) the activity or function authorized;**
- (b) any limits or restrictions on the exercise of the delegated authority;**
- (c) whether the authority may be further delegated; and**
- (d) the duration of the delegation.**