DEPARTMENT OF THE NAVY
OFFICE OF THE ASSISTANT SECRETARY
(RESEARCH, DEVELOPMENT AND ACQUISITION)
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MEMORANDUM FOR DISTRIBUTION

SUBJECT: Change 08-16 to the Navy Marine Corps Acquisition Regulation Supplement (NMCARS)

The attached document identifies changes incorporated into the April 2008 edition of the NMCARS which are effective immediately. The online version of the NMCARS will reflect these changes shortly.

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SUBJECT: Change 08-16 to the Navy Marine Corps Acquisition Regulation Supplement (NMCARS)

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NMCARS Change 08-16

The below table summarizes the changes to NMCARS:

(DPN = DFARS Publication Notice and FAC = Federal Acquisition Circular)

#	Reference	Description	Part/Section
1	Deletion	Deletes text related to issuance of a contracting officer warrants to an individual which is addressed in **5201.603, Selection, appointment and termination of appointment.** Delegation of contracting authority occurs at an HCA to HCA level. The breadth of HCA contracting authority assignments covers all organizations and employees within the Department of the Navy which eliminates the need to delegate HCA contracting authority to an individual or non-HCA Navy organization. Renumbers the paragraph referenced in the cite relevant to HCA unique authority from (b) to (c).	5201.601-90(a)
2	Clarification	Clarifies text for delegation tracking by changing the word "organization" to "HCA" because contracting authority delegation occurs at an HCA to HCA level.	5201.601-90(a)(1)
3	Deletion	Deletes the text associated with delegation of contracting authority to an individual. Contracting officer appointment and warrant issuance is addressed in **5201.603, Selection, appointment and termination of appointment.**	5201.601-90(a)(2)
4	Addition	Adds to HCA requirements the tracking of delegations received from other HCAs.	5201.601-90(a)(2)
5	Clarification	Clarifies that DASN(AP) approval is required before an HCA can delegate their unique contracting authority when the delegation ultimately leads to a procurement contracted by a non-Navy activity.	5201.601-90(a)(3)
6	Deletion	Deletes text associated with delegation of contracting authority to an individual. Contracting officer appointment and warrant issuance is addressed in **5201.603, Selection, appointment and termination of appointment.**	5201.601-90(a)(3)
7	Deletion	Deletes text associated with delegation of contracting authority to an individual. Contracting officer appointment and warrant issuance is addressed in **5201.603, Selection, appointment and termination of appointment.**	5201.601-90(a)(3) (i)
8	Clarification	Clarifies that notification to DASN(AP) for approval is required 30 days, or as soon as practicable, before an HCA can delegate their unique contracting authority when the delegation ultimately leads to a procurement contracted by a non-Navy activity.	5201.601-90(a)(3) (i)

9	Deletion	Deletes text in this subsection related to issuing a contracting officer warrant to an individual. Text is moved to **5201.603, Selection, appointment and termination of appointment** which addresses Contracting officer appointment and warrant issuance.	5201.601-90(a)(3) (ii)
10	Clarification	Aligns wording with revised Annex 11 title.	5201.601-90(a)(3)(ii)
11	Deletion	Deletes wording specific to submission of a waiver relevant to an individual's appointment as a warranted contracting officer which is no longer relevant.	5201.601-90(a)(3)(ii)
12	Clarification	Clarifies that delegation of contracting authority occurs HCA to HCA so both the delegating and receiving HCAs are aware of the transfer of responsibility and workload associated with the delegation.	5201.601-90(a)(4)
13	Addition	Adds requirement that delegation of unique contracting authority may not be redelegated.	5201.601-90(a)(4)
14	Addition	Adds requirement to submit a copy of signed contracting authority delegations to DASN(AP).	5201.601-90(a)(4)
15	Modification	Modifies 5201.601-90(b) by splitting (b) *HCA unique contracting authorities, responsibilities, and limitations* into (b) *HCA responsibilities and limitations* and (c) *HCA unique contracting authorities* to allow for additional formatting to improve readability.	5201.601-90(b)
16	Modification	Moves the sentence "Delegation of contracting authority applies only to Department of the Navy (DON) activities." forward in the paragraph.	5201.601-90(b)
17	Clarification	Clarifies that an HCA seeking to procure supplies and services outside their unique contracting authority shall obtain written approval for delegation of contracting authority from the cognizant HCA holding the unique contracting authority before conducting the procurement.	5201.601-90(b)(1)
18	Clarification	Clarifies that an HCA request for delegation of contracting authority document the rationale for the request and address how the delegation is necessary.	5201.601-90(b)(1)(i)
19	Addition	Adds requirement that delegation of unique contracting authority may not be redelegated.	5201.601-90(b)(1)(ii)
20	Addition	Adds requirement that an HCA seeking to procure supplies and services outside their unique contracting authority, when using a contracting activity external to Navy, shall obtain written approval for delegation of contracting authority from the cognizant HCA holding the unique contracting authority and DASN(AP) before	5201.601-90(b)(2)

		conducting the procurement. The written delegation shall name the organization to conduct the procurement and limitations on the delegation. The delegation must occur before conducting the procurement.	
21	Modification	Modifies 5201.601-90(b) by splitting (b) *HCA unique contracting authorities, responsibilities, and limitations* into (b) *HCA responsibilities and limitations* and (c) *HCA unique contracting authorities* to allow for additional formatting to improve readability.	5201.601-90(c)
22	Deletion	Deletes "or DoN organization" because DoN contracting authority delegations occur HCA to HCA.	5201.601-90(c)(6)(ii)
22	Clarification	Changes the title to Annex 11 from **"Delegation of Contracting Authority—Organization not within HCA Cognizance"** to "**Delegation of Contracting Authority"**. Deletes "or office". Opening paragraph addresses contracting authority delegations occurring HCA to HCA for procurement ultimately contracted by a non-Navy activity. All changes align with delegation occurring Navy HCA to Navy HCA.	Annex 11
23	Addition	Adds **Part IV, Describe Qualifications of Personnel Exercising Contracting Authority (Contracting Officer(s))** and moves Part I, g. Grade/Rank and h. Special Qualifications to Part IV reflecting the need for the HCA decision on delegating authority to include awareness of the skills, training and experience of the individual(s) exercising the delegated contracting authority.	Annex 11
24	Addition	Reinserts a retitled Annex 12, **Waiver Request for Appointing a Non-DON Employee as a Contracting Officer.** Annex 12 does not apply to DoN as the breadth of HCA assignments covers all organizations and employees in the Department.	Annex 12