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Research, Education, and Economics

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Policies and Procedures

Title: Delegation of Authority for Authorized Departmental Officers

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This revision incorporates roles and responsibilities of ARS Business Service Center Leadership into the ARS Extramural Agreements Delegation of Authority process and provides Level 3 ADOs with signature authority for Interagency Agreements.

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1. Background

The authority to commit the resources of the Agency on behalf of the ARS Administrator is known as the “delegation of authority,” which flows from the Secretary of Agriculture through the Under Secretary for Research, Education, and Economics, to the ARS Administrator. For the purpose of this Agency policy, the ARS Administrator has exercised his discretion to further delegate this authority to the Director of the Extramural Agreement Division (EAD). This delegation of authority to the Director, EAD, includes: 1) delegating signature authority to all authorized employees; 2) administering the Agency’s system of delegation of authority; and, 3) initiating, resolving, and/or executing suspension and/or revocation actions prescribed in this P&P. The delegated authority to the Director, EAD, may be revoked by the ARS Administrator at any time without benefit of appeal.

Employees acting under a delegation of authority are acting as an agent of the ARS Administrator. Delegating the signature authority of the ARS Administrator accomplishes numerous program objectives and efficiencies. Aside from relieving the ARS Administrator of the burden of personally signing individual agreements, the delegation of authority allows for closer monitoring and administration of extramural agreements by ARS personnel. In addition to signing agreements, ARS personnel to whom authority has been delegated, are responsible for obligating Agency resources, directing technical performance, and assuring fiscal and program accountability. ARS personnel acting under a delegation of authority are known as Authorized Departmental Officers (ADOs).

A comprehensive listing of grants and agreements terminology is available on the ARS-AFM Web site. Click here to view: [Grants and Agreements Glossary](#).

2. Policy

ADOs are delegated authority to act as an agent of the ARS Administrator with regard to:

- 1) Signing agreements that obligate funds and commit the resources of the Agency; and,
- 2) Providing fiscal and administrative oversight for extramural agreements.

ADOs responsibilities shall only be performed by Agency personnel possessing a *Certificate of Delegation of Authority* for extramural agreements which is issued by the ARS Administrator or the Director, EAD.

Agency personnel who obtain a delegation of authority for extramural agreements are authorized to sign only the types of agreements specified within the respective level of delegation of authority they have attained.

An agreement signed by a person who does not possess a valid *Certificate of Delegation of Authority* for extramural agreements is not considered a legally binding agreement.

In order for ADOs to maintain their current delegation of authority, they are required to complete 16 hours of relevant maintenance training **every 3 years** from the date of their previously approved delegation. Upon completion of the required maintenance training,

ADOs will be re-issued their delegation of authority and receive a new certificate which will indicate a new delegation date.

See the list of recommended maintenance training courses in [Exhibit 4](#).

There is no guarantee that employees who complete the training requirements for a level of certification will be awarded a delegation of authority. One factor that will be considered when assigning a delegation is the Agency's need for additional ADOs with signature authority.

All international agreements involving foreign Federal Governments and other international entities, will be negotiated, approved, and signed by ARS Headquarters ADOs assigned to the AFM, EAD.

The ADO delegation of authority is not transferable and shall not be delegated by the ADO to any other Agency personnel.

3. Responsibilities

Administrator

The Administrator is responsible for delegating his signature authority to the Director, EAD, for further delegation to ADOs throughout the Agency.

Area Director (AD)

The AD is responsible for the programmatic direction and leadership of the Area's extramural agreements program.

Deputy Administrator, Administrative and Financial Management (AFM)

The Deputy Administrator, AFM, will review and consider the appeal of revocation actions for delegations of authority Levels 1 through 4.

Business Service Center (BSC) Leadership

BSC leadership is responsible for operational direction and oversight of the Area(s) extramural agreements program(s) serviced in each BSC.

BSC leadership is responsible for ensuring that ADOs operate in an independent manner free from undue pressure to finalize an agreement that has not met all requirements for funding, or is in conflict with applicable statutes, regulations, or Agency policy.

BSC leadership will forward relevant information regarding action(s) that may warrant suspension or revocation of ADOs to the Director, EAD. BSC leadership and Area line managers are responsible for enhancing the development of a professional extramural agreement workforce in his/her respective BSC/Area by assuring compliance with extramural agreement training requirements as outlined in Section 6.

BSC leadership is responsible for submitting all requests for delegations of authority as outlined in Section 7.

Director, Extramural Agreements Division (EAD)

The Director, EAD, is responsible for the overall management of the Agency's extramural agreements program. The Director is also responsible for:

- providing overall policy and operational support for the Agency's system of delegation of authority for extramural agreements;
- approving or disapproving requests for delegation of authority from BSC leadership and/or Area personnel;
- issuing of certificates of delegation of authority for extramural agreements to employees to whom authority has been delegated;
- tracking ADOs maintenance training requirements;
- initiating or responding to matters of suspension and/or revocation of delegation of authority for ADOs Level 1 through 4;
- making final determinations on proposed suspension and revocation actions for all ADOs with delegated authority Levels 1 through 4 - Sections 9 and 10.

Authorized Departmental Officer (ADO)

The ADO bears the primary responsibility for all administrative actions necessary to initiate, award, administer, and closeout extramural agreements.

For information regarding the specific types of actions performed by ADOs within a specific level of certification, see Section 5 - Levels of Delegation of Authority.

4. Authorities

7 CFR 2.21 provides delegations of authority from the Secretary of Agriculture to the Under Secretary for Research, Education, and Economics.

7 CFR 2.65 provides delegations of authority from the Under Secretary for Research, Education, and Economics, to the Administrator, Agricultural Research Service.

5. Levels of Delegation of Authority

There are four levels of delegation of authority available to ADOs. Responsibilities increase as the respective level increases. Delegation of authority is granted by the Director, EAD.

Responsibilities - Level 1 Delegation of Authority

- Signature authority for Standard Cooperative Agreements; zero dollar amounts. Format must not vary from the “standard” language as recommended in the REE Bulletin 08-703, “Standard Cooperative Agreement” (7 U.S.C. 3318 (b)).
- Signature authority for Research Support Agreements which includes obligating and de-obligating funds and authorizing payment for goods and services received; processing/executing closeout amendments; unlimited dollar amount (7 U.S.C. 3319a).

Responsibilities - Level 2 Delegation of Authority

All Level 1 functions plus:

- Signature authority for routine administrative actions on all types (excluding Interagency Agreements) of existing domestic extramural awards (including Incoming Agreements) in accordance with 7 U.S.C 450a, U.S.C. 3318(b), 7 U.S.C. 3318(c), and 7 U.S.C. 3319a. Authority does not include approval of new awards or pre-award costs.

Routine administrative actions include:

Funding increases up to \$50,000 (within scope of original agreement); certification and approval of domestic vouchers, invoices, and advance payments up to \$50,000; budget revisions; changes to Agricultural Research Service-Principal Investigator (ARS-PI) and cooperator’s Principal Investigator (PI); administrative changes to accounting codes and/or project numbers; extending periods of performance; de-obligating funds to close expired agreements; approving revisions of payment methods.

Note: Some administrative actions require close consultation with the ARS-PI to ensure that the actions are consistent with program goals and objectives.

Responsibilities - Level 3 Delegation of Authority

All Level 1 and 2 functions plus:

- Signature authority for all types of new and existing domestic and **international** (**applicable only to ADOs located at AFM -EAD Headquarters**) extramural awards up to \$100,000 awarded under authority of 7 U.S.C. 450a, 7 U.S.C 3318(b), 7 U.S.C. 3318(c), and 7 U.S.C. 3319(a).

- Coordinate Debarment & Suspension activities.
- Signature authority for incoming and/or outgoing Interagency Agreements (research grants and/or services only), no dollar limit, executed in accordance with 7 U.S.C. 3318(b) and/or 31 U.S.C. 1535 (The Economy Act of 1932), or accepted in accordance with another Federal agency's authorizing legislation or regulation(s) for the purpose of performing research consistent with ARS programmatic authorities.
- Responsibility for all administrative actions related to international awards, domestic awards, and transactions up to \$100,000.
- Disallowance of costs by the performing organization that was not approved during pre-award negotiations and/or determined to be unallowable, unallocable, or unreasonable.

Responsibilities - Level 4 Delegation of Authority

- All level 1, 2, and 3 functions plus signature authority for all types of domestic extramural awards and there is no dollar limit on transactions made under those awards. **(Note: Execution of all international awards/actions is limited to ADOs located at AFM-EAD Headquarters only.)**

Level 4 Delegation of Authority also includes responsibility for:

- Awarding and amending all types of domestic and international (EAD only) extramural agreements (unlimited dollar limit);
- Initiating and conducting site visits of cooperator facilities that are sufficient in scope and frequency to assess program performance and the facility's compliance with Agency and Area procedures;
- Initiating and conducting training on agreements for ARS Headquarters, BSC, and Area personnel;
- Post-award changes in budgets and projects requiring prior written approval of the awarding Agency;
- Suspending and/or terminating extramural awards for failure to comply with the terms and conditions of the agreement;
- Coordinate Debarment & Suspension activities;
- Withholding payment for failure to comply with terms and conditions set forth in the agreement language or applicable regulations;

- Conducting negotiations with cooperators to determine appropriate language regarding intellectual property rights, and any other clauses as may be necessary to protect the Agency's interests;
- Initiating and coordinating all extramural agreements closeout activities within 120 days of agreement expiration;
- Serves as the Agency's "E-Biz Point of Contact" for grant proposal systems.

6. Training Requirements

In order to progress through the various levels of delegated authority, all ADOs must fulfill the prescribed training requirements in order to be considered qualified to perform the duties associated with each level of delegated authority. Proof of satisfactory course completion must be provided to obtain a delegation of authority. Required courses to be completed by employees approved to become ADOs are specified in **Exhibit 3 – Template for Authorized Departmental Officer (ADO) Training Profile**.

A variety of sources including certificates or vendor records, records from ARS training on tracking systems, or other types of documentation, may serve as proof of course completion. In order for ADOs to retain their current authority, they are required to complete maintenance training (Section 7 - Requesting and Obtaining Delegation of Authority).

Equivalent Courses

The courses stipulated in **Exhibit 3** have been determined to contain the core competencies required to meet the demands of the various levels of delegation of authority. Under certain circumstances, the Director, EAD, may approve "equivalent courses," which may be substituted for a required training course.

Before registering for a substitute course, an employee should submit a written request to the Director, EAD, for approval. The written request should include: 1) the "original" course name; 2) the name and a description of the substitute course; 3) the vendor's name; and, 4) the reason for selecting the substitute course. The substitute course must meet the same core competencies that would have been attained by the required course.

Maintenance Training

ADOs are required to successfully complete 16 hours of relevant maintenance training every 3 years. ADOs **will not** be given credit for maintenance training until all required courses are completed.

The 16-hour requirement can be met by i.e., attending training conferences offered by the Agency, taking courses offered by other organizations, or by completing courses that are relevant to the competencies necessary to perform their duties. **Exhibit 4 – Recommended Maintenance Training Courses** lists some of the recommended courses that ADOs may consider as relevant maintenance courses. If an ADO questions the relevance of a particular

course, or whether a particular course meets the maintenance requirement, he/she should submit a written request for approval to the Director, EAD, before taking the course. The written request should include: 1) the course name and a description of the course; 2) the vendor's name; and, 3) the reason for selecting that particular course.

7. Requesting and Obtaining Delegation of Authority

Requests for Delegation of Authority for Grants Management Specialists in the BSCs shall be submitted electronically to the Director, EAD, by the Deputy Director, Accountability & Organizational Performance, with copies to the Director, BSC, and the Branch Chief, Budget, Fiscal and Agreements. **(Exhibit 1 - Sample Memo for Requesting Delegation of Authority Levels 1 through 4 for Grants Management Specialists)**

Requests for delegation of authority for ARS Administrative Officers shall be submitted electronically to the Director, EAD, by the Deputy Director, Accountability & Organizational Performance, with copies to the Area Director, the Research Leader/Location Coordinator or the Center Director, and the Branch Chief, Budget, Fiscal and Agreements in the BSC. **(Exhibit 2 - Sample Memo for Requesting Delegation of Authority Levels 1 and 2 for Administrative Officers)**

All requests for delegation of authority submitted to the Director, EAD, must include: 1) the name of the employee for whom the delegation is being requested; 2) a narrative description of the employee's experience with regard to processing or administering extramural agreements; and, 3) a comprehensive listing of all required and relevant courses taken by the employee. Submit a request letter with a completed ADO Training Profile Template (Exhibit 3) and copies of all training certificates.

8. Certification for Delegation of Authority

When the Director, EAD, receives a request letter accompanied with the required enclosures, the Director, EAD, will review the request for delegation of authority and make a decision whether to approve or disapprove the request.

If the request for delegation of authority is approved, the requestor will receive a notification letter within 5 business days explaining in detail, the types of agreements the ADO is authorized to sign under the approved delegation of authority level. A *Certificate of Delegation of Authority* prepared in the name of the appointed ADO will be included with the letter. The certificate should be displayed in an open area in the ADO's office, or his/her primary work location at all times.

A copy of the appointment will be forwarded to the USDA Science Ethics Branch.

If a request for delegation of authority is denied, a letter specifying the reason(s) for the denial will be sent from the Director, EAD, to the requestor.

9. Suspension

Suspension is the first step in initiating a revocation of delegation of authority. Under these provisions, suspension is the temporary removal of a delegated authority. The suspension of delegated authority can be for any length of time deemed necessary to investigate the allegations and determine if there are grounds for revocation.

General

Suspension can be proposed for a wide variety of reasons ranging from minor infractions of Agency policy to more serious matters related to willful misconduct, fraud, or other reasons.

Suspension actions can be initiated or proposed by BSC leadership or Area line management within their respective Centers/Areas, however, anyone can bring cause for action for a suspension to the attention of the Director, EAD.

The Director, EAD, is authorized to initiate a suspension action against any ADO to whom authority has been delegated, notwithstanding the concurrence of any other official in the line of supervisory authority. If a decision is made for a suspension, the Director, EAD, will send a suspension letter to the ADO notifying him/her of their suspension for delegation of authority.

Grounds for Suspension

Grounds for suspension may include (but are not limited to):

- Unsatisfactory performance
- Failure to maintain training requirements
- Failure to follow established Agency policies and procedures
- Any of the reasons itemized in Section 10, "Grounds for Revocation"

Suspension Procedures

The procedures listed below must be followed in proposing a suspension:

- 1) The requestor should prepare and send a letter explaining the circumstances or grounds for the proposed suspension to the Director, EAD.
- 2) The Director, EAD, will send an acknowledgement of receipt to the requestor of their proposed suspension letter.
- 3) The ADO will be have 10 working days (from the date of the proposed suspension letter) to submit a written rebuttal of the circumstances surrounding the proposed suspension to the Director, EAD.

- 4) The Director, EAD, will consider all the facts surrounding the proposed suspension, and make a decision to either uphold or deny the proposed suspension and/or proceed with revocation action. A written notification regarding the decision will be sent to the requestor and the Science Ethics Branch.

10. Revocation

Revocation is the permanent removal of delegated authority and its use is reserved for serious offenses. The authorities delegated to ADOs can be revoked for a variety of reasons, which impact or have the potential to impact the services rendered by the ADOs. The grounds for revocation may include matters related to scientific or other willful misconduct, fraud, and other reasons (grounds for revocation are listed below).

General

Revocation actions for delegation of authority Levels 1 through 4 can be initiated or proposed by BSC leadership or Area line management within their respective Centers/Areas.

The Director, EAD, is authorized to initiate a revocation action against any ADO to whom authority has been delegated, notwithstanding the concurrence of any other official in the line of supervisory authority.

Grounds for Revocation

Some of the grounds for which revocation actions may be initiated include (but are not limited to):

- Failure to follow established Agency policies and procedures
- Exceeding delegated authority
- Violating ethical standards
- Failure to maintain training standards after being provided adequate time to rectify
- Criminal acts related to extramural agreement activity or fraud
- Misuse of delegated authority
- Misappropriation of funds
- Convictions in a criminal or civil court that seriously and directly affect the business integrity or business honesty of an employee

Revocation Procedures

The procedures listed below must be followed in pursuing revocation of delegation of authority:

- The suspension procedures referenced in Section 9 – Suspension, must be followed in proposing a revocation of delegated authority.

- The Director, EAD, will consider all the facts surrounding revocation action including the written rebuttal received from the ADO during the suspension. The Director, EAD, can decide to suspend the ADO in lieu of revocation or add special conditions to the suspension.
- The Director, EAD, will send the requestor a notification letter of the decision to uphold or deny the proposed revocation.
- If a decision is made for a revocation, the Director, EAD, will send a letter to the ADO informing him/her of the decision to revoke their delegation of authority.

Appeal Procedures

- 1) The ADO will have 30 days (from the date of written notification of revocation) to appeal the decision to the Deputy Administrator, AFM.
- 2) The appeal of the decision will be considered by the Deputy Administrator, AFM. Any appeal and subsequent decision by the Deputy Administrator, AFM, will be considered final. There will be no further appeal available to the ADO.

Appeals should be forwarded to:

(Name)
 Deputy Administrator
 USDA, ARS, AFM
 5601 Sunnyside Avenue, Room 3-2157
 Beltsville, MD 20705

EDWARD B. KNIPLING
 Administrator
 Agricultural Research Service

Date

Exhibit 1 - Sample Memo for Requesting Delegation of Authority Levels 1 Through 4 for BSC Grants Management Specialists

SUBJECT: Request for Extramural Agreements Delegation of Authority (*fill in the Level ____*)

TO: Sherri L. Carroll
Director, Extramural Agreements Division

FROM: (*Name*)
Deputy Director, Accountability & Organizational Performance

The purpose of this memorandum is to request approval for a delegation of authority (*insert Level ____*), for (*employee's name*), who is a Grants Management Specialist in the (*Eastern or Western*) Business Service Center.

(*Insert employee's name*) has completed all required training courses for (*insert Level ____*) certification, and (*summarize other applicable/relevant experience*). Attached are copies of certificates for required training courses by (*insert employee's name*), and a completed Training Profile.

If you have questions regarding this request, please contact me on (*insert phone number*).

Enclosures

cc:
Director, (*insert Eastern or Western*) Business Service Center
Branch Chief, Budget, Fiscal and Agreements

Exhibit 2 - Sample Memo for Requesting Delegation of Authority Levels 1 and 2 for Administrative Officers

SUBJECT: Request for Extramural Agreements Delegation of Authority (*fill in the Level ____*)

TO: Sherri L. Carroll
Director, Extramural Agreements Division

FROM: (*Name*)
Deputy Director, Accountability & Organizational Performance

The purpose of this memorandum is to request approval for a delegation of authority (*insert Level ____*), for (*employee's name*), who is an Administrative Officer in the (*insert Location and Area*).

(*Insert employee's name*) has completed all required training courses for (*insert Level ____*) certification, and (*summarize other applicable/relevant experience*). Attached are copies of certificates for required training courses by (*insert employee's name*), and a completed Training Profile.

If you have questions regarding this request, please contact me on (*insert phone number*).

Enclosures

cc:
Area Director
Research Leader/Location Coordinator or Center Director
Branch Chief, Budget, Fiscal and Agreements, (*insert Eastern or Western*) BSC

Exhibit 3 – Template for Authorized Departmental Officer (ADO) Training Profile

Date: _____

Name: _____ Position Title: _____

Area/Location: _____ Business Service Center: _____

Do you currently hold an approved delegation of authority level? Yes or No If yes, indicate level _____

Attach to this form to all certificates for your completed training courses.

Courses Required for Level 1 Delegation of Authority

Required Courses	Date Required Course Completed	Name of Equivalent Course Substitution Request (attach course description)	Date Course Completed	Vendor Name
Cost Principles: 2 CFR Part 220 (A-21), 225 (A-87), and 230 (A-122) and FAR 31.2 (MCI)				
Ethics Training (USDA Aglearn) - Two Modules required: 1) Gifts from Outside Sources, & 2) Conflicting Interests				
ARS Extramural Agreements Training				

Exhibit 3 – Template for Authorized Departmental Officer (ADO) Training Profile - continued

Courses Required for Level 2 Delegation of Authority

(Including Level 1 Required Courses)

Required Courses	Date Required Course Completed	Name of Equivalent/Substitute Course (attach course description)	Date Course Completed	Vendor Name
Uniform Administrative Requirements for Grants: OMB Circular A-102 and 2 CFR Part 215 (MCI)				
Ethics Training (USDA Aglearn) – One module required: Seeking Non-Federal Employment				

Courses Required for Level 3 Delegation of Authority

(Including Levels 1 and 2 Required Courses)

Required Courses	Date Required Course Completed	Name of Equivalent/Substitute Course (attach course description)	Date Course Completed	Vendor Name
Federal Assistance Law (MCI)				
Monitoring Grants and Cooperative Agreements for Federal Personnel (MCI)				
Essential Professional Skills for Grants Management (MCI) or Negotiating Techniques (Graduate School USA)				

Exhibit 3 – Template for Authorized Departmental Officer (ADO) Training Profile - continued

Courses Required for Level 4 Delegation of Authority
 (Including Levels 1, 2, and 3 Required Courses)

Required Courses	Date Required Course Completed	Name of Equivalent/Substitute Course (attach course description)	Date Course Completed	Vendor Name
Appropriations Law for Federal Grants (MCI)				
Audits of Federal Grants and Cooperative Agreements (MCI)				
Evaluating Federal Funds Management Capabilities of Recipients and Subrecipients (MCI)				

Exhibit 3 – Template for Authorized Departmental Officer (ADO) Training Profile - continued

List other courses to be considered towards a delegation of authority.

Course Title	Date Training Course Completed	Vendor Name	Give description and explanation of the course and its relevant to ADO Delegation of Authority.

Exhibit 4 – Recommended Maintenance Training Courses

Courses that may be taken to meet the Maintenance Training requirement and other continuing education needs.

Federal Grants Update (MCI)

Introduction to Grants and Cooperative Agreements for Federal Personnel (MCI)

Grants Administration for Federal Program Personnel (MCI)

Audits of Federal Grants and Cooperative Agreements (MCI)

Cooperative Resolution (ARS/HRD)

Essential Skills for Grants Management (MCI)

Effective Communication with Customers

Clear Writing Through Critical Thinking

Grant Writing (Graduate School USA)

Using Plain Language When Writing for Government and Business (Graduate School USA)

Briefing and Presentation Skills

The Federal Budget Process (MCI)

Grants Administration for Federal Program Personnel (MCI)

Applying for Federal Grants and Cooperative Agreements (MCI)

Critical Thinking for Problem Solving (MCI)

Decision Making and Problem Solving (Graduate School USA)

Auditing Grants (Graduate School USA)

The Effective Grants Manager (Graduate School USA)

Grants Performance Management (Graduate School USA)

Reimbursable Agreements (Graduate School USA)

Annual Suspension & Debarment Training (AgLearn)