

On-Scene Coordinator's (OSC) Delegated Procurement Authority (DPA) Questions & Answers

Q -1. Does the OSC need a EPA Form 1900-65 to be put on the other Region's contract, or does the 'For warrant verification purposes, all OSCs with current DPAs are listed at <http://www.epa.gov/oamsrpod/ersc/osc/index.htm> statement take care of that?

A -1. A separate 1900-65 is not necessary for each contract file. The above URL site listing all warranted OSCs can be used for warrant verification as the web page and issuance of the both the OSC and Regional Contracting Officer (RCO) warrants are all maintained and delegated by the Office of Acquisition Management's (OAM) Director of the Superfund/RCRA and Regional Procurement Operations Division (SRRPOD).

Q - 2. The 'under any contract' language is very broad, is this intended for any emergency action-type contract (START, ERRS, etc), or could it be expanded to other Superfund contracts (RACs, ESS, etc), or other EPA contracts (water division, air division, etc)? I assume this only refers to EPA contracts or notices to proceed, as that is the limit of EPA's authority; and not non-EPA contracts such as COE or CG.

A - 2. The under 'any contract' language applies to any EPA Superfund and/or Regional prime contract being used under the response activity. This could include RACs, ESS if used during the response, or any tasking instrument placed by a warranted OSC using Notice to Proceed (NTP) authority in accordance with his/her DPA. The language is not intended to apply to any non-EPA contract nor does it apply to EPA non-Superfund contracts (Office of Water, Office of Air and Radiation, etc) without first obtaining approval to access those contracts from the appropriate OAM Division Director. It would apply to EPA non-Superfund regional contracts that support a Region's water division, air division, etc. as these contracts are awarded and managed under the delegated authority of the Director OAM - SRRPOD.

Q - 3. Is a Contracting Officer (CO) warrant good for outside the U.S.? If an OSC uses a NTP, they typically will need an 1102 CO to work on the paperwork, and potentially increase the size of the NTP over the OSCs warrant limit. Are the CO's familiar with this potential issue of ordering work outside the US boundaries, and dealing with laws of other countries?

A - 3. Yes, a CO warrant is good outside the United States. If an EPA contractor is being used to support an overseas (out of country emergency response/removal activity) and this activity is within the scope of the contract, the 1102 CO identified in the contract is authorized to execute his/her warrant duties in accordance with the terms and conditions of the contract. Typically EPA COs are not familiar with international/non-USA contract laws. The CO would work with the Office of General Counsel and Office of International Activities, and any others as appropriate to resolve any contractual issues. In situation where time is of the essence, the on site OSC and supporting CO would have to work together to provide a short term solution. EPA has provided support in the former eastern block countries of Europe, Kuwait, Mexico and Canada.

Q - 4. If bank cards are used in other countries, is the ~~\$3,000~~ ~~2,500~~ US dollar limit still in effect, due to exchange rates?

A - 4. Yes. The exchange rate would still require the transaction to remain under the delegated authority when exchanged back into US dollars. The ~~\$3,000~~ ~~2,500~~ per transaction limit is tied to the Micro-Purchase limit. Only the EPA National Purchase Card Manager, in conjunction with the Director OAM - SRRPOD can jointly increase the dollar limits of purchase card holders.

Q - 5. Is it correct to say the OSC's authority applies anywhere in the world?

A - 5. Yes. If an EPA OSC is deployed to any emergency response/removal site in the world, that OSC could use their DPA authority to direct EPA prime removal/response contractor(s) if contract's scope include international response/removal support or issue a NTP.

Q - 6. My only concern is that the database be updated frequently to add/delete OSCs so that a CO can verify that an OSC is warranted and permitted to exercise their authority.

A - 6. At a minimum the OSC Warrant Database is updated monthly by OAM - SRRPOD. It will be updated more frequently if a need arises.

Q - 7. Should we modify each contract and add all of the OSCs that could potentially use each contract, or should we add a clause to each contract stating that any warranted OSC can issue task orders, technical direction, etc.

A - 7. OAM -SRRPOD has prepared a national clause to address this situation. At a minimum, the "Ordering by Designated Officers clauses will be revised to reference that any warranted EPA OSC, as identified on the following web site: <http://www.epa.gov/oamsrpod/ersc/osc/index.htm> , is authorized to issue tasking instruments. This language has been disseminated to the regions and is used in both the START and ERRS contracts.