

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

WASHINGTON, D. C. 20544

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GUIDE TO JUDICIARY POLICY

TRANSMITTAL	<u>14-006</u>	VOLUME/PART	<u>14</u>	CHAPTER(S)	<u>1</u>
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TO: Circuit Executives
Federal Public/Community Defenders
District Court Executives
Clerks, United States Courts
Chief Probation Officers
Chief Pretrial Services Officers
Bankruptcy Administrators
Circuit Librarians
Certified Contracting Officers

FROM: Judge John D. Bates 

RE: **PROCUREMENT**

This transmittal provides notice of changes to the *Guide to Judiciary Policy*, Vol. 14 (Procurement):

[Chapter 1 – Overview](#)

[Appendix 1E – Contracting Officers' Certification Program – Level 2 Special Program Delegation](#)

[Appendix 1K – Required Training by Certification Level \(Contracting Officers Certification Program\)](#)

Chapter 1 was updated to reflect revised training requirements for the Contracting Officers' Certification Program (COCP) Level 2 delegation. The former requirement of two days of classroom training was replaced by a requirement to complete the online [Appropriations Law for the U.S. Courts \(Course 4\)](#). References to “blended” training — i.e., classroom plus online — were eliminated. Related updates in Appendices 1E and 1K were also made.

Certain terms were updated, such as replacing the phrase “special delegated procurements” with “special program delegations,” and the word “desktop” with “online.” AO organizational unit references were also updated. The significant changes are detailed in the Redline Comparison below.

Questions regarding this transmittal may be directed to the AO Department of Administrative Services, Budget, Accounting, and Procurement Office, Procurement Management Division, at 202-502-1330.

REDLINE COMPARISON REFLECTING CHANGES

[Significant changes in Chapter 1 (Overview) follow:]

§ 110 Overview

[. . .]

§ 110.40 Applicability

[. . .]

(b) This volume does not apply to the:

[. . .]

- community defender organizations (unless specified by ~~their~~the terms of the individual grant agreement terms).

§ 120 Delegation of Procurement Authority

[. . .]

§ 120.30 Types of Delegation

[. . .]

§ 120.30.10 General Delegation

The Director, ~~or his delegatee~~, has made a broad general delegation of procurement authority, ~~subject to conditions and limitations contained in the delegation to chief judges and federal public defenders.~~ See: § 120.20 (Authorized Delegations).

§ 120.30.20 Specific Delegation

The Director has made specific delegations for certain special ~~delegated procurement~~ programs, which include conditions and limitations for each of the programs. Specific delegations generally may exceed the dollar limitations of the general delegation and have specific procedures which must be followed. **See also:** § 120.40 (Special Program Delegation of Procurement Authority Under Special Delegated Procurement Programs).

§ 120.40 Special Program Delegation ~~of Procurement Authority Under Special Delegated Procurement Programs~~

§ 120.40.10 Purpose

This section identifies the applicable specific statutory authority, if any, and establishes the policies and procedures required under each of the special ~~delegated procurement~~ programs. **See also:** § 140.25 (Level 2 Certification: Special Delegated Procurement Programs Program Delegation).

§ 120.40.15 AO Office with Primary Program Responsibility

The table below defines the special program delegations and the AO office with primary programmatic responsibility ~~offor~~ each special delegated procurement programone.

REDLINE COMPARISON REFLECTING CHANGES

§ 120.40.20 Level 2 Certification Requirement and Duties

After completion of COCP Level 2 training, the PLO will issue a written COCP Level 2 certification to individuals in court units with procurement responsibilities ~~off~~ any ~~special delegated procurement program of the programs listed at § 120.40.15 (AO Office with Primary Program Responsibility)~~. The certification will identify which ~~of the special delegation programs the individual~~ specific program(s) ~~has~~ have been delegated ~~authority to the individual~~. **See also:** [§ 140.25 \(Level 2 Certification: Special Delegated Procurement Programs Program Delegation\)](#).

§ 120.40.25 Copy Center Services

[. . .]

(c) Training Requirements

This COCP Level 2 authority may be exercised only after completing ~~PMD's~~ the Judiciary Basic Procurement Seminar (Course 3) and Appropriations Law for the U.S. Courts (Course 4), both available online.

See also: [§ 140.25 \(Level 2 Certification: Special Delegated Procurement Programs Program Delegation\)](#).

§ 120.40.30 Court Interpreter Services

[. . .]

(d) Training Requirements

This COCP Level 2 authority may be exercised only after completing ~~PMD's~~ the Judiciary Basic Procurement Seminar (Course 3), Appropriations Law for the U.S. Courts (Course 4), both available online, and any ~~corresponding~~ specialized training programs offered by the responsible AO program office.

See also: [§ 140.25 \(Level 2 Certification: Special Delegated Procurement Programs Program Delegation\)](#).

§ 120.40.35 Court Reporting Services

[. . .]

(d) Training Requirements

This COCP Level 2 authority may be exercised only after completing ~~PMD's~~ the Judiciary Basic Procurement Seminar (Course 3), Appropriations Law for the U.S. Courts (Course 4), both available online, and any ~~corresponding~~ specialized training programs offered by the responsible AO program office.

See also: [§ 140.25 \(Level 2 Certification: Special Delegated Procurement Programs Program Delegation\)](#).

REDLINE COMPARISON REFLECTING CHANGES

§ 120.40.40 Law Books

[. . .]

(b) Delegation of Authority

The Director has delegated procurement authority for legal research materials to chief judges, United States courts of appeals, for redelegation to circuit librarians as follows:

- up to \$100,000 per transaction for the open market and sole source purchase of legal research materials;
- unlimited authority when purchasing against established contracts.

Note: A one-time delegation of procurement authority is required for any open market or sole source purchase exceeding \$100,000. See: § 120.30.30 (One-Time Delegation).

~~(c) Limitations of Delegation~~

~~This delegation is to purchase legal research materials within the funding provided.~~

(c) Required Programmatic Approvals

Approval by the Chief, ~~Appellate Court and Circuit Administration Division (ACCAD) of the Court Programs Division, Court Services Office, AO Department of Program Services,~~ is required for:

- the purchase of online resources in excess of \$25,000, and for
- the purchase of printed materials in excess of \$100,000 ~~against established contracts.~~ Open market or sole source purchases in excess of \$100,000 require both approval by ACCAD and a one-time delegation of procurement authority under § 120.30.30 (One-Time Delegation).

[. . .]

(d) Training Requirements

This COCP Level 2 authority may be exercised only after completing PMD's the Judiciary Basic Procurement Seminar (Course 3) and Appropriations Law for the U.S. Courts (Course 4), both available online.

See also: § 140.25 (Level 2 Certification: Special Delegated Procurement Programs Program Delegation).

REDLINE COMPARISON REFLECTING CHANGES

§ 120.40.45 Residential Halfway House Services

[. . .]

(d) Training Requirements

The ~~is~~ COCP Level 2 authority may be exercised only after completing the ~~specialized training provided by the AO Office of Probation and Pretrial Services (OPPS) and PMD's Judiciary Basic Procurement Seminar (Course 3) and Appropriations Law for the U.S. Courts (Course 4), both available online, and any specialized training programs offered by the responsible AO program office.~~

See also: [§ 140.25 \(Level 2 Certification: Special Delegated Procurement Programs Program Delegation\)](#).

§ 120.40.50 Treatment Services

[. . .]

(d) Training Requirements

The COCP Level 2 authority may be exercised only after completing the ~~specialized training provided by OPPS and PMD's Judiciary Basic Procurement Seminar (Course 3) and Appropriations Law for the U.S. Courts (Course 4), both available online, and any specialized training programs offered by the responsible AO program office.~~

See also: [§ 140.25 \(Level 2 Certification: Special Delegated Procurement Programs Program Delegation\)](#).

§ 120.40.55 GSA Building Delegations

[. . .]

(c) Training Requirements

This COCP Level 2 authority may be exercised only after completing ~~PMD's~~ ~~the~~ [Judiciary Basic Procurement Seminar \(Course 3\)](#), [Appropriations Law for the U.S. Courts \(Course 4\)](#), ~~both available online~~, and any training specified in the GSA building delegation.

See also: [§ 140.25 \(Level 2 Certification: Special Delegated Procurement Programs Program Delegation\)](#).

§ 120.40.60 FPDO Case-Related Expert or Consultant Services

[. . .]

(c) Training Requirements

This COCP Level 2 authority may be exercised only after completing ~~PMD's COCP Level 3 training requirements.~~ ~~the~~ [Judiciary Basic Procurement Seminar \(Course 3\)](#) and [Appropriations Law for the U.S. Courts \(Course 4\)](#), both available online.

See also: [§ 140.30.50 \(Training Requirements\)](#); [§ 140.30 \(Level 3 Certification: General Delegation\)](#).

REDLINE COMPARISON REFLECTING CHANGES

§ 130 Procurement

[. . .]

§ 130.20 Procurement Statutes

§ 130.20.10 General

Statutes related to ~~the special Delegated Procurement Programs~~ program delegations are set forth with each program’s description. **See:** [§ 120.40 \(Special Program Delegation of Procurement Authority Under Special Delegated Procurement Programs\)](#). This section describes additional statutes which are applicable to judiciary procurement. In addition to the statutes described below, PLOs and court unit COs should be aware of applicable appropriations law principles. **See also:** [Guide, Vol 13, § 260 \(Appropriations Law Principles\)](#).

§ 130.40 Procurement Liaison Officers

[. . .]

§ 130.40.40 Training Requirements

[. . .]

(b) Procurement Liaison Officers Not Appointed as Contracting Officers

Individuals designated as PLOs, ~~but not contracting officers~~, must take complete the online Judiciary Executive Procurement Oversight Seminar (desktop training Course 1). They are also encouraged to take other training referenced in the COCP.

§ 140 Contracting Officers Certification Program

§ 140.10 Section Overview

§ 140.10.10 Purpose

The Contracting Officers Certification Program:

[. . .]

(b) specifies seven (7) levels of contracting officer authority which may be delegated within court units and federal public defender organizations (FPDOs), as well as within the AO PMD staff, including authority for special ~~delegated procurement~~ programs (**see:** [§ 120.40 \(Special Program Delegation of Procurement Authority Under Special Delegated Procurement Programs\)](#))).

§ 140.15 Certification Level Overview

[. . .]

§ 140.15.30 Appointment Process for PLOs and COs (Levels 1-3) [table]

4	The following describes how new or newly assigned employees are appointed to exercise procurement authority at COCP levels 1 through 3.	
	IF the new or newly assigned employee is assigned duties at...	THEN the...
	COCP Level 1	(1) Proposed CO completes purchase card training. [. . .]

REDLINE COMPARISON REFLECTING CHANGES

COCP Level 2 or 3

(1) PLO completes and signs the top portion of the [Form AO 375 \(Procurement Liaison Officer's Appointment of Contracting Officer\)](#).

Note: For a conditionally appointed procurement officer who has not completed all required training, the PLO should cross out "I have completed the training required..." and write "pending training completion." A conditionally appointed procurement officer must complete distance training within two (2) months of being appointed and ~~the~~any required instructor-led training within one (1) year.
[. . .]

§ 140.20 Level 1 Certification: Purchase Card Program

[. . .]

§ 140.20.40 Training Requirements

To be eligible for appointment as a Level 1 CO, individuals must complete the [online Judiciary Purchase Card Program Training \(desktop training—Course 2\)](#).

[. . .]

§ 140.25 Level 2 Certification: Special ~~Delegated Procurement Programs~~Program Delegation

§ 140.25.10 Scope

COCP Level 2 is specific to the judiciary's special ~~delegated procurement~~ programs.

§ 140.25.20 Authority

A contracting officer with a higher level certification does not automatically have Level 2 certification. Individuals must be specifically certified at Level 2 for the specific special ~~delegated procurement~~ program to procure under this authority. The individual may hold several Level 2 certifications corresponding to ~~the~~each specific special ~~delegated procurement~~ programs ~~under for~~ which ~~awards may be made~~the individual is appointed.

§ 140.25.40 Training Requirements

To be eligible for appointment as a Level 2 CO, individuals must complete:

- the [online Judiciary Basic Procurement Seminar \(blended training—Course 3\)](#) ~~and~~,
- ~~the online Appropriations Law for the COCP classroom training~~U.S. Courts (Course 4), and
- any ~~corresponding~~ specialized training program offered by the responsible program office (see: [§ 120.40.15 \(AO Office with Primary Program Responsibility\)](#)).

See also: [Appx 1E Contracting Officers Certification Program \(Level 2: Special ~~Delegated Procurement Programs~~Program Delegations\)](#).

REDLINE COMPARISON REFLECTING CHANGES

§ 140.30 Level 3 Certification: General Delegation

[. . .]

§ 140.30.50 Training Requirements

To be eligible for appointment as a Level 3 CO, individuals must complete ~~the both the online~~ [Judiciary Basic Procurement Seminar](#) (~~blended training consisting of a desktop online component as well as a two day classroom seminar~~), and the ~~Federal~~ [Course 3](#) and the [Judiciary Procurement Workshop classroom training, as well as the online Appropriations Law for the U.S. Courts \(Course \(desktop online training4\)\)](#). In addition, individuals appointed as Level 3 COs must complete 16 hours of continuing education training every two years. **See also:** [Appx 1F Contracting Officers Certification Program \(Level 3\)](#).

§ 140.40 Level 5 Certification: General Delegation ~~(AO Only)~~

[. . .]

§ 140.45 Level 6 Certification: General Delegation ~~(AO Only)~~

[. . .]

§ 140.50 Level 7 Certification: General Delegation ~~(AO Only)~~

[. . .]

§ 140.55 Training

[. . .]

§ 140.55.20 Training Availability

(a) Levels 1 Through 3

Training for appointment up to Level 3 is available only through the judiciary, because the classes are specific to the judiciary's unique requirements. This includes:

- Judiciary Purchase Card Program Training (~~desktop~~[online](#) training),
- Judiciary Basic Procurement Seminar (~~blended~~[online](#) training),
- ~~Judiciary Procurement Workshop (classroom)~~, and
- ~~Federal~~ Appropriations Law ~~Course~~[for the U.S. Courts](#) (~~desktop~~[online](#) training).

See also: [JNet Procurement area of the J-Net Training page](#).

§ 140.55.30 Training Alternatives

[. . .]

(b) Credit for the Same or Similar Classes

Credit for previously completing the same classes or similar ones is considered by the PE on a case-by-case basis, except for the following unique judiciary courses:

- Judiciary Purchase Card Program Training (~~desktop~~[online](#) training),
- Judiciary Executive Procurement Oversight Seminar (~~desktop~~[online](#) training),
- Judiciary Basic Procurement Seminar (~~blended~~[online](#) training),

REDLINE COMPARISON REFLECTING CHANGES

§ 140.55.30 [cont'd]

- Judiciary Procurement Workshop (classroom), and
- ~~Federal~~ Appropriations Law Course for the U.S. Courts (~~desktop~~online training).

§ 140.60 Continuing Education

[. . .]

§ 140.60.40 Examples of Continuing Education

Some examples of continuing education are:

[. . .]

- financial management training, e.g., ~~FAS~~†National Judiciary Financial Forum;

[. . .]

§ 150 Procurement Integrity and Ethics

[. . .]

§ 150.40 Standards of Conduct

[. . .]

§ 150.40.30 Guide References

[. . .]

- (b) Employees of the Administrative Office should also refer to ~~the AO Manual, Human Resources Vol 2, Ch 1 (Personnel Principles and Policies), Subch B § 110.00 (Code of Conduct for Administrative Office Employees)~~.

§ 150.50 Gratuities or Gifts

See: ~~Guide, Vol 2C, Ch 6 (Gifts)~~. AO personnel should also refer to ~~the AO Human Resources Manual, Ch †Vol 2, Subch B, Section F § 110.60 (Gifts)~~.

[Significant changes in Appendix 1E (Contracting Officers' Certification Program – Level 2 (Special Program Delegation)) follow:]

Appx 1E: Contracting Officers' Certification Program – Level 2 Special ~~Delegated Procurement Programs~~Program Delegation

[. . .]

Applicable Programs:

[. . .]

Training Required for Level 2 Certification – ~~Judiciary Basic Procurement Seminar (blended training – Course 3)~~ and ~~Appropriations Law for the U.S. Courts (Course 4)~~ (both available online), plus any specialized training programs offered by the responsible AO program office. **See: Guide, Vol 14, § 120.40.15 (AO Office with Primary Program Responsibility)**.

REDLINE COMPARISON REFLECTING CHANGES

Contracting Officers' Certification Program – Level 2 [table]

Dollars [. . .]	Special Delegated Procurement Program	Conditions <u>of Delegation</u>
Experts and Consultants pursuant to 5 U.S.C. § 3109	8	delegated to FPDs for case-related services up to \$100,000; must follow approved procedures and use approved boilerplate documents; <u>subject to restrictions and limitations set forth in Guide, Vol 14, § 520 (Expert and Consultant Nonpersonal Services Contracts).</u>

[Significant changes in Chapter 1K (Required Training by Certification Level (Contracting Officers Certification Program)) follow:]

[. . .]

Required Training	Hrs	Certification Level						
		1	2	3	4	5	6	7
Procurement Liaison Officers								
Judiciary Executive Procurement Oversight Seminar (desktop training – Course 1) (online)	*							
Contracting Officers								
Judiciary Purchase Card Program Training (desktop training – Course 2) (online)	1	X						
Judiciary Basic Procurement Seminar (blended training – desktop – Course 3 plus two-day) (online)	* =		X	X		<u>E</u>		
Judiciary Procurement Workshop (classroom) [. . .]	<u>16</u>			<u>X</u>				
Federal Appropriations Law (desktop training for the U.S. Courts (Course 4) (online) [. . .]	<u>86</u>		<u>X</u>	X		X	X	X
Judiciary Basic Procurement (online) [. . .]						<u>E</u>		