

GENERAL SERVICES ADMINISTRATION  
Washington, DC 20405

OGC 5450.6 CHGE 1  
August 13, 2020

GSA ORDER

SUBJECT: Delegations of Authority Manual (OGC)

1. Purpose. This Order issues Chapter 11, Part 2 of the GSA Delegations of Authority Manual.
2. Cancellations. This directive cancels and supersedes OGC 5450.6, dated May 11, 2016, and OGC Memoranda of Redelegation of Settlement Authority, dated February 17, 2017 and December 8, 2017.
3. Nature of Revisions. The GSA Delegations of Authority Manual is revised to re-delegate certain authorities contained in Chapter 11, Part 1 of ADM 5450.39D CHGE 3 that were delegated by the Administrator to the General Counsel.
4. Contents. The GSA Delegations of Authority Manual, Chapter 11, Part 2, contains the OGC internal re-delegations of authority from the General Counsel.
5. Signature.

/S/  
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JACK ST. JOHN  
General Counsel  
Office of General Counsel

August 13, 2020  
Date

PART 2. DELEGATION OF AUTHORITY FROM THE GENERAL COUNSEL  
TO OFFICE OF GENERAL COUNSEL OFFICIALS

<u>Delegated Authority</u>	<u>Redelegated To</u>	<u>Limitations</u>
<p>1. <u>Legal services</u>. Responsible for providing all legal services to the services, staff offices and regions within GSA, except those in support of the Office of Inspector General and the Civilian Board of Contract Appeals, to ensure full implementation of GSA's statutory responsibilities and policies. (41 CFR § 105-53.138)</p>	<p>All Office of General Counsel ("OGC") attorneys</p>	<p>Delegation of authority subject to limitations set forth herein for specific legal services.</p>
<p>2. <u>Representation before adjudicating fora</u>. Appears on behalf of the Agency as counsel of record in matters brought before the Civilian Board of Contract Appeals (CBCA), Government Accountability Office (GAO), Merit Systems Protection Board (MSPB), Equal Employment Opportunity Commission (EEOC), Federal Labor Relations Authority (FLRA), Arbitrators appointed in accordance with negotiated grievance procedures, and miscellaneous other fora. Determines the Agency's position and strategy. Communicates the Agency's position to the forum and to other parties to the matter. Subject to the rules of the forum, conducts discovery and other litigation procedures, presentation of evidence and examination of witnesses on behalf of the Agency. Binds the Agency to stipulations made to other parties and to the forum. Negotiates and executes written agreements to settle claims in litigation on behalf of the Agency, binding the Agency to commitments resulting in the payment of Treasury funds to claimants, other Agency</p>	<p>All OGC attorneys except for the matters listed below which are reserved to the General Counsel and redelegated only as specified.</p> <p>With input from the appropriate OGC counsel of record, the Deputy General Counsel, Associate General Counsels, and Regional Counsels are delegated the authority to approve settlements within the limitations listed in paragraph 2.d. (Please see attached table.)</p> <p>With input from the appropriate OGC counsel of record, the Deputy Associate General Counsels and Central Office Supervisory Senior</p>	<p>a. This authority is limited to the extent that authority to represent the Agency before particular fora is reserved exclusively to the Attorney General.</p> <p>b. Settlements require prior authorization from the appropriate agency official and prior written approval from an OGC official authorized to approve settlements. If the settlement requires the obligation of agency funds, prior consultation with the CFO is also required.</p> <p>c. Delegation of authority to select experts and consultants excludes authority to bind the government to contracts to compensate them. This must be done by the appropriate contracting officer.</p> <p>d. i. Claims in litigation arising under the Contract Disputes Act (CDA) where the terms of the settlement will result in the payment of an amount not exceeding \$1,000,000, release of affirmative claims not exceeding \$1,000,000, or modification of a contract or lease resulting in increased</p>

<p>actions, and the release of affirmative claims against other parties. Assists the Department of Justice (DOJ) in litigation matters involving the agency for which DOJ represents the government. Concurs with positions taken by DOJ in matters for which DOJ represents the government. Selects experts and consultants to provide analysis and opinion testimony in connection with the defense claims in litigation.</p>	<p>Assistant General Counsels for Litigation are delegated the authority to approve settlements within the limitations listed in paragraph 2.e. (Please see attached table.)</p> <p>Central Office Senior Assistant General Counsel litigators (GS-15s) are delegated the authority to approve settlements within the limitations listed in paragraph 2.f. (Please see attached table.)</p>	<p>payments aggregating in an amount not exceeding \$1,000,000;</p> <p>ii. Claims in litigation arising under the claimant's entitlement to just compensation for the taking of property where the terms of the settlement will result in the payment of an additional amount not exceeding \$1,000,000;</p> <p>iii. Claims pursuant to a GAO recommendation to pay costs of filing and pursuing a bid protest where the terms of the settlement will result in the payment of an amount not exceeding \$150,000 (see 4 C.F.R. § 21.8);</p> <p>iv. Any other claims in litigation, and/or matters involving the assessment of fines, penalties or other monetary sanctions against the Government, where the terms of the settlement will result in the payment of an amount not exceeding \$150,000, or the release of affirmative claims not exceeding \$150,000;</p> <p>v. Any other claims which require contract modifications but do not require a monetary payment;</p> <p>vi. Claims involving actions for injunctive/mandatory relief or other proceedings requiring official agency actions other than those requiring issuance, modification, or withdrawal of any Government-wide or Agency-wide regulation, policy, or directive; and</p> <p>vii. Personnel matters not involving a member of the Senior Executive Service which does not exceed the monetary thresholds</p>
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		<p>in subsection (iii).</p> <p>e. Claims in litigation arising under the CDA where the terms of the settlement will result in the payment of an amount not to exceed \$250,000, release of affirmative claims not exceeding \$250,000, or modification of a contract or lease resulting in increased payments aggregating in an amount not exceeding \$250,000.</p> <p>f. Claims in litigation arising under the CDA where the terms of the settlement will result in the payment of an amount not to exceed \$25,000, release of affirmative claims not exceeding \$25,000, or modification of a contract or lease resulting in increased payments aggregating in an amount not exceeding \$25,000.</p> <p>g. The following settlement approval authorities are not redelegated:</p> <ul style="list-style-type: none"> <li>i. Claims in litigation where the terms of the settlement will result in the modification of a collective bargaining agreement or the modification of a contract affecting a Government-wide or Agency-wide program;</li> <li>ii. Actions for injunctive relief where the terms of the settlement will result in the issuance, modification, or withdrawal of any Government-wide or Agency-wide regulation, policy, or directive; and</li> <li>iii. Personnel matters brought by a member of the Senior Executive Service.</li> </ul>
<p>3. <u>Representation to other entities.</u> Represents the Agency to other Federal agencies, other government entities, and private parties.</p>	<p>All OGC attorneys</p>	

<p>Receives notices, communications, and demands from such other entities on behalf of GSA.</p>		
<p>4. <u>Requests for representation to DOJ.</u> Requests for DOJ representation on any matters including employees and former employees who are sued in their individual capacity on account of their exercise of official responsibilities within the scope of their employment, including certifying that such persons were acting within the scope of their employment. (28 CFR § 50.15)</p>		<p>Not redelegated</p>
<p>5. <u>Agent for service of process.</u> Accepts service of process on behalf of the Agency. Accepts service of process on behalf of the Administrator and other Agency employees as to official matters only. Accepts service of process for legal demands for records or testimony specified in 41 C.F.R. § 105-60.603.</p>	<p>Deputy General Counsel, Associate General Counsels, Regional Counsels</p>	<p>This authority may not be redelegated.</p>
<p>6. <u>Certifying Judgment Fund payments.</u> Executes on behalf of the Agency documentation required for the payment of judgments and settlements of claims in litigation from the Judgment Fund. Certifies that conditions for payment have been satisfied. (31 U.S.C. § 1304.)</p>	<p>All OGC attorneys</p>	<p>Where payment from the Judgment Fund is made pursuant to a settlement of a claim in litigation, redelegation of authority is subject to the limitations and procedures set forth in paragraph 2, <i>supra</i>.</p>
<p>7. <u>Settlement of environmental claims.</u> Binds the Agency to the settlement of, or concurs with a settlement proposed by DOJ of claims for alleged liability for the cleanup of sites on which hazardous substances have been improperly disposed, where responsibility for such improper disposal is legally attributable to GSA by virtue of its activities or those of its predecessor agencies.</p>	<p>Deputy General Counsel and Associate General Counsels where the terms of the settlement will result in the payment of an amount not exceeding \$1,000,000.</p>	<p>This authority may not be redelegated.</p>

<p>8. <u>Representation before regulatory bodies.</u> Represents executive agencies in proceedings involving carriers and other public utilities before Federal and State regulatory bodies, with respect to transportation and other public utility services for the use of such agencies, including concurring on decisions by other agency officials to intervene in State and Federal regulatory proceedings involving public utilities. 40 U.S.C. § 501(c).</p>	<p>All OGC attorneys</p>	<p>Delegation of authority includes authority to join in settlements but is limited to joining settlements where any rate adjustment that affects the class of service for federal customers is comparable to and not higher than the rate adjustment for other similarly situated classes of service.</p>
<p>9. <u>Tort claims.</u> Considers, compromises, and settles claims against the Agency brought under the Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§ 1346(b), 2671 <i>et seq.</i></p>	<p>National Tort Center in Region 6 in consultation with Regional Counsel when appropriate.</p>	<p>a. Any award, compromise, or settlement of more than \$25,000 requires the prior written approval of the Attorney General or his or her designee. (28 U.S.C. § 2672; 28 C.F.R. Part 14.)</p> <p>b. Delegation of authority is subject to the limitations relating to settlement of claims in litigation.</p> <p>c. Settlements require prior authorization from the appropriate agency official and prior approval from an OGC official authorized to approve settlements. If the settlement requires the obligation of agency funds, prior consultation with the CFO is also required.</p>
<p>10. <u>Compromise of affirmative claims for liquidated debts and collection actions.</u> Compromises affirmative claims for liquidated debts, or suspends or terminates collection actions by GSA on such claims.</p>	<p>Deputy General Counsel, Associate General Counsels, Regional Counsels</p>	<p>a. Compromise of affirmative claims for liquidated debts not exceeding \$100,000, exclusive of interest, or suspension or termination of collection actions by GSA on such claims, may only be authorized by DOJ. (31 U.S.C. § 3711.)</p> <p>b. Prior consultation with the Chief Financial Officer (CFO) is required.</p>
<p>11. <u>Claims of GSA employees (other than travel).</u> Settles claims of GSA employees and other proper claimants for greater than \$2,500 against GSA that does not involve expenses incurred by Federal</p>	<p>Deputy General Counsel, Associate General Counsels, Regional Counsels for claims up to \$15,000</p>	<p>a. Delegation of authority is limited to claims not exceeding \$15,000.</p> <p>b. Settlements require prior authorization from the appropriate agency official and prior approval</p>

<p>civilian employees on official travel, transportation, and relocation expenses. (31 U.S.C. §§ 3702, 3721; ADM 6200.3B, February 12, 2002)</p>		<p>from an OGC official authorized to approve settlements. If the settlement requires the obligation of agency funds, prior consultation with the CFO is also required.</p>
<p>12. <u>Claims for recovery or erroneous payments.</u> Settles claims pertaining to erroneous payments of pay and allowances and of travel, transportation and relocation expenses and allowances referred to OGC by the CFO. (5 U.S.C. §5584; Pub. L. 104-316.)</p>		<p>Not redelegated</p>
<p>13. <u>Delegation of authority.</u> Certifies true copies of delegations of authority by the Administrator and redelegations by other GSA officials, and provides such further certifications as may be necessary to effect the intent of these delegations and redelegations, in form for recording in any jurisdiction, as may be required.</p>	<p>Deputy General Counsel, Associate General Counsels, Regional Counsels</p>	
<p>14. <u>Authentication of records.</u> Authenticates and attests copies of records created by GSA as certified by the originating office, furnishes authenticated copies of these records, and charges fees as appropriate.</p>	<p>All OGC attorneys</p>	
<p>15. <u>Release of records.</u> Furnishes copies of records in response to subpoenas duces tecum or other legal demands in appropriate cases. (41 CFR § 105-60.6.)</p>	<p>All OGC attorneys</p>	
<p>16. <u>Advance decisions.</u> Renders decisions concerning a payment the disbursing official or head of the Agency will make; or a voucher presented to a certifying official for certification when requested by disbursing or certifying officials. (31 U.S.C. § 3529(b)(2)(B); Pub. L. 104-316.)</p>	<p>Deputy General Counsel, Associate General Counsels, Regional Counsels</p>	<p>This authority may not be redelegated.</p>

<p>17. <u>Interagency agreements for legal services.</u> Executes memoranda of understanding and agreement with other agencies that provide for litigation related support and assistance or other legal services by or for GSA on a reimbursable basis. (41 U.S.C. § 501; 31 U.S.C. § 1535; and any other specific legal authority related to the action.)</p>		<p>Not redelegated</p>
<p>18. <u>Standards of conduct.</u> Serves as the Designated Agency Ethics Official and is responsible for administering titles I,IV, and V of the Ethics in Government Act of 1978, as amended (5 U.S.C. App, 3 Sec. 101-505) codifying Pub.L. 950521, 92 Stat. 1824 and regulations promulgated thereunder, and other statutes and regulations applicable to agency ethics matters. The General Counsel is responsible for coordinating and managing the Agency's ethics program (5 C.F.R. Part 2638) and serves as liaison to the Office of Government Ethics with regard to all aspects of the agency's ethics program. In addition, the General Counsel:</p>	<p>All OGC attorneys are redelegated the authority to serve as Deputy Standards of Conduct Counselors.</p> <p>Associate General Counsel for General Law (LG) is designated to serve as the Alternate Designated Agency Ethics Official (5 CFR Part 2638)</p>	
<p>a. Serves as authorized agency designee to determine in advance whether the agency may accept payment for employees and/or spousal travel to meetings or similar functions. (31 U.S.C. §1353)</p>	<p>Deputy General Counsel, Associate General Counsel for General Law (LG)</p>	<p>This authority may not be redelegated.</p>
<p>b. Grants exemption or approvals (waivers) to an employee under sections 203, 205, and 208(b) of Title 18, United States Code</p>	<p>Deputy General Counsel, Associate General Counsel for General Law (LG)</p>	<p>This authority may not be redelegated.</p>

<p>19. <u>Deliberative process privilege in litigation.</u> Consistent with existing legal standards, invokes on behalf of the Agency the deliberative process privilege for withholding records or information in response to discovery requests and other legal demands for records or information issued in connection with litigation. This authority is separate from the authority to claim an exemption in response to a Freedom of Information Act (FOIA) request.</p>	<p>Deputy General Counsel in the absence of the General Counsel</p>	<p>This authority may not be redelegated.</p>
<p>20. <u>Program Fraud Civil Remedies Act authorities.</u> Consistent with 41 C.F.R., part 105-70, serves as the reviewing official on any report submitted by the Office of the Inspector General.</p>	<p>Deputy General Counsel, Associate General Counsels, Regional Counsels</p>	<p>This authority may not be redelegated.</p>
<p>21. <u>Human capital authorities.</u></p>		
<p>a. <u>Selection.</u> Makes final selections of candidates for positions or decides upon further recruiting action.</p>		<p>Not redelegated</p>
<p>b. <u>Adjustment of Working Hours.</u> Modifies the working hours of individual OGC employees subject to existing OGC policies. (5 U.S.C. § 6101.)</p>	<p>Deputy General Counsel, Associate General Counsels, Regional Counsels</p>	
<p>c. <u>Denial of leave because of public exigency.</u> Determines that an exigency of the public business is of such importance that employees may not use annual leave to avoid its forfeiture under normal rules governing maximum accumulation. (5 CFR § 630.305.)</p>	<p>Deputy General Counsel, Associate General Counsels, Regional Counsels</p>	<p>This authority may not be redelegated.</p>
<p>d. <u>Approval of overtime.</u> Determines that</p>	<p>Deputy General Counsel, Associate</p>	<p>This authority may not be redelegated.</p>

<p>accomplishment of office mission and available budget warrants use of overtime.</p>	<p>General Counsels, Regional Counsels</p>	
<p>e. Formal <u>grievances</u>. Acts as the deciding official on formal grievances concerning matters under the official's management authority. (HB, GSA Grievance Procedures, Chs. 2-5 through 2-11, (OAD P 9771.1A.)</p>	<p>Deputy General Counsel, Associate General Counsels, Regional Counsels</p>	<p>Authority may not be exercised if the subject of the grievance is a decision that was made or concurred in by the deciding official.</p>
<p>f. Incentive <u>awards</u>. Approves quality step increases and individual cash awards for subordinate employees up to \$2,500. Approves group cash awards for subordinate employees provided that no member of the group receives more than \$2,500.</p>		<p>Not redelegated</p>
<p>g. Adverse <u>actions</u>. Proposes to suspend, furlough without pay, reduce in grade or pay, or remove GS employees; makes final decision on such proposals.</p>	<p>Deputy General Counsel, Associate General Counsels, Regional Counsels, Supervisors</p>	<p>a. The deciding official may not also be the proposing official. b. This authority may not be redelegated.</p>
<p>h. Actions <u>based on unsatisfactory performance</u>. Proposes removal or reduction in grade for GS employees for unsatisfactory performance; makes final decision on such proposals.</p>	<p>Deputy General Counsel, Associate General Counsels, Regional Counsels, Supervisors</p>	<p>a. The deciding official may not also be the proposing official. b. Proposed and final decisions require prior concurrence of the appropriate human resources office as to appropriateness of the action.</p>
<p>i. Probationary <u>employees</u>. When notice of proposed action is not required by law, makes final decision to remove, suspend, furlough without pay, or reduce in grade probationary employees.</p>	<p>Deputy General Counsel, Associate General Counsels, Regional Counsels</p>	<p>This authority may not be redelegated.</p>
<p>j. <u>Leave</u>. Approves requests for annual, sick leave or leave without pay.</p>	<p>Deputy General Counsel, Associate General Counsels,</p>	<p>This authority may not be redelegated.</p>

	Regional Counsels, Supervisors	
k. <u>Advanced sick leave</u> . Approve requests for up to 240 hours of advanced sick leave.	Deputy General Counsel, Associate General Counsels, Regional Counsels	This authority may not be redelegated.
l. <u>Training</u> . Approves requests for training.	Deputy General Counsel	This authority may not be redelegated.
22. <u>Official travel</u> . Approves official travel and relocation for OGC employees, in accordance with the HB, GSA Internal Travel Regulation, Ch. 2., Authorization and Approval of Official Travel, Part I, Delegation of Travel Authority. (PFM P 4290.1.)		Not redelegated

### Settlement Approval Authority Table

Settlement Type	Threshold	Approval Required
<b>Monetary Settlements, Including Contract Modifications Providing for Price Adjustments and Lease Amendments Providing for Rent Adjustments or Lump Sum Payments</b>	Settlement of CDA Claims or Just Compensation Claims for Taking of Property (Declaration of Taking, Inverse Condemnation, Quiet Title Act, or other proceeding) where the amount to be paid or the release of an affirmative claim is greater than \$1,000,000	General Counsel
	Settlement of CDA/Just Compensation Claims where the amount to be paid or the release of an affirmative claim is \$1,000,000 or less (2.d.i and ii)	Deputy General Counsel, Associate General Counsel or Regional Counsel
	Settlement of CDA Claims where the amount to be paid or the release of an affirmative claim is \$250,000 or less (2.e)	Deputy Associate General Counsel or Central Office Supervisory Senior Assistant General Counsel for Litigation
	Settlement of CDA Claims where the amount to be paid or the release of an affirmative claim is \$25,000 or less (2.f)	Central Office Senior Assistant General Counsel litigators (GS-15s)
	Settlement of All Other Claims where the amount to be paid or the release of an affirmative claim is greater than \$150,000	General Counsel
	Settlement of All Other Claims where the amount to be paid or the release of an affirmative claim is \$150,000 or less (2.d.iii)	Deputy General Counsel, Associate General Counsel or Regional Counsel
<b>Settlements Requiring Contract Modifications Without Regard to Payment Amount</b>	Settlement requiring agency-wide modification of a collective bargaining agreement or the modification of a contract affecting a Government-wide or Agency-wide program (2.e.i)	General Counsel
	Settlement requiring all other non-monetary contract modifications (2.d.iv)	Deputy General Counsel, Associate General Counsel or Regional Counsel
<b>Settlements of Actions for</b>	Settlement requiring issuance, modification, or withdrawal of any Government-wide or Agency-wide regulation, policy, or	General Counsel

<b>Injunctive/Mandatory Relief or Other Proceedings Requiring Official Agency Action</b>	directive (2.e.ii)	
	Settlement requiring any other official agency action (2.d.v)	Deputy General Counsel, Associate General Counsel or Regional Counsel
<b>Other Settlements</b>	Settlement of a personnel matter involving a member of the Senior Executive Service, regardless of amount (2.e.iii)	General Counsel
	Settlement of a personnel matter not involving a member of the Senior Executive Service and not subject to monetary thresholds (2.d.vi)	Deputy General Counsel, Associate General Counsel or Regional Counsel

***Note: This table is a guide to thresholds for internal OGC approval of various types of settlements, but actual settlement authority is subject to other limitations as set forth in the Delegations of Authority Manual, Chapter 11.***