



Defense Health Agency

ADMINISTRATIVE INSTRUCTION

NUMBER 4270.01

April 15, 2022

Director, J-8

SUBJECT: Authority to Administer Military Construction and Repair for DHA Facilities

References: See Enclosure 1

1. PURPOSE. This Defense Health Agency-Administrative Instruction (DHA-AI), based on the authority of References (a) and (b), and in accordance with the guidance of References (c) through (i), establishes the Defense Health Agency's (DHA) authority to administer design, repair, and construction programs for facilities within the DHA.

2. APPLICABILITY. This DHA-AI applies to the DHA, Direct Reporting Organizations: (DRM, SSO, and DHAR reporting to the DHA), and all personnel to include assigned or attached military members, federal civilians, authorized contractors supporting DHA (when required by the terms of the applicable contract), members of the Commissioned Corps or the Public Health Service, and other personnel assigned temporary or permanent duties to DHA or DHA Direct Reporting Organizations .

3. POLICY IMPLEMENTATION. It is DHA's instruction, pursuant to References (a), (b), and (d) that DHA provide guidance on authority to administer design, repair, and construction programs for facilities within DHA.

4. RESPONSIBILITIES. See Enclosure 2

5. PROCEDURES. See Enclosure 3

6. PROPONENT AND WAIVERS. The proponent of this publication is the Director, Financial Operations (FO). When Activities are unable to comply with this publication the activity may request a waiver that must include a justification, including an analysis of the risk associated with not granting the waiver. The activity director or senior leader will submit the waiver request through their supervisory chain to the Director, FO to determine if the waiver may be granted by the Director, DHA or their designee.

7. RELEASABILITY. **Cleared for public release**. This DHA-AI is available on the Internet from the Health.mil site at: www.health.mil/DHAPublications and is also available to authorized users from the DHA SharePoint site at: <https://info.health.mil/cos/admin/pubs/SitePages/Home.aspx>.

8. EFFECTIVE DATE. This DHA-AI:

a. Is effective upon signature.

b. Will expire 10 years from the date of signature if it has not been reissued or cancelled before this date in accordance with Reference (c).

/S/
RONALD J. PLACE
LTG, MC, USA
Director

Enclosures

1. References
2. Responsibilities
3. Procedures

Glossary

ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5136.01, “Assistant Secretary of Defense for Health Affairs (ASD(HA)),” September 30, 2013, as amended
- (b) DoD Directive 5136.13, “Defense Health Agency (DHA),” September 30, 2013, as amended
- (c) DHA-Procedural Instruction 5025.01, “Publication System,” August 24, 2018
- (d) DoD Instruction 6015.17, “Military Health System (MHS) Portfolio Management,” January 13, 2012, as amended
- (e) ASD(M&RA) Action Memo, “Alignment of Operational and Installation-Specific Medical Function and Responsibilities with Section 702 of the National Defense Authorization Act for Fiscal Year 2017, and Sections 711 and 712 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019,” March 27, 2019¹
- (f) DHA Plan, “Plan 3: Implementation Plan for the Complete Transition of Military Medical Treatment Facilities to the Defense Health Agency,” Version 6, August 12, 2019
- (g) USD(AT&L) Memo, “Delegation of Authority for Military Construction”, May 1, 2017²
- (h) DoD Directive 5135.02, “Under Secretary of Defense for Acquisition and Sustainment (USD(A&S)),” July 15, 2020
- (i) United States Code, Title 10

¹ This document can be found at the following link with CAC access:
<https://community.max.gov/x/aJfehW>

² This document can be found at the following link with CAC access:
https://community.max.gov/display/DoDExternal/Memo_Delegation+of+Authority+for+Military+Construction_V1_20170501_pdf#

ENCLOSURE 2
RESPONSIBILITIES

1. DIRECTOR, DEFENSE HEALTH AGENCY (DHA). The Director, DHA will:
 - a. Implement policy, guidance, and controls consistent with this DHA-AI.
 - b. Re-delegate DHA repair and construction project approval authority, in accordance with References (g) and (h), as indicated in this DHA-AI.
 - c. On a quarterly basis, review the combined list of DHA approved projects.
 - d. As required, review the list of DHA projects requiring congressional notifications.

2. ASSISTANT DIRECTOR (AD), HEALTH CARE ADMINISTRATION, DHA (HCA). The AD-HCA, DHA will:
 - a. Approve projects and notifications, as re-delegated by DHA Director in accordance with References (g) and (h), for projects requiring congressional notification.
 - b. May further re-delegate the authority in paragraph 2.a. of this enclosure to the Deputy Assistant Director-FO, when the position is held by a General/Flag Officer or a member of the Senior Executive Service.
 - c. On a quarterly basis, review and forward to the DHA Director a combined list of projects approved by AD-HCA (or approved by Director-FO when authority is re-delegated) and projects approved through the Chief, DHA Facilities Enterprise (DHA-FE), for review and notification.

3. DIRECTOR-FO. The Director-FO will:
 - a. Prepare and submit program and budget requirements for Operation and Management (O&M) funded sustainment, restoration, and modernization programs pursuant to guidance of the Assistant Secretary of Defense for Health Affairs (ASD(HA)) for the DoD Planning, Programming, Budgeting, and Execution process in accordance with Reference (b).
 - b. Provide programmatic oversight of the DHA O&M appropriations related to DHA military construction projects in accordance with instructions issued by the ASD(HA), the fiscal guidance issued by the Under Secretary of Defense (Comptroller), and applicable law.
 - c. For military construction projects, approve projects and submit congressional notifications, in accordance with References (g) and (h) for projects requiring congressional notification if this authority has been delegated by the AD-HCA.

d. On a quarterly basis, review and forward to the AD-HCA a list of DHA approved projects.

4. CHIEF, DHA-FE. The Chief, DHA-FE will:

a. Approve all military construction and repair projects not requiring congressional notification, in accordance with References (g) and (h).

b. Further re-delegate, in accordance with References (g) and (h), project approval authority to the lowest possible level to promote faster and more responsive military construction program execution, which may include delegation to the DHA-Assigned Activity Directors, Chief, DHA Facilities Operations Branch or to the Chief, DHA Design Construction and Activation Branch for the execution of projects as assigned.

c. On a quarterly basis, review and forward to the Director-FO, a list of DHA projects approved by the Chief, DHA-FE, and any other re-delegated approval authorities.

5. DHA MARKETS, SMALL MARKET AND STAND-ALONE MILITARY MEDICAL TREATMENT FACILITY ORGANIZATION (SSO), AND DEFENSE HEALTH AGENCY REGIONS (DHARs) DIRECTORS. DHA Markets, SSO, and DHARs Directors will coordinate with DHA-FE regarding their focused facilities requirements via their Facilities Liaison as prescribed in Reference (f) and, as such, will:

a. Serve as a communication contact point for disseminating information between the Market, SSO, or DHRs and DHA-FE.

b. Represent the Market, SSO, or DHR managers' goals and objectives.

c. Support DHA-FE led Market, SSO, or DHR-based facilities master planning efforts.

6. DHA-DIRECT REPORTING ORGANIZATION DIRECTORS. DHA- Direct Reporting Organization Directors will:

a. Approve all non-Emergency O&M funded design, repair, and construction projects with an estimated cost not to exceed the authority amount delegated.

b. Approve all Emergency work as long as the amount does not exceed the statutory limit specified in Reference (i), Section 2811, the amount available on the local funding service order/individual job order Contract Line-Item Number, or the maximum amount allowed per service order/individual job order, in accordance with the contract, whichever is less.

c. In accordance with reference (g), may further re-delegate as necessary to place authority at the lowest possible level to promote a faster and more responsive military construction program execution .

d. On a quarterly basis, review and forward to the Chief, DHA-FE a list of all projects above \$250,000 approved by the DHA Direct Reporting Organizations Director (or by the individuals the DHA Direct Reporting Organization Director re-delegated approval authority to) for notification and review.

ENCLOSURE 3

PROCEDURES

1. GENERAL.

a. In accordance with Reference (g) and authorities in Reference (h), the Director, DHA, has been delegated the authorities provided to the Secretary of Defense in accordance with Sections 2805, 2807, 2811, and 2853 of Reference (i) for the purpose of administering the DHA military construction program, to include design, repair, and construction of facilities.

b. Reference (g) further states these authorities may be re-delegated, but for any action requiring congressional notification, the authority may not be re-delegated below the level of a General/Flag Officer or a member of the Senior Executive Service. Re-delegation places authority at the lowest possible level promoting a faster and more responsive construction program. The lowest level General/Flag Officer/SES, above DHA Facilities Enterprise, is Director-FO. In the event this position is occupied by someone below the General/Flag Officer/SES level, the approval authority reverts to the next lowest General/Flag Officer/SES position, AD-HCA.

c. On a quarterly basis, a combined list of approved projects will be submitted to the Director, DHA for notification and review.

2. DISCUSSION. Based on Reference (g) and congressional notification requirements in Reference (i), the following re-delegations are allowed:

a. Reference (i), section 2805 - Unspecified minor military construction:

(1) Construction greater than the statutory limits specified in Reference (i), section 2805 requires congressional notification; authority may be re-delegated to AD-HCA or further re-delegated as appropriate to the lowest level General/Flag Officer/SES under the AD-HCA.

(2) Construction equal to or less than the statutory limits specified in Reference (i), section 2805; authority may be re-delegated to Chief FE, or further re-delegated as appropriate.

(3) Laboratory Revitalization – Construction greater than the statutory limits specified in Reference (i), section 2805 requires congressional notification; authority may be re-delegated to AD-HCA or further re-delegated as appropriate to the lowest level General/Flag Officer/SES under the AD-HCA.

b. Reference (i), section 2807 - Architectural and engineering services and construction design:

(1) Design greater than the statutory limit specified in Reference (i), section 2807 requires congressional notification; authority may be re-delegated to AD-HCA or further re-delegated to the lowest level General/Flag Officer/SES under the AD-HCA.

(2) Design equal to or less than the statutory limit specified in Reference (i), section 2807; authority may be re-delegated to Chief, DHA-FE, or further re-delegated as appropriate.

c. Reference (i), section 2811 - Repair of facilities:

(1) Repair greater than the statutory limit specified in 10 USC § 2811 requires congressional notification; authority may be re-delegated to AD-HCA or further re-delegated to the lowest level General/Flag Officer/SES under the AD-HCA.

(2) Repair equal to or less than the statutory limit specified in 10 USC § 2811; authority may be re-delegated to Chief, DHA-FE, or further re-delegated as appropriate.

d. Reference (i), section 2853 - Authorized cost and scope of work variations:

(1) Variations greater than amount specified in Reference (i), section 2853 (a) and (b) requires congressional notification; authority may be re-delegated to AD-HCA or further re-delegated to the lowest level General/Flag Officer/SES under the AD-HCA.

(2) Variations less than or equal to amount specified in Reference (i), section 2853 (a) and (b); authority may be re-delegated to Chief, DHA-FE, or further re-delegated as appropriate.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

AD	Assistant Director
ASD(HA)	Assistant Secretary of Defense for Health Affairs
DHA	Defense Health Agency
DHA-AI	Defense Health Agency-Administrative Instruction
DHA-FE	Defense Health Agency-Facilities Enterprise
DHAR	Defense Health Agency Region
FO	Financial Operations
HCA	Health Care Administration
O&M	Operation and Maintenance
SSO	Small Market and Stand-Alone Military Medical Treatment Facility Organization