

DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220



**Acquisition
Circular (AC)
No. 02-01
April 28, 2004**

MEMORANDUM FOR BUREAU CHIEF PROCUREMENT OFFICERS

FROM: Eileen McGlinn
Acting Director *Eileen McGlinn*
Office of the Procurement Executive

SUBJECT: Changes to DTAR 1001.670, Treasury Contracting Officer's
Technical Representative Program

Purpose: This DTAR change revises Treasury policy on the training, nomination, appointment, and termination of appointment of Contracting Officer's Technical Representatives (COTRs).

Effective Date: This Acquisition Circular (AC) is effective immediately.

Expiration Date: This AC remains in effect until cancelled or superseded.

Background: This DTAR change incorporates revisions to the Treasury COTR training and development program. The revised text clarifies and updates training, nomination, and termination requirements; replaces the requirement for a certificate of appointment with a letter of appointment; and deletes references to the COTR Handbook. Treasury will no longer maintain the COTR Handbook. Information pertinent to the COTR function will be provided on Treasury's COTR web page: <http://intranet.treas.gov/procurement/cotr/>

Changes: The following changes are made to DTAR coverage:

1. **DTAR Table of Contents** – Table of Contents entries for DTAR 1001.670, including DTAR 1001.670-1 through 1001.670-3, are deleted in their entirety and superseded by DTAR 1001.670, including DTAR 1001.670-1 through 1001.670-6, as attached to this AC.
2. **DTAR 1001.670** – The texts of DTAR 1001.670-1, through 1001.670-3 are deleted in their entirety and superseded by the attached DTAR 1001.670-1 through 1001.670-6, as attached to this AC.
3. **DTAR 1042.000** – The text of DTAR 1042.000 which makes reference to the COTR Handbook is deleted.

4. **DTAR 1052.201-70** – The title of the clause is changed to “Contracting Officer’s Technical Representative (COTR) Appointment and Authority.” The clause as revised is attached to this AC.

This AC applies to the 2002 Edition of the DTAR that was issued with an effective date of June 14, 2002. This is the first DTAR change to be issued in accordance with the numbering system prescribed in Acquisition Bulletin (AB) No. 02-01, also dated June 14, 2002. Links to the 2002 Edition of the DTAR, OPE ABs, and OPE ACs are located at

<http://www.treas.gov/offices/management/dcfo/procurement/policy/index.html>

Questions about this AC may be directed to Jean Carter at jean.carter@do.treas.gov telephone (202) 622-6760.

Attachments

CHANGES TO THE TREASURY COTR PROGRAM

DTAR TABLE OF CONTENTS

Subpart 1001.6

1001.670	Training, Nomination, Appointment, and Termination of Appointment of Contracting Officer's Technical Representatives (COTRs)
1001.670-1	General
1001.670-2	Training of COTRs
1001.670-3	Nomination of COTRs
1001.670-4	Appointment of COTRs
1001.670-5	Termination of Appointment of COTRs
1001.670-6	Contract Clause

DTAR 1001.670

1001.670 Training, Nomination, Appointment, and Termination of Appointment of Contracting Officer's Technical Representatives (COTRs)

1001.670-1 General.

Requisitioning offices must nominate to the contracting officer an individual to act as the contracting officer's technical representative in the administration and monitoring of a contract. Selection is to be based on the technical expertise and experience of the individual, as described below.

1001.670-2 Training of COTRs

Contracting Officer's Technical Representative (COTR) training must consist of a basic acquisition course of at least 24 hours approved by the Bureau Chief Procurement Officer (BCPO) that includes pre-award, post-award, and procurement ethics training. Upon completion of the basic course, COTRs are required to complete at least 8 hours of maintenance training each year. Examples of COTR maintenance training include, but are not limited to, acquisition, technical, job-specific, or project management courses.

1001.670-3 Nomination of COTRs

A COTR must be nominated in writing by the requesting office. The nomination must be submitted to the Contracting Officer (CO) no later than the time of contract award. A COTR is the CO's technical expert and representative in the administration and monitoring of a contract or task order. COTR nominees must have the technical expertise and experience to perform delegated contract

administration duties, including evaluating contract performance and deliverables. It is highly recommended that COTRs have a minimum of 2 years substantiated technical experience, and, although not required, a degree in the technical area covered by the contract is desired.

1001.670-4 Appointment of COTRs

Prior to appointment, the CO must review the COTR's documentation of experience and training. To be appointed, COTRs must have completed the approved training as described in section 1001.670-2. A COTR may be appointed without the requisite training, as described in section 1001.670-2, based on a determination of equivalent past education, experience, and training. The CO will make the equivalency determination and document it in the contract file. COTRs appointed through equivalency determination must, however, meet the requirement for yearly maintenance training. COTRs may also be appointed on an interim basis for up to 120 days pending completion of the requisite training described in section 1001.670-2. The BCPO, with re-delegation to no lower than the CO, will appoint COTRs by issuing a signed letter of appointment tailored to meet the needs of each contract. Before the COTR signs the appointment letter, the CO and the COTR must jointly review all required duties. The CO must send a copy of the appointment letter to the contractor. The CO is responsible for retaining copies of the COTR's training certificate from the basic course (or equivalency determination) and the signed appointment letter in the contract file. If for any reason the COTR changes, a new appointment letter must be completed and the clause at section 1052.201-70 must be updated by the CO via a contract modification.

1001.670-5 Termination of Appointment of COTRs

The BCPO, with re-delegation to no lower than the CO, will terminate the COTR's appointment either by contract modification if there is a change during contract performance, or by determining at the time of contract closeout that all COTR actions are complete.

1001.670-6 Contract Clause

Contracting Officers must insert a clause substantially similar to the clause in section 1052.201-70, Contracting Officer's Technical Representative (COTR) Appointment and Authority, in all solicitations and contracts. Exceptions to the requirement for inclusion of the COTR clause and the appointment of a COTR may be made at the discretion of the BCPO.

DTAR 1052.201-70

1052.201-70 Contracting Officer's Technical Representative (COTR) Appointment and Authority.

As prescribed in 1001.670-6, insert the following clause:

CONTRACTING OFFICER'S TECHNICAL REPRESENTATIVE (COTR) APPOINTMENT AND AUTHORITY (APR 2004)

(a) The contracting officer's technical representative is

[insert name, address and telephone number].

(b) Performance of work under this contract must be subject to the technical direction of the COTR identified above, or a representative designated in writing. The term "technical direction" includes, without limitation, direction to the contractor that directs or redirects the labor effort, shifts the work between work areas or locations, fills in details and otherwise serves to ensure that tasks outlined in the work statement are accomplished satisfactorily.

(c) Technical direction must be within the scope of the specification(s)/work statement. The COTR does not have authority to issue technical direction that:

(1) constitutes a change of assignment or additional work outside the specification(s)/work statement;

(2) constitutes a change as defined in the clause entitled "Changes";

(3) in any manner causes an increase or decrease in the contract price, or the time required for contract performance;

(4) changes any of the terms, conditions, or specification(s)/work statement of the contract;

(5) interferes with the contractor's right to perform under the terms and conditions of the contract; or

(6) directs, supervises or otherwise controls the actions of the contractor's employees.

(d) Technical direction may be oral or in writing. The COTR shall confirm oral direction in writing within five work days, with a copy to the contracting officer.

(e) The contractor shall proceed promptly with performance resulting from the technical direction issued by the COTR. If, in the opinion of the contractor, any direction of the COTR, or his/her designee, falls within the limitations in (c), above, the contractor shall immediately notify the contracting officer no later than the beginning of the next Government work day.

(f) Failure of the contractor and the contracting officer to agree that technical direction is within the scope of the contract shall be subject to the terms of the clause entitled "Disputes."

(End of clause)