

14 FAH-2 H-140

ROLES AND RESPONSIBILITIES IN THE CONTRACTING PROCESS

(CT:COR-1; 12-20-2005)
(Office of Origin: A/OPE)

14 FAH-2 H-141 RESPONSIBILITIES OF THE CONTRACTING OFFICER

(CT:COR-1; 12-20-2005)

- a. The contracting officer is the U.S. Government's authorized agent for dealing with contractors and has sole authority to solicit proposals, negotiate, award, and modify contracts on behalf of the U.S. Government. The contracting officer performs duties at the request of the requirements office and relies on the requirements office for technical advice concerning the supplies or services being acquired.
- b. The contracting officer is responsible for the following functions:
 - (1) Determining the method of acquisition and the type of contract to be used;
 - (2) Preparing any required "Determination(s) and Findings" and ensuring that any necessary Federal Acquisition Regulation (FAR) deviations and exemptions have been obtained;
 - (3) Establishing the contract terms, conditions, and general provisions, including the methods of pricing, paying, and financing;
 - (4) Appointing the contracting officer's representative (COR), who will have limited authority to act for the contracting officer;
 - (5) Appointing a government technical monitor (GTM), if necessary;
 - (6) Appointing individuals to participate on the technical evaluation panel;
 - (7) Issuing the solicitation, including review and approval from the Office of the Procurement Executive (A/OPE) if required (only abroad); advertising in Federal Business Opportunities (FedBizOpps), if required, and/or local advertising; and developing the solicitation mailing list;
 - (8) Conducting contract negotiations, with the assistance of technical experts, if necessary;

- (9) Executing (signing) the contract on behalf of the U.S. Government;
- (10) Conducting debriefings of unsuccessful offerors;
- (11) Administering the contract, including the execution of contract modifications and other changes;
- (12) Closing out or terminating contracts; and
- (13) Rendering final decisions regarding protests, claims, and disputes.

14 FAH-2 H-142 RESPONSIBILITIES OF THE CONTRACTING OFFICER'S REPRESENTATIVE (COR)

(CT:COR-1; 12-20-2005)

- a. In an ideal world, the contracting officer would appoint the contracting officer's representative (COR) as soon as a requirement is initiated. That way, the COR can assist in the solicitation process as well as administer the contract after award. However, this is not always possible. Someone in the requirements office performs the functions below, whether it is the COR or not. For administrative convenience, all functions listed will be referred to as COR functions.
- b. The COR is responsible for the following functions:
 - (1) Defining project requirements and developing a Performance Work Statement (PWS), or specifications;
 - (2) Initiating, developing, and transmitting a complete Procurement Request Package (PRP) to the contracting office, with all required administrative approvals;
 - (3) Obtaining certification of the availability of sufficient funds from the proper appropriation and compiling any other required financial data;
 - (4) Drafting appropriate justification for other than full and open competitive acquisitions, if necessary;
 - (5) If serving as chairperson of the technical evaluation panel, participating in and directing the evaluation of the technical proposals for negotiated procurement and providing recommendations to the contracting officer;
 - (6) Assisting the contracting officer during discussions/negotiations;
 - (7) Monitoring the contractor's technical progress and the expenditures of resources relating to the contract;
 - (8) Performing inspection and accepting the work on behalf of the U.S.

Government;

- (9) Informing the contracting officer, in writing, of any performance or schedule failure by the contractor;
- (10) Resolving technical issues arising under the contract which fall within the scope of the COR's authority, and referring to the contracting officer any issues which cannot be resolved without additional cost or time;
- (11) Informing the contracting officer, in writing, of any needed changes in the Performance Work Statement or specifications;
- (12) Ensuring that the U.S. Government meets its contractual obligations to the contractor, e.g., providing U.S. Government-furnished equipment and services and timely U.S. Government review and approval of documents if such reviews are required by the contract;
- (13) Reporting incurred costs which are not appropriately chargeable to the contract (cost-type contracts only);
- (14) Reviewing and approving the contractor's vouchers or invoices;
- (15) Maintaining a COR file;
- (16) Verifying contractor statements regarding the development of patentable inventions, if required under the contract; and
- (17) Assisting in contract closeout by informing the contracting officer when the work has been completed and by completing contract closeout documentation.

14 FAH-2 H-143 DESIGNATING A CONTRACTING OFFICER'S REPRESENTATIVE (COR)

(CT:COR-1; 12-20-2005)

In accordance with Department of State Acquisition Regulation (DOSAR) 642.270, the contracting officer designates the contracting officer's representative (COR) to act as his or her authorized representative to assist in the administration of the contract. A COR must be a U.S. Government employee (this includes individuals hired under personal services agreements) unless the Office of the Procurement Executive (A/OPE) has approved alternate procedures (e.g., allowing personal services contractors to serve as CORs).

14 FAH-2 H-143.1 Training Requirements

(CT:COR-1; 12-20-2005)

- a. Beginning January 1, 2007, all contracting officer's representatives (CORs), both domestic and overseas, must complete a 40-hour Foreign Service Institute (FSI)-approved training course before a contracting officer can approve a COR. Approved courses are:
 - (1) PA-178, Contracting Officer's Representative (COR) Training, (five-day instructor-led course); and
 - (2) PA-296, How to Be a COR (distance-learning course).
- b. The Bureau of Diplomatic Security (DS) also offers COR training for its personnel who will be appointed as CORs for local guard contracts abroad. COR duties and responsibilities are discussed in a one-week segment of the Basic Regional Security Officer course (course identifier: BRSO).
- c. If FSI training courses are unavailable, individuals may obtain training from other U.S. Government or commercial sources; however, the course(s) must be 40 hours in length and cover at least the basic duties. Every five (5) years thereafter, the COR must complete an additional FSI-approved course or other 40-hour course in order to maintain a current base of knowledge.
- d. FSI is the preferred source of COR training, and inquiries regarding COR training should be directed to FSI. Funding may not be available for a sufficient number of courses, so CORs may have to obtain training from a commercial source or other Federal agencies. A list of such sources can be found on the Office of the Procurement Executive (A/OPE) intranet home page.
- e. Individuals who are performing COR duties on January 1, 2007, need not complete the required training to continue to serve as a COR. However, any appointment of the same COR for a new contract will require the 40 hours of training unless, in the judgment of the contracting officer, the COR's performance is satisfactory. In those cases, the COR must take the training within one year as a condition of continuing to serve as a COR.
- f. A contracting officer may, on a case-by-case basis, appoint an individual to serve as a COR even if that individual has never served as a COR and has not yet taken the required training. Such exceptions to the policy may only be made in circumstances where there is no trained individual available. Any COR appointed under this exception must take the training within 90 days.
- g. Requirements offices may impose additional training requirements on

their staff. For example, the Bureau of Overseas Buildings Operations (OBO) requires an additional 40 hours of commercial training in specific areas, as well as 24 hours of refresher training every three years.

- h. Appointment of a COR is entirely within the discretion of the contracting officer. A COR's training and relevant qualifications and/or experience do not guarantee that he or she will be appointed.

14 FAH-2 H-143.2 Appointment Procedures

(CT:COR-1; 12-20-2005)

Specific appointment procedures are as follows:

- (1) The requirements office nominates the contracting officer's representative (COR), using the COR nomination format. The COR nomination format should be completed and included in the procurement request package, unless the COR will be nominated at a later date;
- (2) If approved by the contracting officer, the contracting officer issues Form DS-1924, Certificate of Appointment (Contracting Officer's Representative (COR)) (see 14 FAH-2 Exhibit H-143.2). In addition, the contracting officer prepares an accompanying COR delegation memorandum which outlines the scope of the COR's authority, including duties, responsibilities, and prohibitions. The contracting officer also provides a copy of the memorandum to the contractor; and
- (3) If the COR is replaced during the term of the contract, the contracting officer prepares an appointment memorandum and Form DS-1924 for the replacement COR and provides a copy to the contractor.

14 FAH-2 H-143.3 Appointment Ceremony

(CT:COR-1; 12-20-2005)

For the initial appointment of a contracting officer's representative (COR), the contracting officer may convene a post-award orientation conference attended by the COR, the contractor, and the contracting officer. At the conference, the contracting officer should provide the COR with the signed Form DS-1924, Certificate of Appointment (Contracting Officer's Representative (COR)), and delegation memorandum. The memorandum should be signed as acknowledged by the COR and countersigned by the contractor to commemorate the mutual understanding of the COR's authority.

14 FAH-2 H-143.4 Replacement or Revocation

(CT:COR-1; 12-20-2005)

If a contracting officer's representative (COR) must be replaced, the requirements office must submit a request for approval of COR replacement. The contracting officer may revoke a COR appointment for failure to adhere to the conditions of the COR's appointment. The revocation must be in writing, documenting the basis for the action being taken, with a copy sent to one level above the COR and a copy kept in the official contract file.

14 FAH-2 H-144 LIMITATIONS ON CONTRACTING OFFICER'S REPRESENTATIVE (COR) AUTHORITY

(CT:COR-1; 12-20-2005)

The contracting officer's representative (COR) is **not** authorized to direct the contractor to undertake any activity which will change the:

- (1) Total price or estimated cost;
- (2) Products or deliverables;
- (3) Performance Work Statement, or specifications;
- (4) Delivery dates;
- (5) Total period of performance; or
- (6) Administrative provisions of the contract.

Only the contracting officer may authorize changes to the contract.

14 FAH-2 H-145 GOVERNMENT TECHNICAL MONITOR (GTM)

(CT:COR-1; 12-20-2005)

- a. The contracting officer may appoint an individual to assist the contracting officer's representative (COR) in monitoring a contractor's performance. This individual is called a government technical monitor (GTM). A GTM may be appointed to provide technical monitoring, advice, and assistance, to aid the COR in the monitoring and evaluation of a contractor's performance. The most common reason for appointing a GTM is physical proximity to the contractor's work site, although a GTM may be appointed because of special skills or knowledge necessary for the U.S. Government's monitoring of the contractor's work. A GTM may also be

appointed to represent the interests of another requirements office or post concerned with the contractor's work. A GTM must be a U.S. Government employee.

- b. Beginning January 1, 2007, a government technical monitor (GTM) must complete the same training requirements as a contracting officer's representative (COR); see 14 FAH-2 H-143.1.

14 FAH-2 H-145.1 Nomination and Appointment Process

(CT:COR-1; 12-20-2005)

- a. The contracting officer appoints the government technical monitor (GTM) at the written request of the contracting officer's representative (COR). If the proposed GTM is not under the direct supervisory chain of the COR, the COR must receive the concurrence of the GTM's supervisor before submitting the request to the contracting officer. The COR must outline which of his or her duties should be redelegated to the GTM. The COR may not request redelegation of the following duties to the GTM, although the GTM may be called upon to make recommendations on these matters:
 - (1) The authority to request the contracting officer to make changes in contract scope, funding, or the schedule for major deliverables; or
 - (2) The authority to provide final acceptance of the contractor's work, including approval of the final invoice.
- b. The contracting officer has sole discretion to appoint a GTM. If the contracting officer agrees with the request, the contracting officer must appoint the GTM in writing. The written appointment memorandum must state clearly the nature and limits of the appointment and its duration. The contracting officer must provide a copy of the appointment memorandum to the COR and contractor. When the contracting officer appoints a government technical monitor, the contracting officer issues Form DS-1925, Certificate of Appointment (Government Technical Monitor (GTM)) (see 14 FAH-2 Exhibit H-145.1).
- c. The contracting officer may modify or withdraw a GTM's appointment at any time by written notice to the GTM.

14 FAH-2 H-145.2 COR Limitations

(CT:COR-1; 12-20-2005)

The contracting officer's representative (COR) is advised that during the period that a government technical monitor's (GTM) appointment is effective, he or she may not provide any directions to the contractor in those

areas of responsibility delegated to the GTM. This will avoid the issuance of any conflicting instructions to the contractor.

14 FAH-2 H-146 THE TEAM APPROACH

(CT:COR-1; 12-20-2005)

- a. Cooperation between acquisition and requirements office personnel is essential to anticipate upcoming requirements, allow sufficient lead times, consider various methods of getting what is needed, and otherwise increase the efficiency of the acquisition process. A "team" approach, in which acquisition personnel support requirements office personnel by contracting for program needs in accordance with laws and regulations, and requirements office personnel support acquisition personnel by assuming an active role in the acquisition process, is necessary for effective implementation, execution and accomplishment of a contracting program.
- b. A high degree of cooperation between team members is essential, especially between the contracting officer's representative (COR), who represents the requirements office, and the contracting officer, who is delegated contractual signature authority. These two persons are the most directly involved in the placement and administration of a contract by the U.S. Government. The separation of the technical and contractual activities and responsibilities permits each member of the team to apply his or her expertise effectively to their areas of activity. Other members of the team may include the Office of the Legal Advisor (L), the Office of Small and Disadvantaged Business Utilization (SDBU), the Office of the Inspector General (OIG), the Bureau of Resource Management (RM), and the Office of the Procurement Executive (A/OPE).

14 FAH-2 H-147 THROUGH H-149 UNASSIGNED

14 FAH-2 EXHIBIT H-143.2
FORM DS-1924, CERTIFICATE OF
APPOINTMENT (CONTRACTING OFFICER'S
REPRESENTATIVE (COR))

(CT:COR-1; 12-20-2005)



U.S. Department of State

CERTIFICATE OF APPOINTMENT

_____ is hereby appointed
a Contracting Officer's Representative (COR)
for the U.S. Department of State
pursuant to the authority of the undersigned
and the Department of State Acquisition Regulation
for contract number(s) _____.

This appointment is conditioned on compliance
with the training requirements mandated
by the Procurement Executive
and expires at the conclusion
of the contract(s).

Contracting Officer

Date *(mm-dd-yyyy)*

**14 FAH-2 EXHIBIT H-145.1
FORM DS-1925, CERTIFICATE OF
APPOINTMENT (GOVERNMENT TECHNICAL
MONITOR (GTM))**

(CT:COR-1; 12-20-2005)



U.S. Department of State

CERTIFICATE OF APPOINTMENT

is hereby appointed
a Government Technical Monitor (GTM)
for the U.S. Department of State
pursuant to the authority of the undersigned
and the U.S. Department of State Acquisition Regulation
for contract number(s) _____

This appointment shall be in accordance with
the delegation memorandum(s) and expires as
stated therein.

Contracting Officer

Date *(mm-dd-yyyy)*