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Justice Management Division

Management and Planning Staff

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MEMORANDUM FOR BUREAU PROCUREMENT CHIEFS

FROM: Michael H. Allen
Senior Procurement Executive

SUBJECT: DOJ Procurement Guidance Document (PGD) 08-11
Federal Acquisition Certification for Contracting Officer Technical
Representatives (FAC-COTR)

PURPOSE:

This Procurement Guidance Document establishes policy on a Department-wide structured training program for Contracting Officer Technical Representatives (COTRs) and other individuals performing these functions, including Contracting Officer Representatives (CORs). This guidance supplants the guidance contained in the Department's Acquisition Workforce Manual, which has been updated to reflect FAC-COTR requirements. This PGD replaces 08-08, which is hereby rescinded.

AUTHORITY:

Office of Federal Procurement Policy (OFPP) Policy Letter 05-01, Developing and Managing the Acquisition Workforce, established a requirement for federal acquisition certification programs. The FAC-COTR is issued pursuant to 41 U.S.C. 403, et seq and OFPP Policy Letter 05-01, paragraph 9 and Office of Management and Budget Memorandum, "The Federal Acquisition Certification for Contracting Officer Technical Representatives," dated November 26, 2007.

BACKGROUND:

The Services Acquisition Reform Act of 2003, P.L. 108-136, expanded the definition of acquisition to include functions performed by COTRs, such as managing and measuring contract performance and providing technical direction. OFPP Policy Letter 05-01 built upon this broader definition of acquisition workforce and required the Federal Acquisition Institute (FAI) to make recommendations for a Contracting Officer Technical Representative certification program to standardize competencies and training across civilian agencies. The key FAC-COTR competencies include both professional business competencies and technical competencies.

KEY ELEMENTS OF THE FAC-COTR PROGRAM

1. APPLICABILITY

Contracting officers may appoint individuals selected by program offices to act as authorized representatives in the monitoring and administration of a contract. Such officials shall be designated as Contracting Officers' Technical Representatives (COTR's). For purposes of this policy, the term COTR includes CORs and other individuals performing these functions. Acquisition Chiefs (or designee) have the responsibility of identifying individuals whose duties and responsibilities warrant FAC-COTR training.

2. DEFINITIONS

☐ **Contracting Officer (CO):** An individual who has received specifically delineated written authority to enter into, administer, or terminate contracts and make related determinations and findings. Contracting Officers are responsible for ensuring performance of all necessary actions for effective contracting and safeguarding the interests of the United States in its contractual relationships.

☐ **Contracting Officer's Technical Representative (COTR):** An individual who has been assigned, in writing, by the Contracting Officer to assist in the technical monitoring or administration of a contract. The COTR functions as the "eyes and ears" of the CO, monitoring technical performance and reporting any potential or actual problems to the contracting officer. It is imperative that the COTR stay in close communication with the contracting officer, relaying any information that may affect contractual commitments and requirements. The COTR does not have the authority to make commitments including, but not limited to, awarding contracts or making changes that affect price, quality, quantity, or other terms and conditions of the contract. The COTR may often be a Program Manager who also has defined initial requirements and aided in source selection. Pursuant to FAR 7.503 (c) (12), this function must be performed by a Federal Government Employee, although contractors may be used to provide inspection or testing services.

☐ **FAC-COTR:** A Federal certification program that establishes a structured training program to standardize competencies and training across civilian agencies for COTRs and other individuals performing these functions. FAC-COTR is accepted by all civilian agencies as evidence that an employee meets core training requirements to perform COTR functions, though authorization to perform COTR functions must be in accordance with individual Component policy. Obtaining the FAC-COTR does not mean that an individual will be assigned as a COTR; this determination will be made in accordance with Component needs.

☐ **FAC-COTR Certificate:** The official certificate earned after an individual has completed 40-hours of training that included the skills and competencies set forth in Office of Management and Budget Memo, "*The Federal Acquisition Certification for Contracting Officer Technical Representatives.*"

☐ **Requisition/Program Officer:** An organization within the Department that is responsible for managing successful acquisitions to meet essential mission needs; nominating individuals as COTRs to the Contracting Officer; ensuring training and certification requirements are met and maintained; and building a solid relationship with the Contracting Officer in order to communicate COTR concerns and issues. Normally, the requisitioning office is the office initiating the contract.

3. ROLES and RESPONSIBILITIES:

☐ **Program Offices** shall nominate technically competent and responsible Government employees who are formally training in the duties, responsibilities, and authorities of being a COTR. Additionally, Program offices are responsible for proactive planning to ensure qualified individuals are available for appointment.

☐ **Contracting Officers** shall determine the need to appoint a COTR to a contract, evaluate the qualifications of an individual to serve as the COTR, and provide a delegation of the COTR's authorities and duties. The CO determines the duration of appointment and has the right to unilaterally terminate the delegation at any time.

☐ **Contracting Officer Technical Representatives** are responsible for completing and maintaining all required training; entering and maintaining training data into ACMIS; and knowing and adhering to the performance requirements and authority specified in the Appointment Letter issued by the CO.

☐ **Bureau ACMs/COTR Supervisors** are responsible for understanding the limits of the COTR's authority and verifying that the training requirements are met, providing guidance on the FAC-COTR program; maintaining accurate and current information relative to the certification of COTRs in accordance with Departmental policy; verifying the applicability and reasonableness of CLPs; and notifying the appropriate CO community of certification terminations.

☐ **Department ACM** is responsible for providing guidance to the COTR and/or the CO regarding the FAC- COTR program; maintaining accurate and current information relative to the federal certification of COTRs; verifying the applicability and reasonableness of training hours/credits earned; and reviewing requests for FAC-COTR, ensuring compliance with program policies and regulations and issuing the FAC-COTR certificate.

☐ **Senior Procurement Executive** is responsible for reviewing and approving or rejecting requests for waivers.

4. GENERAL REQUIREMENTS

All COTRs appointed to a contract after the effective date of this PGD must be certified no later than six months from their date of appointment. OMB requires that COTRs who hold delegation letters on active contracts achieve certification one-year from the effective date of 11/26/2007. However, the Department has granted existing COTRs an extension not to exceed April 30, 2009 to become certified or requests a waiver.

5. EXPERIENCE

There is no federal standard for experience. However, Components are encouraged to nominate only those individuals with adequate technical and management experience to accommodate the complexity or visibility of the contract.

6. CERTIFICATION FOR CONTRACTING OFFICER TECHNICAL REPRESENTATIVES (COTRS)

FAC-COTR consists of competency-based core training and assignment specific training to achieve certification, and ongoing continuous learning to maintain certification.

COTR Key Competencies
Professional Business Competencies

Oral Communication	Interpersonal Skills	Decision-Making	Flexibility
Self-Management/Initiative	Team Work	Integrity/Honesty	Project Manager
Problem Solving	Planning and Evaluating	Attention to Detail	
Influencing/Negotiating	Reasoning	Writing	

Technical Competencies
- Understanding COTR duties, responsibilities, and obligations (limited to those articulated in delegation letter and must be exercised in accordance with Bureau policy)
- Effective Communication of Contract Requirements
- Effective performance management
- Strategic Planning
- Detailed Evaluation Skills
- Defining Business Relationships
- Understanding the Marketplace
- Effective Communication
- Defining Government Requirements in Commercial/Non-commercial terms
- Effective Negotiation Skills and Effective Analytical Skills

7. TRAINING

To obtain FAC-COTR, COTRs must have a minimum of 40 hours of training that included the COTR key competencies. COTR's must maintain their skills currency through continuous learning, which may be obtained through FAI, the Defense Acquisition University, commercially-available sources, colleges or universities, or agency-specific courses. Twenty-two of the required 40 hours of training hours must cover the essential COTR competencies included in the aforementioned table. A suggested training curriculum includes the following courses. Individuals substituting other training for these courses must ensure that the curriculum covers all essential competencies.

CLC106 - COR with a Mission Focus (8CLPs)	CLM024 - Contracting Overview (8 CLPs)
CLC004 - Market Research (3 CLPs)	CLC007 - Contract Source Selection (1 CLP)
CLM003 - Ethics Training for Acquisition Technology and Logistics (2 CLPs) or similar	

Individuals who have completed FAI's 24-hour "COR Mentor" course have satisfied the required 22-hours of competency-based core training. This training covers the essential COTR competencies required. The individual must then complete the remaining hours of training that includes Component-specific courses, electives, and/or those identified by the COTR's supervisor, in consultation with the Contracting Officer, as necessary, for managing a particular contract.

Training used towards obtaining FAC-COTR, should have been completed within five-years of the effective date of the OMB memo dated November 26, 2007. Individuals who have completed COTR training more than five years from the effective date of the policy but have served as a COTR within the last five years, may apply their prior training towards the FAC-COTR training requirements. However, individuals who completed their COTR training more than five years prior to the effective date of this policy and have not served as a COTR within the previous five years, may not apply their training towards obtaining FAC-COTR.

Individuals may also utilize the fulfillment process to satisfy FAC-COTR requirements.

8. CONTINUOUS LEARNING POINTS

To maintain FAC-COTR, certified professionals are required to earn 40 continuous learning points (CLPs) of skills currency training every two years beginning the first fiscal year following the effective date of certification. CLPs begin to accumulate on the date the individual is certified. Individuals are responsible for ensuring that continuous learning requirements are met and maintaining such records. Bureau Acquisition Career Managers (ACMs) will monitor the continuous learning requirements to ensure certifications remain active.

A FAC-COTR will expire if the 40 CLPs are not earned every two years. As a result, the COTR's delegation letter may be revoked or modified if the condition is not met. Additional guidance on determining continuing learning points in included in Appendix A of this document.

9. CERTIFICATION EQUIVALENCIES

Individuals certified as Federal Acquisition Certification in Contracting (FAC-C) Level I or Federal Acquisition Certification for Program and Project Managers (FAC-P/PM) Mid-Level/Journeyman are considered to have met the FAC-COTR requirements, but must still submit the necessary documents to their ACMs and obtain certification. However, an individual with a FAC-COTR does not necessarily meet the requirements for the FAC-C Level I or the FAC-P/PM mid-level/journeyman.

10. CERTIFICATION PROGRAM OVERSIGHT AND ADMINISTRATION

The certification process, including assessment of applications, will be managed by each Bureau. Authority for overseeing the Department's FAC-COTR program, resolving disputes, and administering and granting certifications will reside with the Department's ACM.

11. WAIVERS

The Senior Procurement Executive (SPE) may waive, for a period not to exceed 12 months, all or part of the FAC-COTR requirements in writing, on a case-by-case basis, if granting the waiver is in the best interest of the agency. Written justification shall include reasons for and conditions of the waiver. Bureau ACMs must maintain all supporting documentation to confirm information entered into the Acquisition Career Management Information System (ACMIS) and for program quality assurance.

12. ACQUISITION CAREER MANAGEMENT INFORMATION SYSTEM (ACMIS)

ACMIS is the central acquisition workforce information system for all civilian agencies and will support the FAC-COTR program. Agencies and individuals are responsible for maintaining certification documentation for quality assurance purposes. In accordance with Office of Federal Procurement Policy, Policy Letter 05-01, COTRs must enter their training data into ACMIS. COTRs must update their existing ACMIS records in a timely manner and keep these records current to reflect their certification status and continuous learning points.

13. APPLICATION PROCEDURES
- ☐ Applicant shall review existing completed COTR training to determine its applicability (what training is needed, dates completed, additional hours required) to obtain FAC-COTR;
- ☐ After assessing training needs, if necessary, complete the required COTR training;
- ☐ Applicant (or designee) shall create a personal profile in ACMIS; enter completed training into ACMIS;
- ☐ After completing the required training and ACMIS registration, fill out the FAC-COTR application, ensuring that all required signatures are obtained;
- ☐ The form and all attachments shall be forwarded to the Department ACM for issuance of FAC-COTR certificate;

In summary, it is reiterated that obtaining FAC-COTR represents completion of the core training requirements to serve as a COTR and is transferable throughout federal civilian agencies. It does not authorize an individual to serve as a COTR. DOJ Components must still continue to follow the appropriate COTR nomination and appointment procedures.

Requirements of the FAC-COTR program can be found at www.fai.gov and will be published on the Department's website under Career Management. Please disseminate this PGD as appropriate in your organization. Should you have questions, please contact Dana Munson on 202/616-3759 or via email at dana.munson@usdoj.gov.

Attachment: Appendix A. Guidance on Meeting the Requirements for Continuous Learning Points (CLP)

Appendix A. Guidance on Meeting the Requirements for Continuous Learning Points (CLP)

These guidelines reflect best-in-practice recommendations for continuous learning. Agencies retain flexibility and supervisors remain responsible for working with COTRs to identify those activities and opportunities of greatest benefit to the professional development of an individual. The training, professional activities, education and experience that are used to meet the CLP requirements must be job related.

A. Training

1) Completing awareness training. Periodically agencies conduct briefing sessions to acquaint the workforce with new or changed policy. Generally, no testing or assessment of knowledge gained is required.

2) Completing learning modules and training courses. These may be formal or informal offerings from a recognized training organization, including in-house training courses/sessions, which include some form of testing/assessment for knowledge gained.

3) Performing Self-Directed Study. An individual can keep current or enhance his or her capabilities through a self-directed study program agreed to by the supervisor.

4) Teaching. Employees are encouraged to share their knowledge and insights with others through teaching of courses or learning modules.

5) Mentoring. Helping others to learn and become more productive workers or managers benefits the agency and the individuals involved.

B. Professional Activities

1) Participating in Organization Management. Membership alone in a professional organization will not be considered as fulfilling continuous learning requirements, but participation in the organization leadership will. This includes holding elected/appointed positions, committee leadership roles, or running an activity for an organization that one is permitted to join under current ethics law and regulation. The employee and supervisor must first ensure that participating in the management of an organization is allowed by the agency.

2) Attending/Speaking/Presenting at Professional Seminars/Symposia/Conferences. Employees can receive points for attending professional seminars or conferences that are job related. However, the supervisor needs to determine that the individual learned something meaningful from the experience. Because significant effort is involved in preparing and delivering presentations, credit should be given for each hour invested in the preparation and presentation.

3) Publishing. Writing articles related to acquisition for publication generally meets the criteria for continuous learning. Points will be awarded only in the year published. Compliance with agency publication policy is required.

1 Continuous Learning Point (CLP), Professional Development Unit (PDU), or Professional Development Hour (PDH)	1 hour
1 credit hour (college course or ACE recommendation)	10 hours
Conference attendance	1 hour for each 50 minute presentation attended

* Note - Points are earned only in the year accomplished, awarded or published.

4) Participating in Workshops. Points should be awarded for workshops with planned learning outcomes.

C. Education

1) Formal training. Supervisors should use Continuing Education Units (CEUs) as a guide for assigning points for formal training programs that award CEUs. The CEUs can be converted to points at 10 CLP points per CEU.

2) Formal academic programs. For formal academic programs offered by educational institutions, each semester hour is equal to one CEU. A three-hour credit course would be worth three CEUs and 30 CLP points, assuming that it is applicable to the acquisition function.

SAMPLE ACTIVITIES	RECOMMENDED NUMBER OF HOURS *
Active Association Membership (in relevant subject area such as program/project management, acquisition management, or appropriate technical area)	5 hours for an active membership year OR 1 hour for each 60 minutes of activity attended during the year
Publication of related management or technical papers, etc.	20 hours for articles 25 for technical paper
Formal rotational assignments	40 hours per assignment
Conference presentations, training or seminar delivery	2 hours for 60 minutes of first-time presentation (1 for presentation, 1 for preparation, .5 credit for repeat delivery of same material)
Team leadership activities, participation on project teams for new products/activities	1 hour for every 60 minutes of participation
Formal education	1 hour for each hour of instruction up to 36 hours for a 3 credit course or American Council on Education (ACE) recommendation
Professional examination, license, or certification	40 hours in the year obtained
1 Continuing Education Unit (CEU)	10 hours