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**COMMERCE ACQUISITION MANUAL
1301.670**

DEPARTMENT OF COMMERCE
CONTRACTING OFFICER REPRESENTATIVE
CERTIFICATION PROGRAM

COMMERCE ACQUISITION MANUAL 1301.670

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Contracting Officer Representative Certification Program

Section 1 – Overview

1.1 Background

The quality and effectiveness of the federal acquisition process depend on the development of a capable and competent workforce. The Services Acquisition Reform Act of 2003, P. L. 108-136, expanded the definition of acquisition to include functions performed by Contracting Officer Representatives, such as managing and measuring contract performance and providing technical direction. The Office of Federal Procurement Policy Policy Letter 05-01, dated April 15, 2005, built upon this broader definition of acquisition workforce and required the Federal Acquisition Institute (FAI) to develop better standards for training and managing Contracting Officer Representatives.

On November 26, 2007, the Office of Federal Procurement Policy issued a memorandum entitled “The Federal Acquisition Certification for Contracting Officer Technical Representatives” establishing a structured training program for Contracting Officer Representatives that standardized competencies and training across civilian agencies. On September 6, 2011, the Office of Federal Procurement Policy issued a memorandum to revise requirements for the Federal Acquisition Certification for Contracting Officer Representatives to establish a three-tiered certification program to include the following factors:

- Level of risk and complexity present;
- Competency-based core training and assignment-specific training to achieve certification; and
- Experience requirements for Level II and III certifications.

1.2 Purpose

The purpose of the Department of Commerce Contracting Officer Representative Certification Program is to provide the framework and establish procedures for implementation of the Federal Acquisition Certification for Contracting Officer Representatives (FAC-COR). The certification program is designed to create a results-oriented acquisition workforce focused on partnering, performance, quality, and accountability that ensure Departmental resources are used and managed effectively throughout all phases of the acquisition life cycle.

1.3 Applicability

The Federal Acquisition Certification for Contracting Officer Representatives Program is applicable to all individuals with contracting officer representative responsibilities that have been delegated in writing to them by a Contracting Officer for a specific contract (to include task orders, delivery orders, purchase orders, blanket purchase agreements, and calls), including those designated as Assistant/Alternate Contracting Officer Representative or Task Managers. New Contracting Officer Representative candidates and existing Contracting Officer Representatives seeking to maintain their certification must meet the requirements of this policy. Individuals are not required to meet the certification requirements or be appointed for merely providing subject matter expertise or technical support to the Contracting Officer or Contracting Officer Representative on matters related to a contract action.

1.4 Program Objectives

The Contracting Officer Representative Certification program is designed to ensure that technical and program requirements of Department of Commerce acquisitions are effectively met. Successful implementation of the program will result in a qualified Contracting Officer

Representative workforce with the requisite knowledge, skills, tools, and techniques to perform delegated contract management duties thereby achieving program, business and mission goals and objectives.

1.5 Core Competencies

Contracting Officer Representatives play an important role in the acquisition process and require a substantial range of knowledge, skills, and abilities to be applied towards achieving successful project outcomes.

The Federal Acquisition Institute, charged with promoting the development of a professional federal acquisition workforce, has identified and validated a set of professional business and technical core competencies necessary for Contracting Officer Representatives to develop the required basic skills.

Competencies combine knowledge, skills, and abilities with behavior and other characteristics needed to successfully accomplish assignments in a Contracting Officer Representative environment. The essential Contracting Officer Representative professional business and technical competencies are summarized in Figures 1-1 and 1-2 respectively. A description of each competency is provided under Appendix B and is also available on FAI's website at: www.fai.gov under the Certification tab.

Figure 1-1 Professional Business Competencies

Professional Business Competencies

- Adaptability
- Accountability
- Attention to Detail
- Business Ethics
- Conflict Management
- Interpersonal Skills
- Leadership
- Oral Communication
- Partnering
- Problem Solving
- Resilience
- Self-Management/Initiative
- Technology Management
- Written Communication

Figure 1-2 Technical Competencies

Technical Competencies

- General Acquisition Concepts
- Acquisition Planning
- Market Research
- Industry Engagement
- Proposal Evaluation & Source Selection
- General Project Management Concepts
- Performance Evaluation/Quality Assurance
- Contract Administration

1.6 Certification Levels

The Department of Commerce has identified three levels for Contracting Officer Representative certification which are designed to facilitate the development of the necessary competencies needed to progress to management of contracts with higher complexity and higher contract management risk.

1.6.1 Contracting Officer Representative - Level I

Level I standards target Contracting Officer Representatives responsible for contracts with relatively low complexity, low contract management risk, and estimated contract values up to \$250,000. Competencies at this level are designed for management of fixed-price type contracts, time and materials, labor hour, or cost-type contracts using simple performance metrics.

1.6.2 Contracting Officer Representative – Level II

Level II standards target Contracting Officer Representatives responsible for contracts with moderate to high complexity, moderate to high contract management risk, and estimated contract values greater than \$250,000 but below \$10,000,000. Competencies at this level are designed for management of all types of contracts that have complex contract performance controls to develop, monitor and administer, such as award fees and incentive fees.

1.6.3 Contracting Officer Representative – Level III

Level III standards target Contracting Officer Representatives responsible for contracts with moderate to high complexity, moderate to high contract management risk, and estimated contract values equal to or greater than \$10,000,000. Competencies at this level are designed for management of acquisitions that require special attention due to the importance to mission or program function.

1.7 Roles and Responsibilities

1.7.1 Contracting Officer Representative

The delegated functions and responsibilities of Contracting Officer Representatives are performed by individuals with various assigned titles as defined below in hierarchical order. Contracting Officer Representatives shall be appointed in writing by the Contracting Officer and this appointment cannot be re-delegated.

1.7.1.1 Contracting Officer Representative

The Contracting Officer Representative is responsible for providing overall management oversight and technical direction and other contract management duties assigned in writing by the Contracting Officer including contract closeout; furnishing technical direction; monitoring contract performance; maintaining an arms-length relationship with the contractor; communicating with the assigned Program/Project Manager; and entering his/her training and certification information in FAI's system for training and certification.

1.7.1.2 Assistant or Alternate Contracting Officer Representative

An Assistant or Alternate Contracting Officer Representative is responsible for functioning as the technical representative of the Contracting Officer in the absence of the Contracting Officer Representative and/or assisting the Contracting Officer Representative in performing contract management duties.

1.7.1.3 Task Manager

A Task Manager is responsible for functioning as the technical representative of the Contracting Officer for tasks awarded against a master contract, including surveillance personnel responsible for monitoring contractor performance, supply schedule or other ordering vehicle; and abiding by guidance and requirements provided by the Contracting Officer Representative for the underlying contractual vehicle.

1.7.2 Chief Acquisition Officer

The Chief Acquisition Officer is responsible for developing workforce policies that apply the Contracting Officer Representative requirements to ensure Contracting Officer Representatives have essential competencies.

1.7.3 Senior Procurement Executive

The Senior Procurement Executive is responsible for implementing the Contracting Officer Representative Certification program department-wide; developing the Contracting Officer Representative workforce; issuing certifications; and granting waivers.

1.7.4 Acquisition Career Manager

The Acquisition Career Manager is responsible for reviewing and recommending approval of certification applications; providing oversight for program compliance; and developing and monitoring workforce policies which apply to Contracting Officer Representative certification requirements.

1.7.5 Senior Bureau Procurement Official

The Senior Bureau Procurement Official is responsible for ensuring bureau compliance with the FAC-COR program; reviewing applications for certification; reviewing waiver requests; assessing the appropriateness of continuous learning points (CLPs); and submitting certification and waiver packages to the Senior Procurement Executive for approval.

1.7.6 Head of Contracting Office

The Head of Contracting Office is responsible for submitting requests for certification to his/her Bureau Procurement Official; and issuing final decisions with regard to cancellation of Contracting Officer Representative appointments.

1.7.7 Bureau Career Manager

The Bureau Career Manager is responsible for serving as the designated bureau-level point of contact for the FAC-COR program; reviewing and analyzing certification applications for his/her Bureau procurement office; assisting FAC-COR candidates with identifying certification requirements; and ensuring communication regarding the FAC-COR program is disseminated to his/her Bureau's Contracting Officer Representative community.

1.7.8 Contracting Officer

Contracting Officers are responsible for determining whether an individual contract action requires appointment of a Contracting Officer Representative; issuing Contracting Officer Representative appointments; canceling Contracting Officer Representative appointments; prescribing additional training requirements when deemed necessary; participating in the identification of appropriate continuing learning opportunities; and documenting Contracting Officer Representative performance.

1.7.9 Program Official

Program officials are responsible for monitoring compliance with FAI's system for training and certification reporting requirements.

Program officials are responsible for establishing policies for maintaining complete training, certification, and continuous learning records for members of their Contracting Officer Representative workforce and ensuring information is entered in the career management system; and nominating Contracting Officer Representatives that have sufficient knowledge in the appropriate field.

1.7.10 Contracting Officer Representative Supervisor

The Contracting Officer Representative's supervisor is responsible for nominating competent individuals as Contracting Officer Representative candidates; supporting training necessary to meet Contracting Officer Representative certification requirements; incorporating contract management in Contracting Officer Representative performance plans when required; obtaining input from Contracting Officers on Contracting Officer Representative's performance; and participating in the identification of appropriate continuous learning opportunities.

1.8 Management Information System

Section 37(d) of the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 433(d)) requires each executive agency to collect, maintain, and utilize information to ensure effective management of the acquisition workforce. The Federal Acquisition Institute maintains a Government-wide acquisition career management information system that is used to track Contracting Officer Representative training and certification information. Program officials are responsible for implementing policies for maintaining complete training, certification, and continuous learning records for members of their Contracting Officer Representative workforce and ensuring information is entered in the career management system.

Contracting Officer Representatives must properly enter information into FAI's system for training and certification to reflect training, certification, experience, and continuous learning points; and update training information as necessary. Use of FAI's system for training and certification is a mandatory requirement of the Federal Acquisition Certification programs and all Contracting Officer Representatives must be registered in FAI's system for training and certification.

END OF SECTION 1

Section 2 – Certification Requirements

2.1 Background

The Department of Commerce Contracting Officer Representative certification program is a competency and experience-based program that integrates project management competencies into the technical and acquisition training curriculum. Applying a project-oriented approach to the Contracting Officer Representative certification program aligns the appropriate project management tools and techniques with the skills needed to successfully acquire goods and services and to initiate, manage, and closeout contractual vehicles.

2.2 Competency Model

The Contracting Officer Representative competency model represents the areas of knowledge needed to effectively and efficiently perform delegated contract management duties. Increased competence in the required areas will develop as an individual advances and accepts more challenging projects thereby gaining valuable experience in each area.

2.2.1 Business/Program/Industry Knowledge and Performance

Knowledge of laws, regulations, and terminology, for a particular field, sufficient to work with, understand, and evaluate technical information and provide advice on technical issues related to a particular field.

Program officials are required to nominate individuals that have sufficient knowledge in the appropriate field related to the acquisition. Supervisors should nominate individuals that have gained knowledge in this competency area through formal training and on-the-job experience. This policy does not prescribe training in this competency area.

2.2.2 Core Contracting Officer Representative Competencies Knowledge and Performance

Sufficient professional business and technical skills, such as: problem solving, teambuilding, strategic planning, and communications, to manage the business partner relationship with the Contracting Officer and the contractor. Core competencies required to perform as a Contracting Officer Representative should be acquired through both on-the-job experience and coursework. The Federal Acquisition Institute offers online courses, at no cost, to meet Contracting Officer Representative core competencies.

2.2.3 Project Management Knowledge and Performance

Knowledge and skillful application of principles, techniques, methods, or tools for developing, scheduling, coordinating, and managing projects and resources, including monitoring and inspecting costs and contractor performance. The Commerce Learning Center (CLC) and FAI's system for training and certification offers many online training courses in project management that will meet this competency area.

2.2.4 Acquisition Management Knowledge and Performance

Knowledge and application of various types of acquisition techniques, contracting methods, contract negotiation strategies, and contract administration procedures. FAI's system for training and certification provides courses that will meet the acquisition management competency area requirements.

2.3 Training Requirements

The Department of Commerce's implementation of the FAC-COR defines the requirements for training based on three levels of expertise. Achievement of FAC-COR is based on the

requirements as outlined below and summarized in Figure 2-1, *FAC-COR Certification Requirements*.

For Contracting Officer Representatives, training completed within the last five years can be applied towards meeting training requirements.

Figure 2-1, FAC-COR Certification Requirements

| | Level I Certification | Level II Certification | Level III Certification |
|----------------------------------|---|---|---|
| Dollar Threshold | Up to \$250K | Greater than \$250K but below \$10M | \$10M and above |
| Contract Responsibilities | Provide technical oversight and direction for low-risk contracts, simplified acquisitions, or moderately complex contracts under the direct leadership of a more experienced Contracting Officer Representative | Provide technical oversight and direction for moderate-risk contracts with little or no supervision and oversight for more high-risk and complex contracts under direct leadership of a more experienced Contracting Officer Representative | Provide technical leadership, oversight, and direction of high-risk, complex contracts; mentor, develop, and lead less experienced Contracting Officer Representatives |
| Experience | None required | A minimum of one year spent performing Level I Contracting Officer Representative duties within the last three years | A minimum of three years of Contracting Officer Representative experience within the last seven years, of which two were performed at Level II |
| ¹Training | 8 hours of training in the following: <ul style="list-style-type: none"> FCR-110 – Contracting Officer’s Representative Level 1 | Level I Certification, completion of the learning assignments following Level I certification, and 40 hours of training in the following: <ul style="list-style-type: none"> FCR 201 Contracting Officer’s Representative Level 2 (Instructor Led) | Level I & II Certifications, completion of the learning assignments following Level II certification, and 60 hours of training including the following two courses: <ul style="list-style-type: none"> FCR 400 Advanced Contracting Officer Representative Workshop (Instructor Led) and <ul style="list-style-type: none"> FPM 120A Program Management Basics |

¹ Please note, course numbers and minimum CLPs are based on DAU offerings. However, courses obtained from other providers and commercial vendors containing course content comparable to DAU and FAI’s curricula will also meet the requirement.

| | Level I Certification | Level II Certification | Level III Certification |
|--|---|--|-------------------------|
| Continuous Learning Requirement | 8 CLPs | 40 CLPs | 40 CLPs |
| Learning Assignment | <ul style="list-style-type: none"> • CLC 046 – DoD Sustainable Procurement Program (1 CLP) • FAC 031 – Small Business Programs (2.5 CLP) • ACQ 0030 – Overview of Acquisition Ethics (2 CLPs) • FAC 096 – Equity in Procurement (.5 CLP) <p>Acquisition Management</p> <ul style="list-style-type: none"> • CLC 005 – Simplified Acquisition Procedures (2 CLPs) • CLC 058 – Introduction to Contract Pricing (3 CLPs) • CLM 031 – Improved Statement of Work (3 CLPs) • CLC 020 – Commercial Item Determination (2 CLPs) <p>Project Management</p> <ul style="list-style-type: none"> • PMT 0120 – Program Scheduling (4 CLPs) • PMT 0170 – Risk Management (8 CLPs) | <ul style="list-style-type: none"> • CON 0072 – Source Selection (8 CLPs) • CLC 013 – Services Acquisition (2 CLP) | |

2.4 Learning Assignment

Following initial FAC-COR Level I or II certification by the Department of Commerce the training identified above will be assigned to the applicant automatically in FAI's system. Completion of all assigned learning is required within the next common continuous learning period following the period in which certification was obtained or prior to applying for the next

FAC-COR level, whichever occurs first. Bureau Procurement Officials are responsible for ensuring that the learning assignments are completed or make a risk-based decision on why they are not required for an individual Contracting Officer Representative.

2.5 Continuous Learning

To maintain FAC-COR certification, Contracting Officer Representatives are required to earn the following CLPs of skills currency training for every two-year common continuous learning period. See learning assignment requirements for the continuous learning period following initial Level I certification.

Level I: At least 8 CLPs

Level II: At least 40 CLPs

Level III: At least 40 CLPs

The common continuous learning period began on May 1, 2022, and shall end two years following, on April 30, for each period². If an individual fails to comply with the CLP requirements the FAC-COR will lapse, which could affect a Contracting Officer Representative's appointment to current and future contract actions. To regain certification status after a certification has lapsed, the CLP requirement must be subsequently earned for the lapse period.³ Appendix C provides guidance on earning continuous learning points and assigning points to various developmental activities. Continuous learning point requests not already granted through FAI's system for training and certification must be submitted in the system to obtain credit. For instructions on submitting requests see Appendix J.

Continuous learning activities may include, but are not limited to the following:

- Training activities, such as teaching, self-directed study, and mentoring;
- Courses completed to achieve certification at the next higher level;
- Professional activities, such as attending/speaking/presenting at professional seminars/symposia/conferences, publishing, and attending workshops;
- Educational activities, such as formal training, and formal academic programs; and
- Experience serving as a Contracting Officer Representative on a contract.

2.6 Reciprocity with FAC-COR Certifications Obtained from Other Agencies

Individuals who have obtained a FAC-COR certification in accordance with FAI requirements are considered to have met the corresponding FAC-COR certification requirements for the Department of Commerce. The learning assignments identified in Figure 2-1 above shall apply and be assigned and completed in accordance with Subpart 2.4. To obtain reciprocity individuals shall notify their Bureau Career Manager and change their Organization designation in the FAI's system for training and certification to the appropriate Department bureau or office.

2.7 Contracting Professionals and Contracting Officer Representative Training Requirements

Contracting professionals certified as Federal Acquisition Certification in Contracting (FAC-C) Level I or II are considered to have met the FAC-COR – Level II requirements and individuals certified as FAC-C Level III are considered to have met the FAC-COR requirements for FAC-COR Level III. However, a request must be submitted through FAI's system for training and

² For more information regarding the common continuous learning period see the [OFPP Acquisition Flash 22-01](#).

³ Should the lapse be longer than 2 years, the Department will review the situation on a case-by-case basis and make a reasonable determination of what training will make the individual current on the required competencies.

certification to obtain a FAC-COR certification. Individuals with FAC-COR certification do not necessarily meet the requirements for FAC-C.

2.8 Program and Project Managers and Contracting Officer Representative Training Requirements

Program and Project Managers certified as Federal Acquisition Certification for Program and Project Managers (FAC-P/PM) Mid/Journeyman Level are considered to have met the FAC-COR – Level II requirements and those with FAC-P/PM Senior/Expert certification are considered to have met the FAC-COR requirements for Level III. However, a request must be submitted through FAI's system for training and certification to obtain a FAC-COR certification. Individuals with FAC-COR certification do not necessarily meet the requirements for FAC-P/PM.

2.9 Additional Training Requirements

In addition to the training required for FAC-COR certification, Contracting Officers may require Contracting Officer Representatives to complete additional training applicable to a specific acquisition. Additional training may include topics such as: Construction Contracts, Task Order Contracting, Earned Value Management, Information Technology, or Homeland Security Presidential Directive 12 (HSPD-12) training.

2.10 Training Providers

2.10.1 Federal Acquisition Institute Sponsored Training

The Federal Acquisition Institute manages the Acquisition Workforce Training Fund to ensure that equitable training opportunities are available for all civilian agencies. The Federal Acquisition Institute uses the training fund to offer Defense Acquisition University (DAU) equivalent training courses to civilian agency employees at **no charge**. Employees can view the current FAI course schedule and register for courses at: <https://www.fai.gov/>.

All courses outlined in the core Contracting Officer Representatives competency training requirements are available for online registration through FAI. In addition, many courses that meet the project management and acquisition management competencies are available through FAI.

2.10.2 Defense Acquisition University Training

The Defense Acquisition University training courses are available to civilian agency employees at **no charge**. Employees can view the current course schedule and register for DAU training courses at: www.dau.edu. All courses outlined in the core Contracting Officer Representative competency training requirements are available online through DAU.

2.10.3 Commerce Learning Center

The Commerce Learning Center has a variety of online courses available including project management courses at: <https://doc.csod.com>.

2.10.4 Other Training Providers

Other courses or combination of courses covering the required competencies may be acceptable. Those interested in considering these training opportunities should first contact their Bureau Career Manager to determine whether the course content includes the required competency areas before registering.

2.11 Experience Requirements

Each Contracting Officer Representative, in due course of his/her training and progressive work responsibilities, is expected to build, strengthen, and apply core capabilities acquired. The FAC-COR guidance includes implementing an experience-based certification tiered program, which considers level of risks and complexity present and various degrees of responsibility. To this end, Contracting Officer Representatives must demonstrate competency development of Contracting Officer Representative knowledge, skills and abilities by documenting experience working on a contract(s) as a Contracting Officer Representative that details how the competencies as provided under Appendix B and found on the FAI web site have been achieved.

2.11.1 Requirements for Level I FAC-COR Certification

There is no experience required for a Level I FAC-COR certification.

2.11.2 Requirements for Level II FAC-COR Certification

A Level II FAC-COR certification requires a **minimum of one year experience** performing Level I Contracting Officer Representative duties within the last three years. Level II Contracting Officer Representatives may demonstrate experience in both pre- and post-award functions that include, but are not limited to: developing requirements documents (i.e. Statements of Work/Objectives, cost estimates); collecting and analyzing market research data to establish technical requirements; identifying performance objectives, criteria, and measurements for evaluating proposals; participating in evaluations; providing the Contracting Officer with contract termination or close-out assistance; and other general or unique Contracting Officer Representative-relevant tasks.

2.11.3 Requirements for Level III FAC-COR Certification

A Level III FAC-COR certification requires a **minimum of three years of experience** within the last seven years, of which two were performed as a Contracting Officer Representative Level II. As a senior Contracting Officer Representative, experience for a Level III may be gained by performing acquisition-related activities in a leadership position such as the Program Manager; Integrated Product Team Lead or Project lead performing specific duties such as, leading technical evaluation team, being recognized as the subject matter expert for the project or chairing the Source Selection Evaluation Board.

2.12 Certification Application Process

Program officials shall nominate competent candidates for Contracting Officer Representative certification. Nominees must initiate and prepare their applications for FAC-COR certification and submit the application using FAI's system for training and certification. Nominees are responsible for producing certificates, transcripts, and records that provide evidence that they satisfy the requirements of the program. The FAC-COR application must be completed in FAI's system for training and certification, accompanied with documentation to support completion of required training (i.e., certificates or transcript).

2.13 Certification Waivers

The Senior Procurement Executive may waive the requirement for an individual to obtain a certification, on a case-by-case basis, if granting a waiver is in the best interest of the Department. Waivers for FAC-COR certification may not exceed 12 months. A certification waiver allows an individual who does not meet the certification requirements to be appointed to a contract action in advance of completing the certification requirements. This waiver is only valid for the particular contract action identified.

The Senior Bureau Procurement Official shall submit all requests for waivers to the Senior Procurement Executive via the oam_mailbox@doc.gov and include the following documentation:

- Written justification that includes reasons for and conditions of the waiver;
- Documentation and justification of the employee's background and experience in the required competencies, and documentation to support plan for completion of the required competencies and subsequent certification; and
- Outline of actions that will be taken if the conditions of the waiver are not met.

END OF SECTION 2

Section 3 – Nomination, Appointment and Cancellation Procedures

3.1 Nomination

Program officials shall nominate Contracting Officer Representative candidates who are technically competent in the field related to the specific acquisition and who have received FAC-COR certification at the appropriate level to support the contract action. ***Program officials shall consider the amount of time the nominee is able to dedicate to performing delegated contract management duties.*** In order to involve the Contracting Officer Representative in the end-to-end acquisition process, formal nomination shall be made at the onset of the acquisition planning process. A sample nomination letter is included in Appendix H. A copy of the nomination letter shall be provided to the Contracting Officer.

3.1.1 Nomination Requirements

Contract management duties for projects at or above \$10M require the nomination and appointment of a Level III Contracting Officer Representative who can devote the necessary time to successfully perform all delegated activities. Supervisors of Contracting Officer Representatives, with the assistance of the bureau servicing human resources office, shall include contract management in performance plans of all Level III Contracting Officer Representatives. Contracting Officer Representative performance plans shall incorporate contract management as a separate critical element or include contract management language into an existing element. Sample contract management performance element language is provided in Appendix E, 5-Level Performance Rating System, and Appendix F, 2-Level Performance Rating System.

Supervisors of Contracting Officer Representatives shall consider input from the cognizant Contracting Officer when preparing the performance rating of the Contracting Officer Representative employee. A sample Contracting Officer Representative Performance Evaluation is included in Appendix G.

3.2 Appointment

A Contracting Officer Representative appointment letter is required for every contract action where the Contracting Officer delegates contract management responsibilities to a Contracting Officer Representative. The Contracting Officer shall consider the complexity and dollar value of the acquisition, the candidate's technical knowledge, experience, training, judgment, character, and reputation when appointing a Contracting Officer Representative. The Contracting Officer Representative candidate shall meet certification requirements, as evidenced by a FAC-COR. Assistant and Alternate Contracting Officer Representatives, Task Managers, including surveillance personnel, shall be appointed in accordance with the same requirements applicable to Contracting Officer Representatives. Individuals are not required to meet the certification requirements or be appointed for merely providing subject matter expertise or technical support to the Contracting Officer or Contracting Officer Representative on matters related to a contract action.

Before making an appointment, the Contracting Officer shall consider the amount of time the candidate is able to dedicate to performing delegated contract management duties. The Contracting Officer may deem a Contracting Officer Representative candidate ineligible for a particular appointment if the candidate is unable to perform the delegated contract management duties successfully, given other demands on his/her time. For all Level III Contracting Officer Representatives, the Contracting Officer shall also ensure that contract management is included in the Contracting Officer Representative's performance plan prior to appointment.

3.2.1 Delegation and Appointment Memorandum

The Contracting Officer shall issue a delegation and appointment memorandum upon determination that the nominee has received FAC-COR certification at the appropriate level to support the contract

action and the nominee can dedicate the necessary amount of time for successful contract management.

The delegation and appointment memorandum shall, at a minimum: identify the contract; state the roles and responsibilities of the Contracting Officer Representative; list the delegated contract management duties; and note the Contracting Officer's authority to appoint a successor Contracting Officer Representative and/or withdraw Contracting Officer Representative appointments if it is deemed necessary. The Contracting Officer Representative shall countersign the delegation and appointment memorandum to indicate he/she has read and accept the duties, responsibilities, and limitations of the appointment. As determined by the Contracting Officer, the delegation and appointment memorandum may also be signed by the Contracting Officer's Representative's supervisor to indicate he/she recognizes and accepts the demands on the Contracting Officer Representative's time and performance. The Contracting Officer shall maintain a copy of the delegation and appointment memorandum and acknowledgement in the contract file. A copy of the delegation and appointment memorandum may be provided to the contractor. Sample delegation and appointment memoranda are provided in Appendix H.

If the Contracting Officer Representative candidate is performing pre-award tasks such as requirements development and proposal evaluation, it is recommended that (s)he be issued a Contracting Officer Representative appointment memorandum at that time that addresses both pre- and post-award responsibilities.

In addition to the delegation and appointment memorandum, Contracting Officers shall notify prospective Contracting Officer Representatives of their obligation to disclose any direct or indirect financial interest that would conflict with the Contracting Officer Representative's public duties. To this end, the Contracting Officer's Representative may be required to complete a Confidentiality Certificate, Conflict of Interest Certificate, and Source Selection Non-Disclosure Agreement and Statement of Financial Interest. The Contracting Officer's Representative may also be requested to complete an OGE-450, Confidential Financial Disclosure Report or SF-278, Public Financial Disclosure Report, which are maintained by the Department of Commerce Office of General Counsel, Ethics Law and Programs Division.

3.3 Cancellation of Appointment

Contracting Officers have the authority to cancel Contracting Officer Representative appointments of individuals who are not satisfactorily fulfilling their contract management duties or staying within the limits of their Contracting Officer Representative authority. Cancellation actions shall be undertaken only in serious circumstances and only after the Contracting Officer has attempted to have the Contracting Officer Representative correct the problem. The Contracting Officer shall take this action only after consideration of the impact on the individual concerned, balanced with the obligation to manage contracts in a manner that safeguards the interest of the Department and the taxpayer.

The Contracting Officer shall document the basis for the decision and notify the Contracting Officer Representative in writing of the cancellation, providing five (5) work days for appeal to the Head of the Contracting Office, or one level above the Head of the Contracting Office if the Head of the Contracting Office is the Contracting Officer. The appeal official shall render a decision within five (5) working days of the appeal. The appeal decision is final.

In urgent situations, the appeal period may be waived and an earlier decision issued. Upon written request by the Contracting Officer Representative, the appeal official may extend the appeal period.

**END OF SECTION 3
END OF CAM 1301.6**

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INSTRUCTIONS

APPENDIX A – DEFINITIONS

Acquisition - The acquiring of supplies or services (including construction) with appropriated funds by contract for the use of the Federal Government through purchase or lease, whether the supplies or services are already in existence or must be created, developed, demonstrated, and evaluated.

Acquisition Career Manager – The Individual appointed pursuant to Office of Federal Procurement Policy Policy Letter 05-01 to lead the Department’s acquisition career management program. The Director of Commerce Policy and Oversight Division has been designed as the Acquisition Career Manager.

Acquisition Workforce - Employees performing acquisition-related work. The acquisition workforce includes permanent civilian employees who occupy acquisition positions.

Assistant or Alternate Contracting Officers Representative – An individual who functions as the technical representative of the Contracting Officer in the absence of the Contracting Officer Representative and/or assists the Contracting Officer Representative in performing contract management duties. Alternate Contracting Officer Representatives require the same level of training as Contracting Officer Representatives.

Chief Acquisition Officer – The Department’s Executive-level non-career employee designated pursuant to the Services Acquisition Reform Act to advise and assist the head of the agency and other agency officials to ensure the mission of the agency is achieved through the management of the agency’s acquisition activities.

Competencies – Observable, measurable patterns of skills, knowledge, abilities, behaviors, and other characteristics than an individual needs to perform in occupational functions.

Competency-Based Training – Development activities specifically designed to achieve a high level of proficiency for a particular competency.

Continuous Learning Points - Continuing education or training opportunities such as agency-sponsored training and management/executive seminars, special job and/or professional association related projects and/or participation in seminars/workshops, or other appropriate developmental activities to remain current in the acquisition field.

Contract – A mutually binding legal relationship obligating the seller to furnish the supplies or services (including construction) and the buyer to pay for them. It includes all types of commitments that obligate the Government to an expenditure of funds.

Contract Management Duties – Specific activities performed by the acquisition workforce related to the administration of a contract from contract award through contract closeout.

Contracting Officer – Individuals designated authority to enter into, administer, and/or terminate contracts and to make related determinations and findings.

Contracting Officer Representative – A Federal employee delegated limited authority by a Contracting Officer to monitor and perform specific, enumerated contract management duties related to contract planning, contract administration, technical oversight, and closeout to ensure that contractor’s performance meets the standards set forth in the contract. Contracting Officer Representatives may be designated as Assistant/Alternate Contracting Officer Representative or Task Manager.

Core Training - A course of study that meets FAC-COR competencies requirements for a certification level.

Critical Skills – Business and technical skills that are needed by a member of the acquisition workforce to sufficiently perform his/her duties.

Defense Acquisition University – A consortium of Department of Defense education and training institutions and organizations providing mandatory acquisition courses for certification.

Earned Value Management – A project management tool that effectively integrates the project scope of work with cost, schedule, and performance elements for optimum project planning and control.

Federal Acquisition Certification for Contracting Officers Representative – A certification program establishing core training requirements for Contracting Officer Representatives in civilian agencies.

Head of Contracting Office - Individuals designated to head the contracting offices within each operating unit that has designated contracting authority to award and administer contracts to the full limit of the Department's contracting authority.

Individual Development Plan - Document used to plan an employee's education, training, experience, and other developmental activities for progression in the procurement career field. Developing the plan is a joint effort of the employee, supervisor, and possibly other knowledgeable persons in the training and/or acquisition fields.

Program – A group of related work efforts, including projects, managed in a coordinated way. Programs usually include elements of ongoing work.

Program/Project Manager – An individual who directs a group of related activities performed within a specified time period to meet a specific set of objectives.

Program Official – An operating unit head or Office of the Secretary manager who is responsible for carrying out specified substantive functions (i.e., programs) necessary for the performance of the Department's mission.

Project – A specific investment having defined goals, objectives, requirements, life cycle costs, a beginning and end, and delivers a specific product, service, or result.

Senior Bureau Procurement Official – The senior career procurement official, within each operating unit that has been delegated contracting authority.

Senior Procurement Executive - The official appointed pursuant to Executive Order 12931 and the Services Acquisition Reform Act to carry out the responsibilities identified in both the Executive Order and SARA.

Skills Currency – Federal Acquisition Certification for Contracting Officer Representatives requires at least 8 to 40 hours of continuous education or training every two years to maintain certification.

Waiver -- A provision that permits the Department of Commerce Senior Procurement Executive to waive all or part of the FAC-COR requirements for an assigned program or project manager, if granting the waiver is in the best interest of the agency.

APPENDIX B – CONTRACTING OFFICER REPRESENTATIVE CORE COMPETENCIES

PROFESSIONAL BUSINESS COMPETENCIES

1. **Adaptability:** Is open to change and new information; adapts behavior or work methods in response to new information, changing conditions, or unexpected obstacles; effectively deals with ambiguity.
2. **Accountability:** Holds self and others accountable for measurable high-quality, timely, and cost-effective results. Accepts responsibility for mistakes. Complies with established control systems and rules.
3. **Attention to Detail:** Performs work thoroughly and evaluates work products to ensure they are complete and accurate.
4. **Business Ethics:** Ensures self and others adhere to high standards of ethical conduct and understands the impact of violating these standards.
5. **Conflict Management:** Manages and resolves conflicts and disagreements in a constructive manner; anticipates and takes steps to prevent counter-productive confrontations.
6. **Interpersonal Skills:** Demonstrates understanding, courtesy, tact, empathy, concern, political savvy, and politeness with others; develops and maintains effective working relationships with people who have differing backgrounds, situations, and perspectives.
7. **Leadership:** Influences, motivates, and challenges others; manages effective team dynamics; adapts leadership styles to a variety of situations.
8. **Oral Communication:** Effectively and clearly exchanges ideas, information, and messages through spoken words.
9. **Partnering:** Manages an active working relationship with all relevant partners and stakeholders through collaborative efforts that are intended to support program goals.
10. **Problem Solving:** Identifies and analyzes problems; determines accuracy and relevance of information; uses sound judgment to generate and evaluate alternative solutions, and to make recommendations.
11. **Resilience:** Deals effectively with pressure; remains optimistic and persistent, even under adversity; recovers quickly from setbacks.
12. **Self-Management/Initiative:** Sets well-defined and realistic personal goals; displays a high level of initiative, effort, motivation, and commitment towards completing assignments in a timely manner; demonstrates responsible behavior.
13. **Technology Management:** Maintains current knowledge of technological developments impacting work assignments; makes effective use of technology to achieve results; ensures access to and security of technology systems.
14. **Written Communication:** Effectively and clearly exchanges ideas, information, and messages through written words.

TECHNICAL COMPETENCIES

1. General Acquisition Concepts

Knowledge of Federal acquisition regulations, policies, and procedures including types of contracting authority, contract types, and the essential elements of a contract.

2. Acquisition Planning

Ability to serve on and assist the acquisition team in developing agency requirements, the acquisition strategy, the procurement request, and the solicitation.

3. Market Research

Ability to collect, organize, and analyze research to understand the marketplace, including sources for a supply or service, and industry environment.

4. Industry Engagement

Knowledge of appropriate situations and methods to communicate with current and prospective industry partners and ability to assist with various outreach and communication efforts to strengthen government's relationships with vendors.

5. Proposal Evaluation & Source Selection

Ability to assist in evaluating the quality, technical soundness, benefits, and risks of proposals in order to aid in the source selection for goods and services

6. General Project Management Concepts

Knowledge of standard contract management practices to monitor project progress, identify and address potential project issues and risks, keep stakeholders informed, and manage resources to accomplish the goals of the project

7. Performance Evaluation/ Quality Assurance

Ability to monitor contract performance through observation, inspection, performance metrics, and other information to evaluate work completed by the contractor

8. Contract Administration

Ability to interpret the terms and conditions of the contract in order to manage invoicing, project financials, project records, and government furnished equipment, systems, property, and information; ability to assist with contract closeout activities

APPENDIX C – GUIDANCE ON MEETING CONTINUOUS LEARNING POINTS

INTRODUCTION

Professional learning by acquisition workforce members serves to improve the outcome of Federal procurements and benefits the public interest. Regular participation in continuous learning activities and programs enhances the skills of acquisition professionals, affords them opportunities for professional growth, and improves the quality of services rendered.

Acquisition Career Managers and supervisors shall work with acquisition workforce members to identify opportunities and determine the appropriate number of CLPs obtained from each learning activity. Accounting for and documenting continuous learning activities is a mutual responsibility between the acquisition workforce member, supervisor and Acquisition Career Manager.

Acquisition workforce members should refer to Office of Federal Procurement Policy certification policies to determine how many CLPs they must earn in order to maintain their certification. For discrete activities related to acquisition, such as attending conferences or training, each hour spent in a continuous learning activity is equal to one CLP. Experiential activities that do not have a definite number of learning hours, such as rotational assignments and mentoring are discussed below. Hours in excess of the minimum requirements may not be carried forward for credit beyond the current period. In general, no single activity should be used to accumulate all CLPs required for certification maintenance. Workforce members should make an effort to participate in a variety of acquisition-related activities designed to give the member a well-rounded perspective of his/her acquisition function.

CLP ACTIVITIES

The following activities can generally be used to obtain CLPs:

A. Training/Education

CLPs may be earned through formal or informal training activities that are related to the acquisition workforce member's job, including participating in self-directed study⁴, presenting training, and taking higher education coursework.

B. Participating in Professional Organizations and/or their Events

CLPs may be earned for participating in professional organizations, attending events sponsored

⁴ Self-directed study programs must be approved by the employee's supervisor.

by them, and obtaining professional licenses or certifications. Membership in a professional organization alone will not be considered as fulfilling continuous learning requirements, but participation in the organization leadership will. Before participating in professional organizations, workforce members must ensure that their participation is authorized by their agency and is permitted by ethics laws and regulations. Examples of activities that may qualify for CLPs include holding elected/appointed positions, such as committee leadership roles, or attending and/or presenting at educational conferences or meetings.

C. Publishing

Publishing articles related to acquisition are generally acceptable for CLPs. Points will only be awarded in the year published. Authors must comply with agency publication policy.

D. Participating in Experiential Activities

Experiential activities are those at-work experiences that serve to enhance workforce professional skills and improve agency acquisition delivery, such as rotational and developmental assignments or mentoring. CLPs accumulate for learning; simply performing an already understood work function should not be used to accumulate CLPs. Longer experiences can be more beneficial than shorter experiences, but the granting of CLPs should be focused on what the workforce member has learned, rather than what they have done.

Supervisors and workforce members should pre-define, as much as possible, the learning activities to be accomplished in each experience, and should work together to determine the appropriate number of CLPs that each experience will accumulate for the member. Mentoring of workforce members during experiential learning is encouraged, as is sharing of knowledge gained in an experiential assignment through reports, briefings, project designs or formal or informal training.

SAMPLE ACTIVITIES

Below are sample activities and the CLPs that can be accumulated by workforce members that complete them. This list is not intended to be all-inclusive. Workforce members and supervisors should work together to identify qualifying experiences and their resulting CLP values. They should also seek and consider the advice of their Acquisition Career Manager in the assignment of CLP values for activities not listed.

| SAMPLE ACTIVITY | POINTS |
|---|---|
| Formal or Informal Training (such as FAI/DAU classroom or online courses) | 1 CLP per hour of instruction |
| Accredited Higher Education Courses (such as university courses) | Generally, 10 CLPs per semester or quarter hour |
| Continuing Education Unit (CEU) | 10 CLPs per CEU |
| Equivalency Exam | Same points as awarded for the course |

| SAMPLE ACTIVITY | POINTS |
|---|--|
| Conference, training, or seminar presentation | 1 CLP per hour, including preparation; maximum of 20 CLPs per year |
| Association Leadership Role | 1 CLP per hour; maximum of 20 CLPs per year |
| Professional License or Certification | 20 to 40 CLPs |
| Publication | 1 CLP per hour of material preparation; maximum of 20 CLPs per year |
| On-the-job Experiential Learning | 1 CLP per hour of activity; maximum 20 CLPs per year |
| Mentoring | 1 CLP per hour of activity; maximum 20 CLPs per year |
| Rotational or Developmental Assignment | Based on learning achieved and length of assignment/detail. Generally: |
| 12 month assignment/detail | 80 CLPs |
| 9 months | 65 CLPs |
| 6 months | 45 CLPs |
| 3 months | 35 CLPs |
| 2 months | 30 CLPs |
| 1 month | 20 CLPs |

APPENDIX D – RESERVED

APPENDIX E – 5-LEVEL PERFORMANCE RATING SYSTEM

5-Level Performance Rating System

Sample Contracting Officer Representative Performance Element & Standards

| Element | Description | General Measures | Specific Measures | Standards | | Feedback Source for Monitoring |
|--|---|-----------------------|---|---|--|--|
| Contract Mgmt <u>X</u> Critical ___ Non Critical | Ensures the technical requirements of assigned contracts are met. Monitors the technical effort being performed under the contract. Communicates with the Contractor as necessary to ensure the contractor is making satisfactory progress in performance of the contract. Directs the flow of technical matters between the Government and the Contractor. | Quality Timeliness | Regularly communicates with Contracting Officer. Resolves technical issues in a timely manner. Contract deliverables are on time. Submissions to the Contracting Officer accurate and complete. | 1. Outstanding | 2. Commendable | Supervisory Observation; Contracting Officer Input |
| | | | | Element objectives are achieved with maximum impact on organizational mission | Element objectives are accomplished effectively and efficiently with consistently | |
| | | | | through exemplary work that demonstrates exceptional originality, versatility, and creativity. Activities and related tasks are carried out with the utmost effectiveness and reliability, rarely leaving room for improvement. Potential sources of unproductive conflict are anticipated and managed through creative alternatives. Cooperation and responsiveness are actively promoted. Written and oral communications related to the performance element activities are exceptionally convincing and typically result in new cooperative relationships. | high levels of quality and quantity of work. Activities and related tasks are carried out in an efficient, orderly sequence that achieves thorough, timely, correct, and cost-effective results. Accepted procedures are carried out in a highly proficient and constructive manner, and problems are dealt with skillfully and resourcefully. Cooperative efforts are typically positive and productive. Written and oral communications related to the performance of element activities are unambiguous and convincing. | |
| | | | | 3. Fully Successful | 4. Marginal | |
| | | | | Element objectives, activities and related tasks are completed with adequate quality and quantity of work. Procedures are consistently and correctly followed and problems are dealt with satisfactorily. Work methods demonstrate an acceptable degree of cooperation with others. Written and oral communication related to the performance of element activities are readily understandable. | Element objectives, activities and related tasks are completed with only a minimal quality and quantity of work. Procedures are minimally correct and problems are handled satisfactorily only after either intervention by the supervisor or coworkers or repetitive attempts. Work methods demonstrate a marginal degree of cooperation with others. The employee's written communication usually considers the nature and complexity of the subject and intended audience. They convey the central points of information important to accomplishing the work. However, too often the communication is not focused, contains too much or too little information, and/or is conveyed in a tone that hinders achievement of the purpose of the communication. In communication to coworkers, the listener must question the employee at times to secure complete information or avoid misunderstandings. | |
| | | | | 5. Unsatisfactory | | |
| | | | | Element objectives and activities are typically not successfully completed due to failures in quality, quantity, completeness, or timeliness of work. Products or services are deficient or unacceptably late due to untimely, inefficient, incorrect, or technically deficient guidance, direction and oversight. Problems that arise during the performance of element activities are not satisfactorily resolved, or must be resolved by the supervisors or co-workers. The oral and written expression the employee uses in accomplishing the work of this element lacks the necessary clarity for successful completion of required tasks. Communication failures interfere with completion of work. | | |

APPENDIX F – 2-LEVEL PERFORMANCE RATING SYSTEM

2-Level Rating System

Sample Contracting Officer Representative Performance Element/Result/Objective & Indicators

| Critical Element/Result/Objective | Description | General Measures | Specific Measures | Sample Contracting Officer Representative Performance Element/Result/Objective & Indicators | Feedback Source for Monitoring | |
|-----------------------------------|---|-----------------------|---|--|--|---|
| Contract Management | Ensures the technical requirements of assigned contracts are met. Monitors the technical effort being performed under the contract. Communicates with the Contractor as necessary to ensure the contractor is making satisfactory progress in performance of the contract. Directs the flow of technical matters between the Government and the Contractor. | Quality Timeliness | Regularly communicates with Contracting Officer. Resolves technical issues in a timely manner. Contract deliverables are on time. Submissions to the Contracting Officer accurate and complete. | <p><i>1. Meets or Exceeds Expectations</i></p> <p>Element objectives, activities and related activities tasks are achieved with a level of completed performance, which can range in quality and quantity from adequate to outstanding.</p> <p>Procedures are consistently and correctly followed and problems are dealt with satisfactorily. Work methods demonstrate an acceptable degree of cooperation with others. Written and oral communication related to the performance of element activities are readily understandable.</p> <p>At a maximum activities and related tasks are carried out with the utmost effectiveness and reliability, rarely leaving room for improvement. Potential sources of unproductive conflict are anticipated and managed through creative alternatives. Cooperation and responsiveness are actively promoted. Written and oral communications related to the performance element activities are exceptionally convincing and typically result in new cooperative relationships.</p> | <p><i>2. Does Not Meet Expectations</i></p> <p>Element objectives and are not successfully due to failures in quality, quantity, completeness, or timeliness of work. Products or services are deficient or unacceptably late due to untimely, inefficient, incorrect, or technically deficient guidance, direction and oversight. Problems that arise during the performance of element activities are not satisfactorily resolved.</p> | Supervisory Observation; Contracting Officer Input |

APPENDIX G – SAMPLE CONTRACTING OFFICER REPRESENTATIVE EVALUATION FORM

Contracting Officer Representative: _____

Contracting Officer: _____ Date: _____

Contract Number(s): _____

Rating Descriptions:

1 = Poor 2 = Fair 3 = Adequate 4 = Very Good 5 = Superior NAA=Not Able to Assess

Please circle the appropriate answer:

1. Timeliness of Documents Submitted to Contracting Office 1 2 3 4 5 NAA

Comments:

2. Management of Business Partner Relationship 1 2 3 4 5 NAA
(includes monitoring technical performance and/or labor hours, resolving technical issues, promoting communication, providing customer service, making timely requests, and managing resources)

Comments:

3. Scope Management 1 2 3 4 5 NAA

Comments:

4. Performance of Delegated Contract Management Duties 1 2 3 4 5 NAA

(includes staying within the limits of appointment, invoice processing and other tasked described in Contracting Officer Representative delegation and appointment memorandum)

Comments:

5. Overall Performance 1 2 3 4 5

Comments:

Contracting Officer Comments/Suggestions:

Suggested Area(s) for Improvement:

APPENDIX H – SAMPLE NOMINATION, DELEGATION AND APPOINTMENT MEMORANDUM

SAMPLE CONTRACTING OFFICER REPRESENTATIVE NOMINATION MEMORANDUM

MEMORANDUM FOR: _____

FROM: _____
Contracting Officer Representative's Supervisor

SUBJECT: Nomination Memorandum to Serve as: [Select one: Contracting
Officer Representative/Alternative Contracting Officer Representative]

You are hereby nominated as [Select one: Contracting Officer Representative /Alternate Contracting Officer Representative] for the [Title of Project]. The estimated life cycle cost for the acquisition is [Insert amount]. The effective management of this program/project is essential to protect the resources and interests of the Department. Your involvement in each phase of the acquisition process from advanced acquisition planning through contract close-out is essential to the effectiveness of this process.

This nomination is predicated on your qualifications as a certified Contracting Officer Representative in the Department of Commerce. You are responsible for maintaining your credential throughout the performance of your duties under this assignment. You are further responsible for applying best practices in acquisition management to all aspects of this effort. You are responsible for complying with all requirements that the contracting officer sets forth during the acquisition process.

If at any time during the performance of your roles and responsibilities as [Select one Contracting Officer Representative /Alternate Contracting Officer Representative] you identify potential direct or indirect financial interests which would place you in a position where there is a conflict between your private interests and the public's interests, you shall immediately advise me and the Contracting Officer of the potential conflict so that appropriate action can be taken. This nomination is effective through contract award and your formal appointment as [Contracting Officer Representative /Alternate Contracting Officer Representative] by the Contracting Officer.

SAMPLE CONTRACTING OFFICER REPRESENTATIVE APPOINTMENT AND DELEGATION MEMORANDUM

MEMORANDUM FOR: _____

FROM: _____
Contracting Officer

SUBJECT: Delegation & Appointment Memorandum: Instructions to the
[Select one: Contracting Officer Representative or Alternate
Contracting Officer Representative]

You are hereby appointed the [Select one: Contracting Officer Representative/Alternate Contracting Officer Representative]] for Contract No. _____. You and your immediate supervisor are requested to sign the last page of this memorandum and return it to this office within 7 calendar days to acknowledge your appointment as Contracting Officer Representative and your receipt of this memorandum.

The Contracting Officer is the exclusive agent of the Government with authority to enter into and administer contracts. Thus, the Contracting Officer has the responsibility to see that all requirements of law and regulation are followed. However, as the Contracting Officer Representative you are delegated the authority to monitor the technical effort being performed under the contract. You should familiarize yourself with the requirements of the contract and communicate with the contractor as necessary to ensure the contractor is making satisfactory progress in performance of the contract. Other than the Contracting Officer, you are the only Government employee who may direct the flow of technical matters between the Government and the Contractor.

A contract is a legally enforceable agreement that contains the rights and remedies of the parties. If the Contractor deviates from the terms of the contract, it is a matter between the Government (represented by the Contracting Officer) and the contractor. You must keep the Contracting Officer fully informed so that legally effective solutions can be applied to problems as they develop.

Your suggestions to the Contractor may be construed as instructions and lead to claims for additional compensation or to a release of the contractor from its obligations under the contract. Suggestions sometime work out, but often lead to misunderstandings. Therefore, while you can and must make technical decisions, do not take any contract administration actions unless they are clearly authorized by this delegation and appointment memorandum.

Your delegated responsibilities as the Contracting Officer's Representative are to:

1. Advise on or determine a need for a product or service.
2. Collect and analyze market research data to establish technical requirements or identify potential contractors.
3. Develop the independent government cost estimate.

4. Establish requirements, prepare requirements documents, and write statements of work.
5. Define performance objectives, criteria, and measurements for evaluating proposals.
6. Establish technical terms and conditions of the solicitation.
7. Participate in contract negotiations.
8. Perform evaluations of bids and proposals.
9. Maintain an arms-length relationship with the contractor in the interest of procurement integrity as well as sound contract management.
10. Keep the Contracting Officer fully informed of any technical or contractual difficulties encountered during performance. You should also advise the Contracting Officer of any potential problem areas under the contract.
11. Assure the Contracting Officer that the Contractor is performing the technical requirements of the contract in accordance with the contract terms, conditions, and specifications.
12. Inform the Contractor of failures to comply with the technical requirements of this contract and inform the Contracting Officer of any failures to do so, particularly if the Contractor does not make corrections.
13. Coordinate site entry for Contractor personnel, if applicable, complying with requirements of HSPD-12 in your role as a Sponsor.
14. Ensure that Government furnished property, if any, is available when required, and report any accountable property to the appropriate property personnel.
15. Ensure that all required items, documentation, data, and/or reports are submitted to you as required by the contract. If additional time is required by the Contractor, the Contractor should submit a formal request for a time extension to the Contracting Officer through you. You should indicate your concurrence or state the reasons why you do not concur and forward the request to the Contracting Officer for finalization.
16. Evaluate proposals for and participate in negotiation of changes, modifications and claims at the request of the Contracting Officer.
17. Review vouchers for cost-reimbursement type work and recommend approval by the Contracting Officer if the Contractor's costs are consistent with the negotiated amounts and progress is satisfactory and commensurate with the rate of expenditure.

18. Review and approve invoices for fixed-price deliverables to ensure receipt of the goods and services.
19. Process all invoices and vouchers in a timely manner in accordance with the Prompt Payment Act.
20. Document actions taken and decisions that you have made as the Contracting Officer Representative and maintain adequate records to sufficiently describe the performance of your duties as Contracting Officer Representative during the life of this contract. At a minimum, the Contracting Officer Representative file should contain copies of the following:
 - a. Contracting Officer Representative delegation and appointment memorandum and acknowledgement.
 - b. Contract and any modifications.
 - c. All contract correspondence.
 - d. Records of Contracting Officer Representative inspections.
 - e. Records of conversations with the contractor.
 - f. Invoices/vouchers.
21. Provide the Contracting Officer with a copy of any correspondence you send to the Contractor.
22. If the contract is for construction or services and you visit the site where work is being performed, check to see that the Department of Labor and Equal Employment Opportunity posters and applicable wage determination rates are posted in full view of employees.
23. Perform final inspection and acceptance of all work required under the contract, including the review and approval of reports and assist the Contracting Officer with contract closeout activities as requested. See Commerce Acquisition Manual Part 4, Chapter 3, on Contract Closeout for specific procedures.
24. Submit reports on contractor performance, such as the SF-1421 for A&E work.
25. Evaluate contractor performance in accordance with Federal Acquisition Regulations (FAR) Part 42.15 and acquisition office procedures.

In your capacity as Contracting Officer Representative you DO NOT have the authority to:

- Award, agree to, or sign any contract, delivery order or task order. All contractual agreements, commitments, or modifications shall be made only by the Contracting Officer.
- Make any commitments or otherwise obligate the Government, or to make any changes to the contract.
- Grant deviations from or waive any of the terms and conditions of the contract.
- Impose or place a demand upon the Contractor to perform any task or permit any substitution not specifically provided for in the contract.
- Increase the dollar limit of the contract or authorize work beyond the dollar limit of the contract or authorize the expenditure of funds.
- Give direction to the Contractor or to the employees of the Contractor except as provided for in the contract.
- Change the period of performance.
- Authorize the purchase of equipment, except as required under the contract.
- Authorize the furnishing of Government property, except as required under the contract.
- Authorize subcontracting or the use of consultants.
- Approve shifts of funding between line items of the budget.
- Approve travel and relocation expense over and above that provided for in the contract.
- Authorize the use of overtime.

Your appointment as Contracting Officer Representative shall remain in effect through the life of the contract unless sooner revoked by the Contracting Officer, and any such revocation of the appointment shall be in writing. If your appointment is revoked for any reason before completion of this contract, turn your records over to the successor Contracting Officer Representative or obtain disposition instructions from the Contracting Officer. If you are reassigned or separated from service, request termination and relief from your duties from the Contracting Officer sufficiently in advance of your reassignment or separation to permit timely selection and appointment of a successor Contracting Officer Representative.

If you have or may have direct or indirect financial interests, which would place you in a position where there is a conflict between your private interests and the public interests of the United

States, you shall immediately advise your supervisor and the Contracting Officer of the conflict so that appropriate action may be taken. You shall avoid the appearance of such conflict to maintain public confidence in the Government's conduct of business with the private sector. To this end, you may be required to complete a Confidentiality Certificate, Conflict of Interest Certificate, and Source Selection Non-Disclosure Agreement and Statement of Financial Interest. You may also be required to complete an OGE-450, Confidential Financial Disclosure Report or SF-278, Public Financial Disclosure Report, which are maintained by the Department of Commerce Office of General Counsel, Ethics Law and Programs Division.

[AS AN INDICATION THAT YOU HAVE READ, UNDERSTAND AND AGREE TO COMPLY WITH YOUR CONTRACTING OFFICER REPRESENTATIVE ROLE AND RESPONSIBILITIES, PLEASE COMPLETE THE NEXT PAGE OF THIS MEMORANDUM AND RETURN IT TO THE CONTRACTING OFFICER WITHIN 7 CALENDAR DAYS OF THE DATE OF THIS APPOINTMENT.]

MEMORANDUM FOR: [Contracting Officer]

The undersigned acknowledges the [Insert one: Contracting Officer Representative or Alternate Contracting Officer's Representative] appointment on Contract No. _____ and accepts the duties, responsibilities, and limitations described in the delegation and appointment memorandum.

I understand and accept that you, as the Contracting Officer, reserve the authority to cancel this Contracting Officer Representative appointment in accordance with conditions set forth in the Department of Commerce Contracting Officer Representative Certification Program, set forth in Commerce Acquisition Manual 1301.670.

As such:

I agree to satisfy and perform the contract management duties assigned to me in accordance with the ethical standards of conduct for procurements and for federal employees.

I agree to diligently monitor the technical performance of the contractor to ensure that technical requirements under the contract are met by the delivery date or within the period of performance set forth in the contract.

I agree to partner with the Contracting Officer by keeping him/her informed of any technical difficulties arising under the contract.

I agree to promote fair and open competition whenever possible.

I agree not to make any commitments or otherwise obligate the Government to make any changes to the contract.

I agree not to make any commitments or obligations that would otherwise go beyond the limits of my Contracting Officer Representative delegation.

[Insert one: Contracting Officer Representative
or Alternate Contracting Officer Representative]
(Name and signature)

Date

Supervisor Acknowledgment:

Supervisor (Name and signature)

Date

APPENDIX I – RESERVED

APPENDIX J – EXTERNAL TRAINING & CONTINUOUS LEARNING POINT SUBMISSION INSTRUCTIONS

When applying for certification with completed external training not recorded in FAI CSOD, the user has the option to:

- I. Request continuous learning points for the completed training. [*External Continuous Learning Activity Request Form*]

and/or

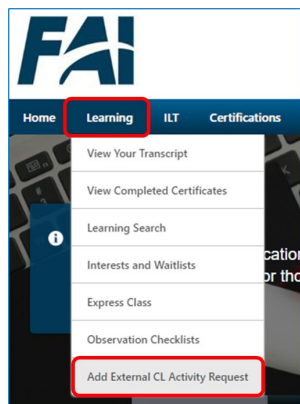
- II. Have the course registered in their certification application. [*Equivalency/Fulfillment Request Form*]

I. EXTERNAL CONTINUOUS LEARNING ACTIVITY REQUEST FORM

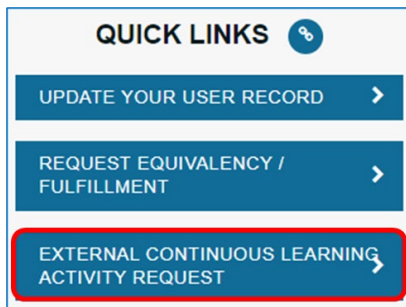
This form is used to request CLPs for external learning activities.

NOTE: This form is **NOT** used to record external training for certification.

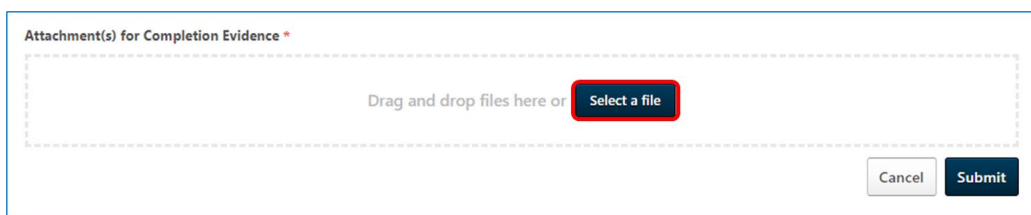
1. From the **Learning** dropdown, select **Add External CL Activity Request**.



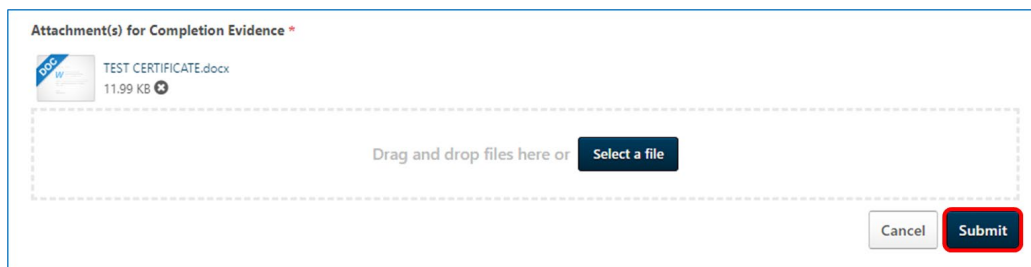
NOTE: The form can also be accessed via the QUICK LINKS on the FAI CSOD Welcome page by clicking on **EXTERNAL CONTINUOUS LEARNING ACTIVITY REQUEST**.



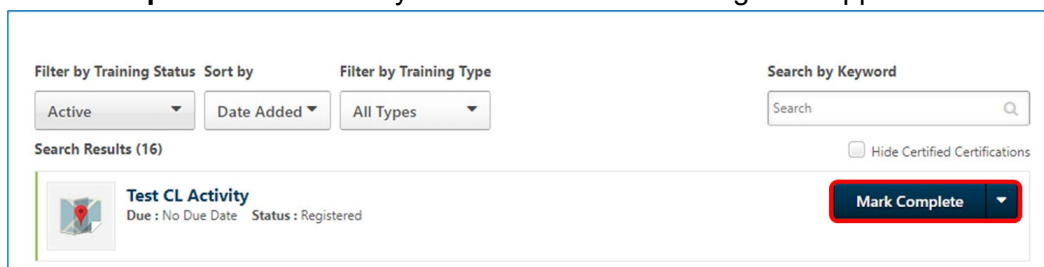
2. Fill out form.
 - a. All fields marked with * are required fields.
 - b. Enter earned CLPs in the **Continuous Learning Points** field.
3. Attach completion evidence (i.e. training certificate).



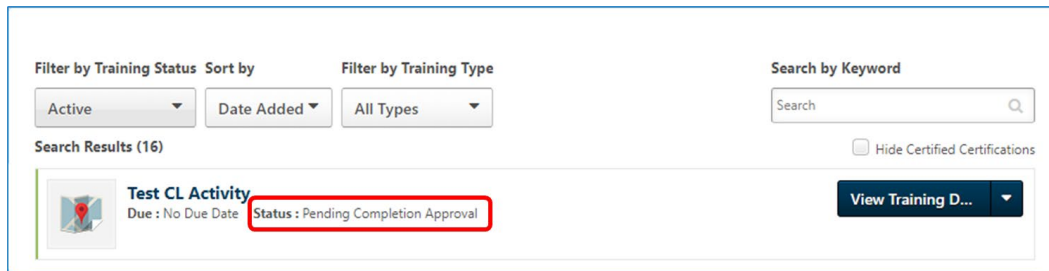
4. Click **Submit**.



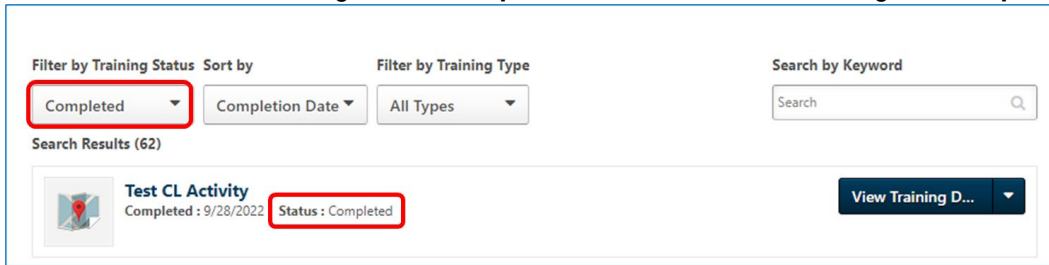
5. The external CL activity is now on your transcript with the Status: Registered. Select **Mark Complete** to forward to your Bureau Career Manager for approval.



NOTE: After selecting **Mark Complete**, the Status will change to **Pending Completion Approval**.



NOTE: After your Bureau Career Manager approves the request, the external CL activity will move to Training Status **Completed**, and the Status will change to **Completed**.

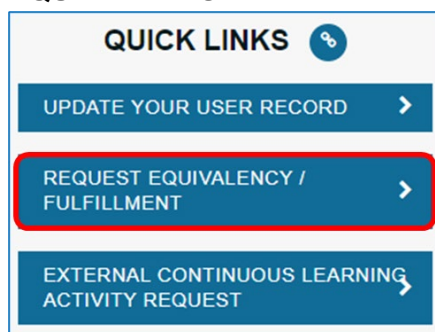


II. EQUIVALENCY/FULFILLMENT REQUEST FORM

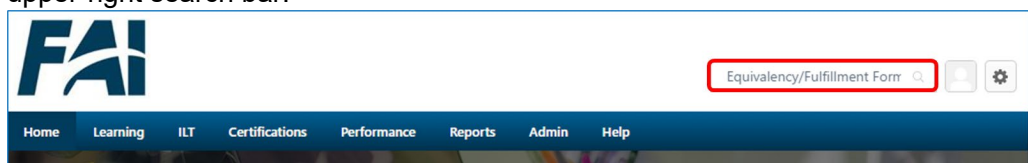
This form is used to register completed external training courses for certification only.

NOTE: This form is **NOT** used to request CLPs for external learning activities.

1. From the FAI CSOD welcome page, access the Equivalency/Fulfillment Request Form from the **QUICK LINKS**.



NOTE: You may also find the form by searching for Equivalency/Fulfillment Form in the upper-right search bar.



2. Fill out form.

- a. All fields marked with * are required fields.
- b. Please choose why you are submitting this request from the options below (select all that apply). *
 - i. Select **Certification Requirement**
- c. If you selected "Certification Requirement" please list the certification. If you selected "Prerequisite Requirement" please list the course.
 - i. Enter the certification to which the course applies (i.e. FAC-COR Level 2)

Please choose why you are submitting this request from the options below (select all that apply). *

Certification Requirement

Prerequisite Requirement

Mandatory Training Requirement

If you selected "Certification Requirement" please list the certification. If you selected "Prerequisite Requirement" please list the course.

- d. Please select the course you would like equivalency credit for. *
 - i. Select the applicable course from the dropdown. If your desired course is not listed, select **Other**.

Please select the course you would like equivalency credit for. *

Select ▼

- ii. If you selected **Other**, enter your desired course exactly as it appears in the FAI CSOD catalog. (i.e. CON 091 (FED))

If you selected "Other", please list.

Ex. ABC 123 (FED)

- e. Enter the *Training Start Date & Training End Date*
- f. *Equivalency Option: Course Completion Certificate*
 - i. Attach your evidence of completion.

Equivalency Option: Course Completion Certificate

Drag and drop files here or

If requesting course equivalency, attach course completion certificate here.

- 3. Click **Submit for Approval**.
 - a. Notify your Bureau Career Manager for approval.