



U. S. DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
DIRECTIVES SYSTEM

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Subject: CONTRACTING OFFICER'S TECHNICAL REPRESENTATIVE (COTR) TRAINING
AND REFERENCE MANUAL GUIDE

Approval: *[Signature]* **Title:** Director

1. Purpose. This directive establishes guidelines for the Contracting Officer's Technical Representatives (COTR's) manual. COTR training will be divided into two courses: (1) for construction and architect engineer contracting; and (2) for supply, services, and ADP contracting.
2. Summary. This directive describes the duties, responsibilities, and limits of authority of individuals officially designated to represent the Contracting Officer in technical, professional, or administrative matters relating to contractual instruments awarded by OSM.
3. Definitions.
 - a. Appointment of Contracting Officers. "Certificate of Appointment," SF-1402, issued by the Head of the Contracting Activity which authorizes an individual to enter into, administer, and/or terminate contracts, and make related determinations and findings subject to the limitations set forth on the Certificate of Appointment.
 - b. Designation of Contracting Officer's Technical Representative. A written delegation of authority (Appendix 1) from the Contracting Officer which authorizes certain OSM employees to perform technical administration of Government contracts within the contents and limits of their delegations of authority from the Contracting Officer.
 - c. Contracting Officer. An individual who has been delegated the authority to enter into, administer, and/or terminate contracts, and make related determinations and findings subject to the limitations set forth on the Certificate of Appointment.
 - d. Contracting Officer's Technical Representative (COTR). An individual who has been designated, in writing, by the Contracting Officer to perform technical administration of Government contracts within the contents and limits of their delegations of authority from the Contracting Officer.

4. Policy/Procedures.

a. Policy. It is agency policy to ensure that:

(1) OSM receives all that it has negotiated for in establishing a contract. Individuals must be competent in the practices of contract administration/monitoring and aware of and faithful to the contents and limits of their delegations of authority from Contracting Officers.

(2) Individuals who have been designated, in writing, by the Contracting Officer to serve as COTR's, receive COTR training. Within six (6) months of their designation, individuals both who have never received training and those who have not received training within the previous three (3) years shall attend a scheduled COTR training course. The primary objective of the course must be to train participants to perform administration activities as required in connection with their role as COTR's for OSM. Exceptions to this policy must be approved by the Director. The COTR training shall consist of a basic and refresher course plan. The basic training must be at least twenty-four (24) hours in duration and must be updated every three (3) years by a refresher course, also at least twenty-four (24) hours in duration.

Training needs will be established annually (September 1st for the following Fiscal Year) by the Director, OSM. The needs assessment (projected list of COTR's) must be submitted to the Head of the Contracting Activity no later than July 1st for the following Fiscal Year.

b. Responsibilities.

(1) The Director approves annual COTR training plan.

(2) The Assistant Directors and Field Office Directors recommend COTRs, determine training needs, and submit requests for such training.

(3) The Assistant Director, Budget and Administration approves needs assessment.

(4) Warranted Contracting Officers designate COTRs.

c. Procedure. A warranted Contracting Officer is the only individual authorized to designate a COTR. This designation must be in writing and set forth within the contents and limits of the delegation of authority.

5. Reporting Requirements. Assistant Directors and Field Office Directors shall ensure that all designated COTR's are adequately trained and that needs assessment listings are submitted to Headquarters as required.

6. Effect on Other Documents. None.

7. References.

- a. The Ethics in Government Act of 1978, as amended by (P.L. 95-521, P.L. 96-28, and P.L. 100-679).
- b. Office of Federal Procurement Policy Act, P.L. 100-679.
- c. Ethics Reform Act of 1989, P.L. 194.
- d. Departmental Manual, Part 376, Chapter 4.
- e. Office of Personnel Management Government-wide Ethics Regulations, 5 CFR, Part 734.
- f. Department of the Interior Employee Responsibilities and Conduct, 43 CFR, Part 20.735.
- g. Federal Acquisition Regulation (FAR), Part 3 and Part 42, Subpart 42.3.
- h. OSM's Delegations of Authority, OPM-5, dated October 5, 1990.
- i. Department of the Interior Acquisition Release, 89-57, dated August 18, 1989.
- j. OSM's COTR Training Manual, Revised 1990.

8. Effective Date. Upon issuance.

9. Contact. Division of Management Services, Branch of Procurement, (202) 343-4685, FTS 343-4685.

10. Keywords. Contracting Officer's Technical Representative
Contract Administration
Project Monitoring

11. Appendix.

Appendix 1

Sample: Designation of Authorized
Contracting Officer's Technical
Representative (COTR)



United States Department of the Interior
OFFICE OF SURFACE MINING
Reclamation and Enforcement
WASHINGTON, D.C. 20240



APPENDIX 1

S-A-M-P-L-E

MEMORANDUM

TO: _____
Designated COTR

FROM: _____
Contracting Officer

SUBJ: DESIGNATION OF AUTHORIZED CONTRACTING OFFICER'S
TECHNICAL REPRESENTATIVE (COTR)

Contract No.: _____
Contractor: _____
Title: _____

It is necessary for the Government to perform numerous monitoring or administrative activities in its role of assuring the successful accomplishment of contractual requirements. Such activities require the expertise of both technical and business personnel operating in a timely and orderly manner. Therefore, I hereby designate you as my duly authorized representative solely for the purpose of performing the administrative functions listed below which may be required in connection with the above-referenced contract.

Your actions in this capacity will directly affect the successful performance of the contract. It is, therefore, mandatory that the responsibilities assigned to you be thoroughly understood; and, if questions should arise concerning these responsibilities, that they be directed to the Contracting Officer's attention immediately.

A. In order to reduce the risk of contract overruns, poor contractor performance, unacceptable products, etc., the authorized representative shall:

1. Assist the contractor in interpreting technical requirements of the contract's scope of work. (Differences of opinion shall be referred to the Contracting Officer for resolution.)

2. Ensure that tasks or delivery orders are administered in strict compliance with the terms and conditions set forth in the contract.

3. Ensure that the Contractor does not exceed the defined task or statement of work set forth in the contract. Specifically, the Contractor can only perform or render those services described and set forth in the statement of work.

4. Monitor contract performance and to report all problems related to the contract. Any violation or deviation from the terms and conditions set forth in the contract shall be reported promptly to the Contracting Officer, first verbally and then confirmed in writing.

5. Ensure that information concerning contract performance is provided to the Contracting Officer and that such information is in sufficient detail to determine whether the Contractor's performance is satisfactory.

6. Ensure that the Contractor promptly notifies the Contracting Officer of any anticipated overrun of any ceiling price of a contract. Daily or weekly contacts concerning progress of work and funds expended must be made with the Contractor in order to monitor this area.

7. Accomplish on-site surveillance and status reporting of performance of services in accordance with terms and conditions of the contract. Where appropriate, the on-site surveillance must include the review of labor categories being utilized by the Contractor to ensure that qualified Contractor employees are used.

8. Review engineering studies, designs, or value engineering proposals submitted by the Contractor to determine their feasibility or non-feasibility and to submit your technical evaluation to the Contracting Officer with appropriate recommendations in accordance with the terms and conditions of the contract.

9. Perform inspections and certify acceptance or non-acceptance of work performed by the Contractor. In order to adequately perform this function, you must perform on-site inspections to determine that work has been performed in accordance with the statement of work, that the appropriate level of expertise was utilized by the Contractor, and that the final product has been adequately tested.

If required by the contract, the invoices submitted by the Contractor must be accompanied by time cards or a record of time worked by the Contractor showing the individuals used, hours worked and charged. Any charges on the invoices not compatible with work performed shall be identified and brought to the attention of the Contracting Officer immediately.

10. Review the invoices to ensure that all goods and services have been received by the Government, and accordingly, approve invoices for payment if items have been received. In the event that an invoice is not accurate, the COTR shall seek assistance from the Contracting Officer and return the invoice to the Contractor along with a letter of explanation.

11. Monitor the use of Government-furnished material and equipment. Government-furnished material not consumed by the Contractor must be documented and returned to the Government. The COTR must maintain adequate records in order to ensure the appropriate disposition of Government-furnished material.

12. Sign receiving reports. A receiving report shall include:

- (a) Contract or other contractual authorization number.
- (b) Product or service description.
- (c) Quantities received and, if applicable, periods covered by services.
- (d) Dates(s) property or services accepted (emphasis on date accepted rather than the date the receiving report was prepared).
- (e) Signature, printed name, title, phone number, and where applicable, mailing address of the authorized receiving official.

13. Upon expiration of the contract, provide a written statement attesting to the Contractor's completion of technical performance under the contract and of the delivery and acceptance of all goods and services for which inspection and acceptance are herein designated.

B. The authorized representative is NOT authorized under any circumstances:

1. To award, agree to, or execute any contract, contract modification or notice of intent.

2. To execute, or agree to any changes in the specifications, delivery schedule, or other terms and conditions of the contract.

3. To order work outside the scope of the contract.

4. To commit or obligate, in any way, the payment of money by the Government.

5. To make a final decision on any contract matter which is subject to FAR Clause 52.233.1 - Disputes.

6. To resolve any dispute concerning a question of law or fact arising under the contract.

7. To terminate, for any cause, the Contractor's right to proceed.

8. To further delegate any of the administrative functions listed herein unless such redelegation is made in writing and the prior written approval of a duly authorized Contracting Officer is indicated, in which event, a copy of said redelegation shall be made.

C. Notice to authorized representative and acknowledgements:

NOTICE TO AUTHORIZED REPRESENTATIVE

"Except as provided in PRC-9 and regardless of the provisions at 43 CFR 20.735-7, the appointee shall not solicit or accept any gift, gratuity favor, entertainment, loan or anything of monetary value from a competing contractor involved in any action for which the appointee is responsible under this delegation of authority."

CONTRACTING OFFICER (Signature)

DATE

ACKNOWLEDGEMENT OF RECEIPT

COTR (Signature)

CONTRACTOR (Signature)

TITLE

TITLE

ORGANIZATION/PHONE NO.

ORGANIZATION/PHONE NO.

DATE

DATE