

CHAPTER 1

INTRODUCTION

Overview The purpose of this refresher course is to familiarize the student with the roles and responsibilities of the Contracting Officer's Representative (COR) and Quality Assurance Evaluator (QAE).

Introduction This training is not intended to *certify* anyone as a COR or QAE, but to refresh their previous training in this subject matter. The focus of this course is to give background information and guidance on typical duties and responsibilities of these positions. Actual duties and responsibilities are set forth in the Letter of Designation.

What's in a name? Some activities use other terms, such as Contracting Officer's Technical Representative (COTR) and Quality Assurance Representatives (QAR) to represent COR or QAE actions. As previously stated, the general duties and responsibilities of these terms are described in the particular Letter of Designation assigned by the contracting officer.

However, the terms "Contracting Officer (KO)", "Administrative Contracting Officer (ACO)", and "Termination Contracting Officer (TCO)" have specific and decidedly different meanings and should not be used if COR or QAE is intended. These positions have the authority to obligate the government, the COR nor QAE have this type of authority.

Finally, individuals may be a COR or QAE under one contract and have another role (Ordering Officer, perhaps) under another contract. The COR or QAE may be responsible for several contracts, therefore, care should be taken not to mix the titles and contract numbers.

Key contractual personnel and their authority The Contracting Officers obtain their authority from the Federal Acquisition Regulation (FAR). Under the Defense Federal Acquisition Regulation Supplement (DFARS) Subpart 201.6 contracting officer's may designate qualified personnel as their authorized representatives to assist in performing specific technical or administrative functions in support of government contracts. The authority of the COR and QAE comes directly from the contracting officer and is defined in the Letter of Designation (Exhibit 1). The contracting officer can also revoke the authority for cause if the COR or QAE fails to perform as expected.

Role of the KO Contracting Officers role is to safeguard the interest of the government by using sound judgement in contractual actions.

Authority Agency heads or their designees appoint contracting officers. The vehicle used to confer express authority is the Certificate of Appointment (SF 1402), commonly known as a warrant. The contracting officer must display the warrant in a conspicuous place. It states the limitations of the scope of authority to be exercised. Limitations may restrict the authority by dollar amount, time, type of commodity, etc.. Even so-called unrestricted warrants are limited to the mission of the appointing agency. Authority can not be re-delegated.

Duties The Federal Acquisition Regulation (FAR) states that a contracting officer shall:

- Ensure that all laws, regulations and approval requirements have been met and that funds are available for obligation
- Ensure that contractors receive impartial, fair and equitable treatment
- Request and consider the advice of specialists in audit, law, engineering, transportation, and other fields, as appropriate.

Role of the COR The COR is designated to help contracts run smoothly. They perform post-award functions.

Authority When appointment of a COR is anticipated the contracting officer will use the clause at 252.201-7000, Contracting Officer's Representative, in solicitations and contracts.

What does it take for a particular contract to run smoothly? Perhaps the contracting officer only needs on-site administrative support and the duties are quite simple. However, once a contract has inspection testing; complex specifications or in worst cases inadequate specifications; where Government property is involved; when award was made to an inexperienced or unscrupulous contractor; the role of the COR is on a much higher level.

Duties Basically the COR is the eyes and ears of the Contracting Officer. They are not authorized to make any commitments or changes that will affect price, quantity, quality, delivery or any other term or condition of the contract. They may not re-delegate their authority.

The Letter of Designation should set forth the specific duties expected of them. Therefore, when a COR having served on one contract is designated for another, it can not be assumed that the duties are the same as the previous contract and should read carefully the new Letter of Designation and review the salient characteristic features of the new contract.

To keep problems at bay, there may be a need for creating a post-award plan, analyze contractor reports, observe performance, be a liaison between the contractor and the contracting officer, and keep records to conscientiously hold the contractor to the terms and conditions of the contract.

As a general rule duties fall into three categories:

- ◆ Rendering administrative and liaison support on behalf of the contracting officer
- ◆ Monitoring contractor performance and keeping accurate records
- ◆ Communicating with both the contractor and contracting officer.

Role of the QAE The Quality Assurance Evaluator (QAE) is a functionally qualified person who performs quality assurance functions for contracted services. QAE qualifications consist of:

1. Having technical knowledge and experience in the area to be contracted, that is sufficient to permit them to observe contractor performance and determine whether the service does or does not meet contract standards
2. Should have enough retention to perform surveillance until contract completion
3. Must know and understand the contract and maintain a favorable ethical standard posture.

Authority The QAEs appointment requires a Letter of Designation. Their duties and responsibilities are set within the letter by the contracting officer.

Duties The QAE is responsible for:

- Maintaining technical competency in the functional area surveyed
- Obtaining and maintaining proficiency in contract surveillance procedures
- Understanding all contract and surveillance requirements of the specific contract assigned
- Perform surveillance IAW the QASP and provide documentation in

support of their findings

- Calculate and certify acceptance of services in the manner prescribed by the KO.
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The Acquisition Process

Introduction

The acquisition process is a broad term covering all activities from the point where the need of the using activity is identified through the completion, final payment, and closeout of the contract. The acquisition process can be further broken down into planning and contracting.

Planning

This is an extremely important activity and is critical to proper and complete preparation of a user's requirements package. Proper planning is a team effort as it involves using activity (technical experts, functional personnel, etc.), financial, manpower, and contracting personnel. The planning process should be initiated as early in the requirement stage as possible. Technical, contracting, and functional personnel should be involved with the development of the Performance Work Statement (PWS).

The contracting process

The contracting process is generally separated into three phases; (1) Pre-Award – solicitation, (2) Award, and (3) Post-Award – administration. Additionally, this process involves people from many functional areas; i.e., the using activity, accounting and finance, manpower, legal, and contracting.

The contracting action actually begins when a using organization determines that it needs to contract for a specific service. A great deal of planning is required to get the service started in a timely manner. Key documents that support a service contract are the Performance of Work Statement (PWS) which should accurately and completely state the minimum requirements and the Quality Assurance Surveillance Plan (QASP) which depicts the contract requirements to be monitored and the method of surveillance to be used for each requirement. The PWS and

QASP should be developed simultaneously.

Summary

While duties of a COR or QAE may fall into the category of other duties as assigned, supervisors must understand the responsibility of these individuals. Prior to the assignment, the COR or QAE should discuss these issues with their supervisor.

The contracting officer is empowered to obligate the Government and this authority is not re-delegable. But the contracting officer's role of supporting

the mission through contractual efforts and of treating contractors fairly and impartially is extended through the actions of the COR or QAE whose efforts help the contract run smoothly.

EXHIBIT 1

SAMPLE COR (QAE) LETTER OF DESIGNATION

{On Official Letterhead}

{Dated}

SUBJECT: Letter of Designation of COR (QAE) for Contract {PIIN}

{COR (QAE) Name and Address}

1. Pursuant to the provisions of DFARS 201.602, you are hereby designated the Contracting Officer's Representative (COR) (QAE) in administration of the following contract:
 - {Contract Number}
 - {Description of Supply or Service}
 - {Contractor's Name}
 - {Contract Period}
2. You are hereby authorized by this Letter of Designation to take any or all action with regard to the following which could lawfully be taken by me as contracting officer, except any action specifically prohibited herein or by the terms of subject contract:
 - a. Verify that the contractor performs the technical requirements of the contract in accordance with the terms, conditions and specifications of the contract.
 - b. Perform, or cause to be performed, inspections necessary in connection with paragraph a. above and verify that the contractor has corrected all deficiencies.
 - c. Perform acceptance for the Government of services performed under this contract.
 - d. Coordinate site entry for contractor personnel and ensure that any Government-Furnished Property (GFP) is available when required.
3. The following limitations are placed on your designation:
 - a. IAW the DFARS 201.602-2, you may not make any commitments or changes that affect price, delivery/performance, quality, quantity, or other terms and conditions of the contract. This includes a prohibition on oral or written change orders.
 - b. You may not perform any function that may be delegated under FAR 42.302 to contract administration offices.
 - c. You may be held personally liable for any unauthorized acts in your duties as a COR(QAE) or as a Government employee.
4. This designation as a COR (QAE) shall remain in effect through the life of the contract, unless sooner revoked/terminated by the contracting officer. Such termination of the designation shall be in writing. If your designation is revoked for any reason before completion of this contract, turn your records over to the successor COR (QAE) or obtain disposition instructions from the contracting officer. If you are reassigned or separated from service, you shall request termination and relief of your duties from the contracting officer sufficiently in advance of

reassignment or separation to permit timely selection, training, and designation of a successor COR (QAE). You may not re-delegate your COR (QAE) authority.

5. You are further required to maintain adequate records to sufficiently describe the performance of your duties as a COR (QAE) during the life of this contract and to distribute such records as applicable. As a minimum, the COR (QAE) file shall contain the following:
 - a. A copy of the Letter of Designation from the contracting officer.
 - b. A copy of the contract or appropriate part of the contract and all modifications.
 - c. All correspondence initiated concerning performance of the contract.
 - d. Record of inspections performed and the results.
 - e. Memoranda for record or minutes of any pre-performance conferences, meetings or discussions with the contractor, or others, pertaining to the contract or contract performance.
6. As one engaged in contracting and related activities you shall conduct business dealings with industry in a manner above reproach in every aspect and shall protect the U.S. Government's interests, as well as maintain its reputation for fair and equal dealings with all contractors. DoDD 5500-7-R sets forth-applicable standards of conduct for all Government personnel.
7. Should you have direct or indirect financial interests that would place you in a position where there is a conflict between your private interest and the public interests of the United States Government, you shall advise your supervisor and the contracting officer of the conflict so that appropriate actions may be taken. A COR (QAE) should avoid the appearance of such a conflict to maintain public confidence in the conduct of business between the U.S. Government and the private sector.
8. You are required to acknowledge receipt of this designation on the original copy and return it to the contracting officer for retention in the contract file. Your signature also serves as evidence that you are aware of the standards of conduct outlined in the Joint Ethics Regulation (JER) and you agree to be bound by them. The duplicate copy should be retained in your file.

{Signature of contracting officer}

Receipt of this Letter of Designation is hereby acknowledged: {Signature of COR (QAE)}