

**FISH AND WILDLIFE SERVICE
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Part 302 Contracting Officers

Chapter 2 Federal Acquisition Certification – Contracting Officer Technical Representative 302 FW 2

2.1 What is the purpose of this chapter? This chapter:

- A.** Supplements the Department of the Interior's Federal Acquisition Certification for Contracting Officer Technical Representatives (FAC-COTR) Program Policy Guide, and
- B.** Describes the Service's process for certifying and appointing Contracting Officer Technical Representatives (COTRs).

2.2 What is the objective of this chapter? The objective of this policy is to ensure that the Service's COTRs have the education, training, and experience they need to accomplish mission goals effectively.

2.3 What are the authorities for this chapter?

- A.** Office of Federal Procurement Policy (OFPP) Act, as amended (41 U.S.C. 405).
- B.** OFPP Policy Letter 05-01: Developing and Managing the Acquisition Workforce, 04/15/05.
- C.** OFPP Memorandum, *The Federal Acquisition Certification for Contracting Officer Technical Representatives*, November 26, 2007.
- D.** Federal Acquisition Regulation (FAR) Part 1.6, Career Development, Contracting Authority, and Responsibilities; and Part 7.5, Inherently Governmental Functions.
- E.** Department of the Interior Acquisition Regulation (DIAR) Part 1401.670-2, Contracting Officer Representative Certification Programs.
- F.** Privacy Act of 1974 (5 U.S.C. 552a).
- G.** Employee Training and Career Development Records—Interior Notice # DOI -76 (authority for maintaining records related to FAC-COTR including use of the Acquisition Career Management Information System).
- H.** Department of the Interior's FAC-COTR Program Policy Guide, April 2009 ("DOI Guide").

2.4 What is a COTR?

A. A COTR is a Service employee in a position not in the contracting/procurement jobs series (GS-1102 and GS-1105 series) who performs contract management duties including, but not limited to:

- (1)** Defining requirements for contracts,
- (2)** Acquisition planning and strategy, and
- (3)** Technical oversight and administration of specific contracts.

B. Contracting Officers appoint COTRs to specific contracts to provide the technical expertise necessary for effective contract management.

2.5 What is the basis for requiring certification of COTRs? In November 2007, OFPP established standard competencies, training, and certification requirements that COTRs must meet. The Department of the Interior implemented the requirement in the DOI Guide (see section 2.3H).

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2.6 What are the overall certification requirements for COTRs? The requirements vary depending on when COTRs were appointed and, if they took previous training, when they took it. Table 2-1 describes the requirements.

Table 2-1: Training Certification Requirements for COTRs		
If you are a COTR ...	And...	Then...
Appointed <u>after</u> November 26, 2007	N/A	You must complete required training (see section 2.9) and get certification within 6 months from your date of appointment.
Appointed <u>before</u> November 26, 2007	You took basic certification training <u>after</u> January 1, 2004,	<p>You have satisfied the basic training requirements, but you still must complete an application for certification (see section 2.8).</p> <ul style="list-style-type: none"> • You are not certified until your application is complete and approved. • After your application is approved, your certification is good for 2 years. Your previous training does not count toward continuous learning points (CLPs) for recertification. You must complete the CLPs during the 2-year period following initial certification to be re-certified.
Appointed <u>before</u> November 26, 2007	You took basic certification training <u>before</u> January 1, 2004	You must complete the required basic training and the application for certification within 6 months. You must complete CLPs during the 2-year period following initial certification to be re-certified.
Regardless of when you were appointed	If you were certified as Federal Acquisition Certification in Contracting (FAC-C) Level I or Federal Acquisition Certification for Program and Project Managers (FAC-P/PM) Mid-Level/Journeyman	<p>You have satisfied the basic training requirements.</p> <p>You still must complete:</p> <ul style="list-style-type: none"> • An application for certification (see section 2.8), and • The CLPs during the 2-year period following initial certification to be re-certified.

2.7 Who is responsible for the certification and appointment of COTRs?

A. The Chief, Division of Contracting and Facilities Management (CFM):

(1) Serves as the Bureau Procurement Chief for the Service,

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(2) Certifies COTRs for the Service in accordance with the training requirements in the DOI Guide, and

(3) Is responsible for maintaining and verifying the CLPs awarded to COTRs for successful completion of continuous learning activities.

B. The Chief, Division Support Group in CFM is the **Bureau Acquisition Career Coordinator**. The Bureau Acquisition Career Coordinator is responsible for:

(1) Maintaining current information about COTR training and sharing it with others as appropriate, and

(2) Reviewing FAC-COTR applications and recommending whether or not the Bureau Procurement Chief should approve them.

C. The Contracting Officer (CO):

(1) Determines the need to appoint a COTR to a contract;

(2) Evaluates an employee's qualifications to serve as a COTR;

(3) Appoints COTRs to specific contracts and gives them a written description of their authorities and duties and the duration of the appointment;

(4) Upon request, gives the COTR's supervisor input for the COTR's performance evaluation; and

(5) May at any time unilaterally terminate, for administrative reasons or for cause, a COTR's authority on a contract the CO manages.

2.8 What are the steps for obtaining COTR certification?

A. The COTR applicant:

(1) Registers in the Acquisition Career Management Information System (ACMIS),

(2) Completes and maintains all required training,

(3) Enters information on completed training into ACMIS, and

(4) Completes the FAC-COTR certification application and gives an original and one copy of it, as well as the ACMIS printout and all training certificates containing hours for each course to his/her supervisor.

B. The applicant's supervisor:

(1) Verifies that the applicant has met the training requirements, and

(2) Recommends to the Chief, Division of Contracting and General Services, whether or not to certify the applicant as a COTR.

C. The Chief, Division of Contracting and General Services signs the application to be sent to the Bureau Procurement Chief.

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D. The Bureau Acquisition Career Coordinator:

- (1) Reviews the applicability and reasonableness of basic training and CLPs COTRs complete, and
- (2) Recommends to the Bureau Procurement Chief whether or not to certify applicants as COTRs.

E. The Bureau Procurement Chief:

- (1) Reviews COTRs' applications and approves certification, or
- (2) Disapproves requests. When the Bureau Procurement Chief disapproves a request, the Chief returns the application with the reasons for the disapproval to the Bureau Acquisition Career Coordinator for further action.

2.9 What training is required for COTRs?

A. Within 6 months of the employee's first appointment, a COTR must complete at least 40 hours of basic COTR training. The training:

- (1) Must be comprehensive, specific to COTR duties, and address the competencies in the DOI Guide; and
- (2) May be either a single 40-hour class or an equivalent combination of shorter classes.

B. For the initial COTR certification, OFPP and the DOI Guide recommend the following curriculum for 23 hours of training covering essential COTR competencies:

- (1) CLC 106, Contracting Officer Representative with a Mission Focus (8 hours);
- (2) CLM 024, Contracting Overview (8 hours);
- (3) CLC 004, Market Research (3 hours);
- (4) CLC 007, Contract Source Selection (2 hour); and
- (5) CLM 003, Ethics Training for Acquisition Technology and Logistics, or similar (2 hours).

C. The remaining 17 hours of the required 40 hours of training should include agency-specific courses, electives, or training the CO identifies in consultation with the COTR's supervisor, as necessary for managing a particular contract.

D. COTRs who completed the a 40-hour basic COTR training course from an approved trainer (Part II, A. 3 of the DOI Guide) on or after January 1, 2004 have completed the required training for initial FAC-COTR certification. They still must submit the necessary documents for certification (see section 2.8).

2.10 After a COTR is certified, what are the requirements for maintaining certification?

A. To maintain FAC-COTR certification, the employee must complete a minimum of 40 CLPs in acquisition or COTR-related training (such as project management) within every 2-year period after initial certification. One CLP typically corresponds to one classroom hour.

B. The training to maintain COTR certification:

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- (1) Must be job-related or address essential COTR competencies;
- (2) Must provide a certificate showing successful completion and number of hours for each course;
- (3) May have as a sponsor the Service, another bureau or the Department, another Federal agency, or an approved non-government training vendor;
- (4) May be in any type of venue (classroom, online, videotape, or CD/DVD); and
- (5) Should include performance-based contracting training.

C. Every 4 years, the employee may take the 40-hour basic COTR certification training again to meet the continuing education requirements. (For more guidance on CLPs, see Appendix 1 of the DOI Guide.)

D. Once a COTR completes 40 CLPs, the COTR must enter the data into ACMIS and apply for Maintenance Verification. The COTR applies for Maintenance Verification in the same way as for initial certification (see section 2.8).

2.11 What happens if an employee does not meet the certification or maintenance requirements?

A. Any employee who fails to meet the requirements for initial FAC-COTR certification may not serve as COTR on a Service contract.

B. If the COTR does not properly maintain the FAC-COTR, the CO may revoke or modify the COTR's delegation letter(s). The CO must notify the COTR in a timely manner (at least within 1 day) of any changes to the COTR's authority. The CO should also notify the contractor(s).

2.12 Can anyone waive the requirements for COTR certification?

A. If the program office that needs a COTR's support can provide adequate written justification, the Department's Senior Procurement Executive may waive all or part of the FAC-COTR requirements in writing (this authority may not be delegated). The Senior Procurement Executive may waive the training:

- (1) On a case-by-case basis,
- (2) For a period of not more than 12 months,
- (3) If granting the waiver is in the best interest of the agency,
- (4) By identifying the reasons for and conditions of the waiver, and
- (5) By confirming that the COTR enters the information about the waiver into ACMIS.

B. The CO for the affected contract must put a copy of the waiver (including the request for the waiver) in the contract file.

C. The Bureau Acquisition Career Coordinator:

- (1) Monitors all waivers, and
- (2) Ensures that COTRs who receive waivers complete training and obtain certification within the required timeframe.

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2.13 When does the Service require appointment of a COTR to a contract?

A. We require COTR appointments for:

- (1)** All contracts for construction over the micro-purchase threshold and all contracts for architectural and engineering services;
- (2)** Cost type contracts (e.g., cost-reimbursement, cost-plus-award-fee, etc.);
- (3)** Service contracts over the Simplified Acquisition Threshold;
- (4)** Large, complex, or high risk awards;
- (5)** Awards subject to testing requirements;
- (6)** Performance-based acquisitions; and
- (7)** Contracts performed outside the United States.

B. Appointment of a COTR is generally not necessary when oversight duties are limited to verifying the count and quality of delivered items.

2.14 How is a COTR appointment made?

A. When there is an appropriate contract project, the COTR's supervisor may nominate the employee as a COTR to the responsible CO.

B. The CO must verify the nominee's COTR training and other qualifications.

C. If the CO approves the nominee, the CO writes a COTR appointment memorandum for the specific contract.

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