

Subchapter 3042.270 Contracting Officer's Representative (COR)**3042.270-1 Policy.**

(a) DHS Acquisition Workforce Policy, number 064-04-003, Federal Acquisition Certification for Contracting Officer's Representatives and Appointment and Revocation dated August 8, 2012, or any successor, provides policy and procedures concerning the selection and training, experience, certification, appointment, and termination of a COR. This policy, and any successor acquisition workforce policies, apply to all Components.

(b) In very limited instances a contracting officer may retain and execute the contract administration functions in accordance with FAR Subpart 42.3. This may be appropriate when administration of the contract does not require complex technical knowledge or when the contracting officer has sufficient time and training to personally monitor the contractor's performance. Unless the contracting officer retains and executes all contract administration functions, CORs shall be nominated and appointed as follows:

(1) A Level II or III certified COR shall be nominated and appointed for every firm-fixed price contract or order that exceeds the simplified acquisition threshold, and that is neither a high risk contract/order nor a contract/order for a major investment.

(2) A Level III COR shall be nominated and appointed for every contract or order that is high risk, or a major investment, regardless of value (See HSAI Policy 064-04-003).

(3) A Level II or III COR may be appointed on fixed price contracts or orders below the simplified acquisition threshold if the contracting officer does not perform the inspection and acceptance of the supplies or services.

(c) Note that by statute, no funding made available to DHS shall be available to pay the salary of any employee serving as a COR, or anyone acting in a similar capacity, who has not received COR training.

(d) The COR nomination shall be submitted as soon as practicable, but no later than with the procurement request. (See HSAM 3032.702-70, Procurement requests). The COR will be appointed prior to award of the contract or order.

(e) Technical organizations (requisitioning/program offices) are responsible for:

(1) Ensuring that the individual nominated for the COR position possesses the training and experience requirements (including appropriate level of certification), commensurate with the duties and responsibilities to be delegated (See HSAM 3032.702-70, regarding submission of procurement requests).

(2) Ensuring that the COR's annual performance appraisal includes an evaluation of how well the COR functions are performed.

(3) Ensuring the COR (as listed in HSAM 3042.270-1(b)) completes the OGE-450, Confidential Financial Disclosure Report, (or similar report) within 30 days of being appointed as a COR. Questions concerning the completion of the OGE-450 report (or similar report) shall be directed to the Component's ethics office.

3042.270-2 COR nomination process.

(a) The DHS COR Nomination Letter format in Appendix W shall be used for nominating a prospective COR, except that Components may use their own form if it contains all of the information in the Appendix W format.

(b) Each COR nomination package will include, in addition to the COR Nomination Letter, the documents or information required by Appendix W, as summarized below:

- (1) Federal Acquisition Certification for CORs.
- (2) Training qualifications which confirm initial COR certification training of at least 40 hours for Level II and 60 hours for Level III and 40 hours continuous learning points (CLPs) earned within the last two years (for either Level II or III). Eight of the CLPs must have been earned in resident or online COR-related classes. One hour of procurement ethics training must have been completed within the past year.
- (3) Technical and experience qualifications.
- (4) COR contact information.
- (5) Other information as appropriate.

3042.270-3 COR appointment letter.

(a) The DHS COR Appointment Letter Format in Appendix W, shall be used in preparing the DHS COR or Alternate COR appointment letter and for ensuring format/framework consistency throughout the DHS. Supplements to the required COR appointment letters framework elements/content must be established with Component written procedures.

(b) Required key elements for the DHS COR appointment letter are: COR core responsibilities and functions, exclusions, and authority, ethics, including completion of the OGE-450 report (or similar report) within 30 days of being appointed as a COR in accordance with HSAM 3042.270-1(b), and training. DHS required elements (see Appendix W, Exhibits 1-3) must be addressed in each COR appointment letter as described below, unless otherwise not applicable or delegated by the contracting officer:

- (1) Core COR responsibilities and functions. For DHS, the five core responsibility elements (performing surveillance/inspections/acceptance, monitoring activities including providing input to contractor performance evaluations, making recommendations for invoice and payment, managing Government-furnished property, and managing

contractor employee access to facilities or systems) shall be specifically delegated to at least a Level II COR, unless retained by the contracting officer or not applicable (e.g., contract does not include Government-furnished property or security access requirements) or delegated by the contracting officer to a contract administration office. The detailed content instructions for each of these five core elements may be expressed, altered or varied through Component's written supplement procedures to the extent the variation is substantially the same in nature. (See Appendix W, Exhibit 1, for described duties.) Components must also include the COR performance duties or requirements for certain contract types and functions, see HSAM, 3016.601(c)(1), Time-and-materials (T&M) and labor-hour contracts and HSAM 3032.7002, Invoice and voucher review and approval. Nothing in the HSAM guidance or Component procedures should limit responsibilities and functions that the contracting officers may assign to the COR unless otherwise limited or prohibited by law or acquisition regulation.

(2) *Non-Delegable Functions and Exclusions.* Components may supplement the required exclusionary list with appropriate content as needed for their Component's mission. Components may use the "Exclusion" content as provided in Appendix W, Exhibit 2, to establish the required exclusions for their organization.

(3) *Authorities, Ethics, and Training.* Components shall establish written procedures identifying their needs and requirements within the categories of authorities, ethics and training. Components may use the content provided in Appendix W, Exhibit 3, to establish uniformity within their organization.

(4) *Completion and updates of the OGE 450, Confidential Financial Disclosure Reports.* Pursuant to 5 CFR 2634.904 all DHS employees appointed as a COR in accordance with HSAM 3042.270-1(b) shall submit within 30 days of appointment the OGE 450, Confidential Financial Disclosure Report (or similar report), and update the report annually following Component procedures. Questions concerning requirements for completing and updating OGE 450s (or similar report) should be directed the Component's Ethics office.

3042.270-4 Procedures for issuance of COR appointment letter.

(a) Component administrative processing for issuance of the COR appointment letter must comply with Acquisition Workforce Policy 064-04-003 which provides guidance for COR appointment letters (also see Appendix W), specifically –

- (1) Acknowledgement and receipt of the appointment letter;
- (2) Acceptance of the COR appointment letter;
- (3) Appointment of Alternate COR letter; and
- (4) Termination of COR Appointment.

(b) Components must ensure where an individual is appointed as a COR on more than one contract, separate COR and Alternate COR appointment letters shall be issued for each contract.

(c) Component procedures must address the COR appointment letter's distribution requirements unique to the Component needs.

3042.270-5 Reserved.