

BUSINESS OPERATING PROCEDURE

BOP ~~-541.2003.0302A~~

Approved: 1-7-16

**NOMINATION AND APPOINTMENT OF
CONTRACTING OFFICER'S
REPRESENTATIVES (COR)**



**NATIONAL NUCLEAR SECURITY ADMINISTRATION
Office of Acquisition and Project Management**

**CONTROLLED DOCUMENT
AVAILABLE ON-LINE AT:**

<https://nnsaportal.energy.gov/intranet/NA-MB/Active%20Policies/Forms/All%20Active.aspx>

**OFFICE OF PRIMARY INTEREST (OPI):
Office of Acquisition Management**

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NOMINATION AND APPOINTMENT OF CONTRACTING OFFICER'S REPRESENTATIVES (COR)

1. PURPOSE. To supplement the Department of Energy Order (DOE O) 541.1B, Appointment of Contracting Officers (CO) and Contracting Officer Representatives (CORs), by establishing the process for nomination and appointment of CORs on Management and Operating (M&O) contracts and CORs on Non-M&O contracts.
2. CANCELLATION. BOP-003.0302, *Appointment of Contracting Officer's Representatives for NNSA Management and Operating Contracts*, dated 1-10-03.
3. APPLICABILITY.
 - a. Federal. This applies to all NNSA Elements.
 - b. Contractor. Does not apply to contractors.
 - c. Equivalencies/Exemptions.
 - (1) Equivalency. In accordance with the responsibilities and authorities assigned by Executive Order 12344, codified at 50 U.S.C. sections 2406 and 2511 and to ensure consistency through the joint Navy/DOE Naval Nuclear Propulsion Program, the Deputy Administrator for Naval Reactors (Director) will implement and oversee requirements and practices pertaining to this Directive for activities under the Director's cognizance, as deemed appropriate.
 - (2) Exemption. There are no exemptions for this Business Operating Procedure.

4. SUMMARY OF CHANGES.

- COR Nomination and Appointment process was added for CORs on Non-M&O contracts.
- Task Monitor requirements added.
- Updated offices and Point of Contact.

5. NOMINATION OF CORs.

The Program or Field Office may nominate CORs by providing a written request to the cognizant CO or the M&O Contracting Branch (NA-APM-13) for a technically qualified, responsible, and certified COR. It may be reasonable to have a primary and alternate COR and if so, the roles and responsibilities of each should be made clear. The nominees must meet the following requirements:

- Be an NNSA federal employee or a federal employee assigned to support NNSA

through a detail or Interagency Agreement.

- For M&O CORs, if the nominee is from within an NNSA Program element, that individual must be a Representative for a Major Program and/or a Major Function performed by the M&O contractor.
- Hold a current Federal Acquisition Certification as a COR (FAC-COR).
- Be certified as a Level III FAC-COR in the case of CORs on M&O contracts.

The Federal Acquisition Regulation (FAR) 1.602-2(d) (2) prohibits the appointment of CORs who are not certified or who fail to maintain their COR certification for the life of the contract.

When a nomination is received the cognizant CO or the M&O Contracting Branch reviews the nomination and receives signature from the NNSA COR Program Manager, Acquisition Policy and Oversight Division, Non-M&O Policy and Oversight Branch, NA-APM-141 (COR Program Manager) verifying that the nominee holds a current FAC-COR certification. The cognizant CO may then issue the appointment memo to the COR. The COR signs the appointment memo accepting the COR responsibilities as outlined in the memo.

a. NOMINATION OF CORs on M&O contracts:

Nominations may be made to the Field Office CO for as many CORs as needed on M&O contracts. CORs nominated for the same functional area/scope of work must include a primary and alternate COR designation with each respective appointment memo. The roles and responsibilities of the primary and alternate CORs for the same functional area/scope of work should be clearly stated in the appointment memos.

Nominations for capital projects CORs may be made to the cognizant CO for the capital project.

Nominations for M&O Crosscutting COR may be made to the M&O Contracting Branch.

The nomination of the CORs on M&O contracts shall be in writing and must follow the [M&O contracts nomination template](#) which include:

- A narrative justifying the need for the COR appointment and a statement that the nominee meets the qualification requirements listed above.
- The nominee has filed a financial disclosure report a statement attached to the nomination form from counsel that the nominee's financial interests do not conflict with the proposed COR duties.

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- The COR authority limitations and functional areas (e.g., work authorization, task assignment, contract line item, limited to certain programs/subprograms, limited to certain actions, etc.).

b. NOMINATION OF CORs on NON-M&O contracts:

COR nominations may be made to the CO for Non-M&O contracts. The nomination of the COR on Non-M&O contracts shall be in writing and must follow the [Non-M&O COR nomination template](#).

6. APPOINTMENT OF CORs.

The COR appointment (also referred to as designation) is based on the needs of the contract as determined by the CO. A COR is formally appointed in writing to a specific contract by the CO acting within the limits of his/her authority. Copies of the fully executed appointment letter (signed by the COR with acceptance) must be provided to the CO, the COR Program Manager, the Contractor and the M&O Contracting Branch when applicable and must include:

- The extent of the COR's authority to act on behalf of the CO;
- The limitations of the COR's authority;
- The period covered by the designation;
- The authority is not redelegable;
- The COR may be personally liable and financially accountable for unauthorized acts; and
- The COR has acknowledged receipt of the appointment letter and accepts the terms of the appointment.

a. APPOINTMENT OF CORs on M&O contracts:

Appointments may be made by the Field Office COs for as many CORs as are required.

Appointments may be made by the Cognizant Capital Project COs for capital project CORs as are required.

Appointments for M&O Crosscutting CORs may be made by the M&O Contracting Branch.

Appointments may be made by the Field Office CO or the M&O Contracting Branch in writing and must follow the [M&O COR appointment templates](#) to include:

1. COR's name, Title, Organization;
2. Contract Number;
3. Functional area(s) including the identification of specific areas of the M&O or Capital Project Statement of Work or Services/Requirement;
4. Terms and conditions of appointment; and
5. Term of appointment.

b. APPOINTMENT OF CORs on NON-M&O contracts:

Appointments may be made by the CO in writing and must follow the [Non-M&O COR appointment template](#) to include:

1. COR's name, Title, Organization;
2. Contract Number;
3. Terms and conditions of appointment;
4. Term of appointment.

7. RESCISSION. If a COR's name, position title, responsibilities, or location changes, the COR must notify the CO who must process a new appointment for the individual or terminate the individual's appointment. The CO shall rescind a COR's appointment if the COR does not maintain their COR certification. Rescissions must be in writing and a copy must be provided to the COR, contractor, and the COR Program Manager.

8. RECORD KEEPING. The NNSA COR Program Manager, Acquisition Policy and Oversight Division, Non-M&O Policy and Oversight Branch (NA-APM-141) maintains a central repository of all the NNSA COR certifications and appointments.

9. TASK MONITOR.

The COR is responsible to oversee the Task Monitor as stated in the COR designation memo (issued by the CO). If a COR chooses to have a Task Monitor, he/she issues a memo to the Task Monitor outlining their responsibilities under a specific contract.

The Task Monitor provides technical oversight and ensures all diverse and complex requirements are effectively monitored and funded (Task Monitor Requirements are in Appendix 1). Duties may include:

- Monitors performance and reporting potential or actual problems to the COR.
- Prepares the Statement of Objective or Statement of Work, providing a list of deliverables with dates, and forwarding to the COR, for use in advising the

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cognizant CO.

- Reviews the Contractor's Management and Staffing Plan.
- Advises the COR concerning acceptance of Contractor deliverables and performance.
- Monitors the cost, funding, budget, and Contractor hours expended.
- Reviews overtime requests and other direct charges by the Contractor and makes recommendations for approval/disapproval to the COR, for use in advising the CO.
- Reports all problems and requests for changes/modifications to the COR for advising the CO on any recommended action.
- Monitors and evaluates the Contractor's performance to ensure the contract is executed, as required by the task assignment.
- Reviews monthly invoices and notifies COR of any problems, inappropriate charges, over charges, or other discrepancies and forwards their recommendation to pay the invoice to the COR, for use in advising the CO

However, a Task Monitor cannot accept products and services, nor provide technical direction.

10. REFERENCES.

- a. FAR 1.602-2(d) (2) & (3) COR certification and delegation.
- b. Office of Federal Procurement Policy Memo "Revisions to the Federal Acquisition Certification for COR" dated September 6, 2011.
- c. DOE O 541.1B, *Appointment of Contracting Officers and CORs*, dated April 21, 2004.
- d. DOE Acquisition Certifications Handbook dated April 2013.
- e. Senior Procurement Executive Letter "Contracting Officer Representatives" dated October 12, 2012.

11. DEFINITIONS.

- a. Contracting Officer – A person with the authority to enter into, administer, and/or terminate contracts and make related determinations and findings within the limits of their authority.
- b. Contracting Officer Representative - A Government employee formally

designated to act as an authorized representative of a CO for specified functions that do not include actions that could change the scope, price, terms, or conditions of a contract (e.g., technical monitoring).

- c. Contract - A mutually binding legal agreement obligating the seller to furnish supplies or services (including construction) and the buyer to pay for them; includes all types of written commitments that obligate the Government to expenditure of appropriated funds. Contracts do not include grants and cooperative agreements.
- d. M&O Contract - Contracts with companies that are private for-profit, educational, or non-profit institutions that manage and operate DOE's government-owned/contractor-operated facilities.
- e. M&O Crosscutting COR - CORs that are limited to very specific functions and are valid for all or multiple NNSA M&O contracts or specific capital projects. The functional areas may include, but are not limited to legal, finance, project management, and oversight activities for the Secure Transportation Asset.
- f. Task Monitor - The Task Monitor provides technical oversight and ensures all diverse and complex requirements are effectively monitored and funded. The COR issues a memo to the Task Monitor outlining their responsibilities under a specific contract.

12. CONTACT: Acquisition Policy & Oversight Division, NA-APM-14, (505) 845-4337.

BY ORDER OF THE ADMINISTRATOR:



Joseph F. Waddell
Senior Procurement Executive

Appendix 1: COR Requirements, Nominations and Appointments; and Task Monitor Requirements

APPENDIX 1**COR REQUIREMENTS, NOMINATIONS AND APPOINTMENTS**

Type of COR	COR Requirements	Nomination Made By	Appointment Made By
M&O –	<ul style="list-style-type: none"> • NNSA Federal Employee • Federal Acquisition Certification (FAC)-COR Level III 	<ul style="list-style-type: none"> • Program or Field Office 	<ul style="list-style-type: none"> • Field Office Contracting Officer (CO)
M&O – Capital Project	<ul style="list-style-type: none"> • NNSA Federal Employee • FAC-COR Level III 	<ul style="list-style-type: none"> • Program or Field Office or NA-APM 	<ul style="list-style-type: none"> • Cognizant CO <ul style="list-style-type: none"> ○ Capital Project CO ○ NA-APM CO • Field Office CO
M&O - Crosscutting	<ul style="list-style-type: none"> • NNSA Federal Employee • FAC-COR Level III 	<ul style="list-style-type: none"> • Program or Field Office 	<ul style="list-style-type: none"> • M&O Contracting Branch
NON-M&O	<ul style="list-style-type: none"> • NNSA Federal Employee • FAC-COR Level I, II or III 	<ul style="list-style-type: none"> • Program or Field Office 	<ul style="list-style-type: none"> • CO

TASK MONITOR REQUIREMENTS

Experience	Training
None	8 Hours of classroom or online training from one of the following Federal Acquisition Institute/ Defense Acquisition University courses: CLC106-COR with a Mission Focus; or FCR100-COR Level I (Requires 1 hour agency perspective with the CO)