

COMSCINST 4205.4	COG CODE N10	DATE 22 JUN 92
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DEPARTMENT OF THE NAVY
COMMANDER MILITARY SEALIFT COMMAND
WASHINGTON NAVY YARD BLDG 210
901 M STREET SE
WASHINGTON DC 20398-5540

COMSCINST 4205.4
N10
22 June 1992

COMSC INSTRUCTION 4205.4

Subj: CONTRACTING OFFICER'S REPRESENTATIVE (COR)

Ref: (a) SECNAVINST 4205.5
(b) DFARS 201.6
(c) DFARS 242.74
(d) SECNAVINST 4200.23A
(e) SECNAVINST 5370.2J

Encl: (1) Sample COR Appointment Letter

1. Purpose. To establish policy for the appointment of CORs.
2. Scope. This instruction applies to all MSC contracts under which the contracting officer has designated a COR under Defense Federal Acquisition Regulation Supplement (DFARS) clause 252.201-7000, Contracting Officer's Representative. The activities covered by this instruction include MSC Headquarters, MSC Central Technical Activity, MSC Area and Subarea Commands and MSC Offices.
3. Background
 - a. The DFARS, 1991 edition, added coverage for CORs. Within the Navy, the COR functions have been performed by Contracting Officer's Technical Representatives (COTRs), and although the title has changed, the duties and responsibilities as described in reference (a) apply to CORs.
 - b. In accordance with reference (b), contracting officers may designate CORs as their authorized representatives to assist in the technical monitoring or administration of contracts. Thus, the COR serves as a technical/contract administration liaison between the contractor and the contracting officer.

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c. As defined in reference (c), a technical representative (TR) is not a COR and not authorized to perform contract administration functions. A TR is a representative of a Department of Defense program, project or system office who performs non-contract administration technical duties at or near a contractor's facility. The program, project or system manager designates a TR and delegates technical duties with a letter of assignment.

4. Qualifications

a. All CORs must be technically knowledgeable in the specific area of the contract requirements and must have sufficient time available to devote to performing the assigned duties.

b. Prior to appointment, all CORs must have completed an approved COR training course. Approved courses are available on a residence and correspondence basis from various sources, such as the General Services Administration and the U.S. Army Logistics Management College. Sources and course schedules are available from the local MSC Training Division.

5. Duties and responsibilities. COR duties and responsibilities are not redelegable. Under the same procedures as those for appointing a COR, an Alternate COR may be appointed to act in the absence of the COR.

a. The following are specific duties and responsibilities of the COR which must be included in the appointment letter. The COR shall:

(1) Serve as the contractual focal point for technical direction/clarification and ensure that all technical direction is within the scope of the contract and within the scope of the funds available on the contract.

(2) Ensure the contractor does not exceed the statement of work in the contract.

(3) Ensure that services performed by the contractor remain non-personal, i.e., the tasks performed by the contractor are performed independently and without direction, supervision or guidance from any Government employee.

(4) Monitor contract performance and report all problems related to the contract, including violations or deviations from the contract terms and conditions, to the contracting officer.

(5) Notify the contracting officer and legal counsel immediately of any suspected procurement fraud, bribery, conflict of interest or other improper conduct.

(6) Avoid improper business practices and personal conflicts of interest.

(7) Comply with reference (d) regarding communication with contractors and reference (e) regarding standards of conduct, including determining necessity for completion of a DD 1555, Confidential Statement of Affiliation and Financial Interests of DOD Personnel.

(8) Provide the contracting officer with a monthly report, or more frequent as necessary, detailing contractor compliance with contract requirements and any problems associated with the contract. Upon completion of contract performance, COR shall address the following in the final COR report (contracting officer may request additional information, as needed):

(a) Were contract deliverable items (hardware and data) delivered as required by the contract? Explain significant deviations.

(b) Did the contractor use the key employee identified in its proposal? Explain deviations.

(c) How did the awarded items compare to actual expenditures and allocations: number of hours by labor category, the labor mix and other direct costs? Explain any significant deviations.

b. Other duties and responsibilities tailored to the specific contract may be added. Some examples follow. The COR may be tasked to:

(1) Notify the contracting officer of any anticipated overrun of the estimated amount of cost type contracts.

(2) Monitor contractor performance to determine if the percentage of work performed reasonably corresponds to the percentage of funds expended and alert the contracting officer to any perceived difficulties when such is not the case. This includes reviewing contractor's progress reports; periodically checking that the individual contractor employees are of the skill levels required and are actually performing at the contracted levels; reviewing the labor categories and labor mix to ensure satisfactory performance and providing the contracting officer comments based on the reports and personal observations.

(3) Monitor use of Government-furnished material and equipment.

(4) Ensure task orders are administered in strict compliance with the terms and conditions set forth in the contract.

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(5) Inspect and accept or reject work performed by the contractor and contract deliverables.

(6) Review invoices prior to payment to ensure that they accurately reflect the work completed in accordance with the requirements of the contract.

(7) Perform any other functions set forth in Federal Acquisition Regulations (FAR) 42.302 that are not assigned to a Contract Administration Office and that would not confer on the COR the authority to make commitments or changes that affect price, quality, quantity, delivery or other terms and conditions of the contract.

6. Limitation of COR's authority. The COR:

a. Does not have the authority of a contracting officer.

b. Shall not make any commitments or changes that affect price, quality, quantity, delivery or other terms and conditions of the contract.

c. Shall not act in any manner that may be construed by the contractor as an attempt to change the terms of the contract.

d. Shall not discuss pending solicitations, other contracts or make commitments or promises to the contractor relating to award of a contractual action.

7. Nomination. The requiring activity nominates a COR to the contracting officer. The nomination letter must outline the nominee's technical qualifications and experience, the technical functions to be performed and the date when the approved COR training was completed.

8. Appointment. The contracting officer appoints a COR to a specific contract on the recommendation of the requiring activity. The contracting officer must ensure that adequate separation of functions is maintained. In cases where the COR is directly responsible for originating requirements, the contracting officer shall ensure that a different individual is designated to inspect and accept the services involved. The contracting officer must appointment letter which must be tailored to fit the particular contract. Also, the contracting officer must notify the contractor in writing whenever a COR is appointed or replaced and specify the extent of the COR's authority to act on behalf of the contracting officer.

9. Monitoring of the COR. The contracting officer must monitor the COR's performance to ensure that assigned duties are performed satisfactorily.

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10. Coordination of contracting officer/COR responsibilities. The contracting officer shall meet quarterly, at a minimum, with the COR and Division Director (or other appropriate requiring activity individual) to ensure that proper visibility and monitoring of contracts is maintained. The purpose of the meetings will be to discuss the contractor's performance under the contract; identify and coordinate resolution of any problems; ensure that the requiring activity is adequately informed about the contract and maintain communication between the contracting office and the requiring activity.

11. Records

a. The COR must maintain a file for the assigned contract. As a minimum, the file must include (1) the COR's appointment letter; (2) any other documentation describing the COR's duties and responsibilities; (3) a record of the date COR training was completed and (4) documentation of actions taken in accordance with the delegation of authority.

b. The contracting office must maintain a list of all active CORs and Alternate CORs, including identification of the contract(s) under which they are appointed. The contracting office shall annually review the files and performance of approximately one-third of the CORs and maintain records of such reviews. The contracting office's COR management system will be assessed during the Command Management Review of the contracting office.

Distribution:

COMSCINST 5000.19

List I (Case A, B)

SNDL 41B (MSC Area Commanders)

41C (MSC Subarea Commanders)

41D3 (MSC Offices)

41F (MSCCENTACT)

SAMPLE COR APPOINTMENT LETTER

From: Contracting Officer

To:

Subj: APPOINTMENT AS CONTRACTING OFFICER'S REPRESENTATIVE (COR)

Ref: (a) COMSCINST 4205.4
(b) COMSCINST 4200.13
(c) SECNAVINST 5370.2J

Encl: (1) Copy of Contract N00033-_____

1. You are hereby appointed as the Contracting Officer's Representative (COR) under the enclosed contract. As such, your duties are to serve as the contractual focal point for technical direction and clarification with respect to the specification or direction and clarification with respect to the specification or statement of work and monitor the performance of work under the contract. In this capacity, you are responsible to and under the supervision of the undersigned contracting officer. Your duties and responsibilities may not be redelegated.
2. You are responsible for providing prompt notification to the contracting officer if for any reason it becomes necessary to terminate your appointment as COR.
3. In accomplishing your duties as a COR, you must ensure that services performed by the contractor remain non-personal, i.e., the tasks performed by the contractor are performed independently and without direction, supervision or guidance from any Government employee.
4. Specific duties, in addition to those required by reference (a), include, but are not limited to:
 - a. Serve as the contractual focal point for technical direction/clarification and ensure that all technical direction is within the scope of the contract and within the scope of the funds available on the contract.
 - b. Ensure the contractor does not exceed the statement of work in the contract.
 - c. Ensure that services performed by the contractor remain non-personal, i.e., the tasks performed by the contractor are performed independently and without direction, supervision or guidance from any Government employee.
 - d. Monitor contract performance and report all problems related to the contract, including violations or deviations from the contract terms and conditions, to the contracting officer.
 - e. Notify the contracting officer and legal counsel immediately of any suspected procurement fraud, bribery, conflict of interest or other improper conduct.

Enclosure (1)

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f. Avoid improper business practices and personal conflicts of interest.

g. Comply with reference (d) regarding standards of conduct.

h. Provide the contracting officer with a monthly report, or more frequent as necessary, detailing contractor compliance with contract requirements and any problems associated with the contract. Upon completion of contract, COR shall address the following in the final COR report:

(1) Were contract deliverable items (hardware and data) delivered as required by the contract? Explain significant deviations.

(2) Did the contractor use the key employees identified in its proposal? Explain deviations.

(3) How did the awarded items compare to actual expenditures and allocations: number of hours by labor category, the labor mix and other direct costs? Explain any significant deviations.

5. Additional duties include: (list specific contract duties, as required)

6. The duties and responsibilities set forth herein are not intended to be inclusive. The contracting officer should be advised as specific situations arise that have not been covered or that have created a question to determine how to proceed in the best interest of the Government.

7. Above all, your relationship with the contractor must be beyond reproach. Accordingly, strict compliance is required with reference (b) regarding communication with contractors and reference (c) regarding standards of conduct.

8. This appointment shall be effective through the term of the contract, unless revoked by the contracting officer. Failure to comply with the above instructions will result in your termination as a COR under enclosed contract.

Contracting Officer
(Signature and Date)

COR

(Signature and Date)

Signature constitutes acceptance of the appointment and conditions thereof

Copy to:

Contractor

The COR shall retain one copy of this letter, signed by both parties and shall return one copy to the contracting officer within 10 days of receipt for placement in the contract file.