



SEP 19 2008

ACQUISITION POLICY MEMORANDUM 2008 - 01

To: Heads of Contracting Activity
Executive Officers

From: Martin J. Brown
Senior Procurement Executive

Subject: Federal Acquisition Certification for Contracting Officers' Technical
Representatives (FAC-COTR)

Effective Date: October 1, 2008

1. Purpose: This memorandum (a) represents the Department of Health and Human Services' (HHS) implementation of the Federal Acquisition Certification - Contracting Officers' Technical Representative (FAC-COTR) program; (b) establishes FAC-COTR certification as a prerequisite for serving as a COTR within HHS, and (c) promulgates interim acquisition guidance (attached), pending incorporation in the HHS Acquisition Regulation.

To earn certification under FAC-COTR, HHS' COTR candidates must: (a) demonstrate they have met minimum training requirements as described in paragraph 4 below; and (b) refresh this training through continuous learning as described in paragraph 5 below.

2. Background: HHS' success depends on a knowledgeable and skilled acquisition workforce to contract for the supplies and services it needs to accomplish its mission. Contracting Officer Technical Representatives (COTRs) are valued members of that workforce because they help to monitor and manage HHS' contracts.

Recognizing the COTR's critical role, the Office of Federal Procurement Policy (OFPP), in conjunction with the Federal Acquisition Institute (FAI) and the Chief Acquisition Officers Council (CAOC), established government-wide COTR certification standards (November 26, 2007). See <http://www.fai.gov/>.

3. Applicability: The FAC-COTR certification prerequisites and continuous training requirements apply to all HHS employees who wish to be delegated authority to perform COTR functions, including current COTRs who wish to continue performing COTR functions. Contractors and contractor employees are not eligible to be certified or to serve as COTRs.

4. FAC-COTR Training Requirements: HHS Contracting Officers shall not delegate authority to act as COTR to uncertified personnel.' Heads of Contracting Activity (HCAs) or their

¹ See HHSAR 301.604 (attached) for exceptions

designees [typically Acquisition Career Managers (ACMs)] are hereby delegated authority to: (a) establish, manage and monitor their OPDIVs' FAC-COTR programs; (b) grant, suspend, deny, revoke, and reissue certifications; (c) evaluate candidate proficiencies and determine course equivalencies for certification, in accordance with FAI's required COTR competencies; and (d) resolve any certification-related disputes.

Current COTRs should review their training needs in light of both HHSAR 301.604 (attached) and the FAI's recommended competencies for COTRs (<http://www.fiti.gov/>), and must be certified no later than six months from the effective date of this acquisition policy memorandum.

HHS FAC-COTR certification may be earned in any of the following ways:

- i. Completion of HHS University's "Basic Project Officer" course or its equivalent. Per HHSAR 301.604, additional training is required for COTRs on Information Technology and Biomedical Advanced Research and Development Authority (BARDA) projects.
- ii. Completion of a minimum of 40 hours of Continuous Learning Points (CLP) in COTR training, of which 23 hours must be completed from the following FAT online training courses or their equivalents:

CLC 106 - COR with a Mission Focus (8 CLPs)

CLM 024 - Contracting Overview (8 CLPs)

CLC 004 - Market Research (3 CLPs)

CLC 007 - Contract Source Selection (2 CLPs)

CLM 003 - Ethics Training for Acquisition Technology & Logistics (2 CLPs)

Coursework modules for the mandatory 23 hours can be found and completed at <http://www.dau.mil>. Classroom training obtained from a Defense Acquisition University-approved training vendor may serve as an acceptable alternative to online training. The remaining 17 hours of training shall include electives and other courses identified by the COTR's supervisor, in consultation with the Contracting Officer, as necessary for managing particular contracts.

- iii. Completion of the FAC-COTR Fulfillment process². HCAs or their designees may certify individuals who are already proficient in the required competencies.
- iv. Completion of Federal Acquisition Certification in Contracting (FAC-C) Level I or Federal Certification for Program and Project Managers (FAC-PPM) Mid-Level/Journeyman. Individuals certified under either of these programs have met HHS' FAC-COTR requirements. However, individuals certified under FAC-COTR have not necessarily met the requirements for FAC-C Level I or FAC-PPM Mid-Level/Journeyman.

5. Maintaining FAC-COTR: HHS COTRs must (a) maintain their skills currency by earning 40 CLPs every two years, starting from their dates of certification, and (b) document

completion of all basic and refresher training in the Acquisition Career Management Information System (ACMIS). See Appendix A of OFPP's FAC-COTR memorandum, dated November 26, 2007, for additional guidance on obtaining continuous learning points.

Continuous learning activities related to FAC-COTR include, but are not limited to:

- training activities, such as teaching, self-directed study, mentoring
- professional activities, such as attending or presenting at professional seminars/conferences
- educational activities, such as formal training and formal academic programs
- experience such as developmental or rotational assignments

Failure to complete the 40 CLPs may result in the lapse of the FAC-COTR certification and suspension or revocation of delegated authority, at the discretion of HCAs or their designees. Lapsed certifications may be reinstated when 40 CLPs have been accumulated.

6. Certifications from other Federal agencies: Certifications from other Federal agencies: HHS recognizes and accepts FAC-COTR certifications issued by other Federal agencies.

7. FAC-COTR Application Process: Applicants for HHS FAC-COTR certifications shall submit application packages to their respective HCAs or designees. Application packages² must include a transmittal memorandum; copies of relevant training certificates (or documentation supporting "fulfillment", FAC-C Level 1, FAC-PIPM Mid-Level/Journeyman, or a FAC-COTR certificate from another Federal agency); and a complete and up-to-date ACMIS record³.

HCAs or designees shall: (i) provide guidance on the preparation of applications; (ii) evaluate application packages; (iii) sign and issue FAC-COTR certificates, and (iv) maintain records relating to FAC-COTR certification.

8. FAI's ACMIS: ACMIS is HHS system of record for the FAC-COTR program. Individual COTR candidates and certified COTRs are responsible for entering, maintaining, and updating COTR training and CLP data in ACMIS. HCAs or designees shall periodically review ACMIS records for quality assurance purposes.

Attachment

cc: Acquisition Career Managers
Gina Nightengale, HHS University
Mary Oliver-Anderson, ASRT/OCIO
Michael Blumenfeld, ASPR/BARDA
Diane Stewart, ASAM/OFMP

² ASAMIOAMP is currently developing a FAC-COTR Handbook, including standardized application and fulfillment forms/templates.

³ Because of ACMIS' current volatility, ACMIS registrants are encouraged to keep print-outs of their ACMIS records until further notice.

Interim HHSAR Guidance - FAC-COTR

HHSAR 302.101, Definitions [new]

Project Officer is a Federal employee who provides technical guidance to the Contract Specialist/Contracting Officer before award of a contract or order. Project Officers are often delegated authority to act as the Contracting Officer's Technical Representative (see 301.604, below). Project Officers must comply with the training requirements in HHSAR 301.605.

The Contracting Officer's Technical Representative (COTR) is a Federal employee to whom a Contracting Officer has delegated authority in writing to act as his or her representative in monitoring specified aspects of contractor performance. These aspects may include ensuring that the contractor's performance meets the standards set forth in the contract, ensuring the contractor meets the technical requirements under the contract by the delivery date(s) and/or within the period of performance, and ensuring that the contractor performs within the price or estimated cost stated in the contract. COTRs must comply with the training and certification requirements in HHSAR 301.604.

Section 301.604, Training and Certification of Contracting Officers' Technical Representatives

- (a) **General:** In accordance with Acquisition Policy Memorandum 2008 - 01, ["Federal Acquisition Certification for Contracting Officers' Technical Representatives (FAC-COTR)," effective October 1, 2008], HHS will maintain a program for training employees for certification and appointment as Contracting Officers' Technical Representatives (COTRs). All references to COTRs also apply to their alternates and to Contracting Officers' Representatives (CORs). All references to Information Technology (IT) projects apply to both major and tactical projects.
- (b) **HCA Responsibilities:** HCAs or their designees are responsible for:
 - (i) Reviewing a candidate's qualifications to be a COTR;
 - (ii) Granting, suspending, denying, revoking, and reissuing COTR certifications;
 - (iii) Determining equivalencies for relevant training; and
 - (iv) Determining on a case-by-case basis whether to postpone (for up to ninety days) withdrawal of any COTR delegation for failure to qualify for certification.
- (c) **Training for Certification:** HHS FAC-COTR certification requires at least 40 CLPs of relevant training. Maintaining HHS FAC-COTR certification requires at least 40 relevant continuous learning points (CLPs) every two years.
- (d) **Delegation of Authority to HCAs:** Heads of Contracting Activity (HCAs) are hereby delegated authority to determine equivalencies for (1) the Basic Project Officer Course, (2) course prerequisites, and (3) acceptable activities and training for CLPs.

Equivalencies must meet FAI's required COTR competencies. This authority may be re-delegated to OPDIV Acquisition Career Managers (ACMs) or comparable officials.

- (e) ***Contracting Officer Responsibilities:*** Contracting Officers shall ensure that a COTR candidate is currently certified under HHS' FAC-COTR program before delegating authority to that candidate to act as a COTR on an HHS contract or order. Contracting Officers shall retain in the contract file a COTR Certificate, course completion certificate, HHS University transcript, or other documentation that all required training has been completed. In case of an urgent requirement to appoint a COTR prior to certification (see 301.604(g), below), the Contracting Officer shall document the contract file accordingly.
- (f) ***Policy Exception:*** In the event an individual who is not currently certified eligible under HHS' FAC-COTR program is urgently required to serve as a COTR, the HCA (not delegable) may authorize the individual to perform the designated duties for up to ninety days, provided that:
 - (i) The individual agrees to become certified during that period; and
 - (ii) The individual reviews the HHS "Project Officer's Contracting Handbook", and then meets with the cognizant Contracting Officer to discuss the interrelationships among Project Officer, Contracting Officer, Program/Project Manager, and COTR.

If the individual fails to meet (i) or (ii) above during the ninety-day period, the Contracting Officer shall withdraw the individual's interim COTR appointment.

- (g) ***Earned Value Management and Performance-Based Acquisition Training Requirements:*** All COTRs assigned to IT or BARDA projects must successfully complete Earned Value Management and Performance-Based Acquisition courses before assuming their COTR duties. HHS' Office of the Chief Information Officer (OCIO) and BARDA are hereby delegated the authority to determine course suitability.
- (h) ***HHS' Portfolio Management Tool Training Requirement:*** All COTRs assigned to IT projects must successfully complete training in HHS' portfolio management tool, currently ProSight, before assuming their COTR duties. HHS' Office of the Chief Information Officer is the source for ProSight training information.
- (i) ***Maintenance/Refresher Training Requirement:*** COTRs must earn at least 40 CLPs every two years to maintain their COTR certifications. See Appendix A of OFPP1s FAC-COTR memorandum, dated November 26, 2007, for additional information on CLPs.
- (j) ***COTR Appointment:*** HHS FAC-COTR Certification alone does not guarantee that a Contracting Officer will appoint the certified candidate to be a COTR. A candidate becomes a COTR when a Contracting Officer delegates in writing to that candidate the extent and kinds of authority to manage and monitor a particular contract. Authority for such appointments rests solely with Contracting Officers.

Section 301.605, Training Requirements for Project Officers and Technical Evaluators

- (a) **General:** HHS will maintain a program for training employees for appointment as Project Officers and alternates. All references to Information Technology (IT) projects apply to both major and tactical projects.
- (b) **Basic Project Officer Course:** All HHS Project Officers must successfully complete HHS University's Basic Project Officer Course or equivalent and include a course completion certificate with their Acquisition Plan, before assuming the duties of their designated roles. Contracting Officers shall ensure that at least fifty percent of technical proposal evaluators for each contract competition, excluding peer reviews, successfully complete HHS University's Basic Project Officer Course or equivalent before assuming the duties of their designated roles.
- (c) **Delegation of Authority to HCAs:** HCAs are hereby delegated authority to determine equivalencies for (1) the Basic Project Officer Course, and (2) course prerequisites. This authority may be re-delegated to OPDIV Acquisition Career Managers (ACMs) or comparable officials.
- (d) **Policy Exception:** In the event a specific individual who has not successfully completed the required training course is urgently required to serve as a Project Officer, the Program Manager or designee, e.g., immediate supervisor, may authorize the individual to perform the designated duties for up to ninety days, provided that:
 - (i) The individual agrees to meet all Project Officer training requirements during that period; and
 - (ii) The individual reviews the HHS "Project Officer's Contracting Handbook," and then meets with the cognizant Contracting Officer to discuss the interrelationships among Project Officer, Contracting Officer, Program/Project Manager, and COTR.If the individual fails to meet (i) or (ii) above during the ninety-day period, the Program Manager or designee shall withdraw the individual's Project Officer authority.
- (e) **Earned Value Management and Performance-Based Acquisition Training Requirements:** All Project Officers assigned to IT or BARDA projects must successfully complete Earned Value Management and Performance-Based Acquisition courses before assuming their Project Officer duties. HHS' Office of the Chief Information Officer and BARDA are hereby delegated authority to determine course suitability.
- (f) **HHS' Portfolio Management Tool Training Requirement:** All Project Officers assigned to IT projects must successfully complete training in HHS' portfolio management tool, currently ProSight, before assuming their Project Officer duties. Contact the HHS Office of the Chief Information Officer for additional training information.

Section 301.606, Training and Certification of Program and Project Managers (Reserved)