

**APPENDIX W
CONTRACTING OFFICER'S REPRESENTATIVE (COR) NOMINATION AND
APPOINTMENT CORRESPONDENCE**

Agency Letterhead

COR Nomination Letter

Subject: Nomination of Contracting Officer's Representative

To: (Insert name of contracting officer)

From: (Insert name of Supervisor/Program Office)

I hereby nominate (*insert name, series and grade*) for appointment as (*indicate primary or alternate*) Contracting Officer's Representative (COR) for (*describe requirement and include contract/requirement name/number (if available)*). This request is based on the individual's qualifications as described below and the technical and administrative requirements of the anticipated contract, which will require a COR certified at Level (*indicate appropriate level of certification—either Level II or III*).

- a. **Federal Acquisition Certification for CORs** (*Include highest certification level attained (only Levels II or III are recognized), date certified, and attach a copy of the certificate. In addition to the certification requirements specified in <http://dhsconnect.dhs.gov/org/comp/mgmt/cpo/paw/Pages/COTRCertification.aspx> confirm the prospective COR is on track to attain 40 hours in their current two-year certification anniversary cycle and list currency hours attained. If not current, they will have to achieve 40 hours of currency and be recertified before they may be nominated and appointed. State that COR was confirmed registered in FAITAS*).
- b. **Training qualifications:** (*List or attach course titles and dates completed, only for initial COR training and COR continuous learning within the last two years. Ensure that one hour of procurement ethics training has been completed within the past year*.)
- c. **Technical qualifications/experience:** (*List offices, dates and types of work performed or contracts administered, and description of relevant experience.*) Attaching a resume is one example/format that may be used when documenting technical qualifications/experience.
- d. **COR contact information to include:** *Supervisor email and phone number, COR email, phone number, physical location and mailing address.*
- e. **Other information as appropriate:** (*Confirm the COR has been informed of the requirements necessary to maintain his/her certification. List all other contracts and dates awarded to which the COR is currently or was previously assigned. Indicate which assignments are no longer current.*)

Based on this nomination, I recognize and acknowledge the primary duties of the COR is to assist the Contracting Officer with monitoring, documentation and evaluating contractor performance of supplies or services delivered within the specified period of performance.

Another very important duty and critical function of the COR is the timely input of contractor performance (when applicable) into the Contractor Performance Assessment Reporting System (CPARS), as specified in Homeland Security Acquisition Manual (HSAM) subchapter 3042.1502. Furthermore, it is understood that DHS leadership considers the duties of a COR vital to the overall success of the Agency in accomplishing its mission. Consistent with this guidance and HSAM 3042.270-1, each appointed COR shall receive an annual performance appraisal documenting how well the COR functions are performed. The annual performance appraisal will specifically address the five core responsibilities described in HSAM 3042.270-3(b)(1):

- a. Performing surveillance/inspections/acceptance,
- b. Monitoring activities including providing input to contractor performance evaluations,
- c. Making recommendations for invoice and payment,
- d. Managing Government-furnished property, and
- e. Managing contractor employee access to facilities or systems.

Additionally, as the COR supervisor, I will ensure that the COR has adequate time and resources to perform the COR duties.

Name of Supervisor

Signature of Supervisor

Date

Copy to:
COR
Program Office

Agency/Component letterhead**COR Appointment Letter****Subject: Appointment as a Contracting Officer's Representative (COR)****From: *(Insert name of Contracting Officer)*****To: *(Insert name of prospective COR)***

You are hereby appointed as the Contracting Officer's Representative (COR) under *(Insert contract number)* with *(Insert the name(s) of the contractor(s))* for *(Describe the supplies, services, or construction being purchased)*. The Contracting Officer will rely on you as a technical expert to provide advice regarding the quality and timeliness of the work performed. As the COR, your primary duties include assisting the Contracting Officer with monitoring the prime contractor's performance; ensuring that all technical requirements under the contract are met; timely delivery of products or services by the delivery date or within the period of performance; and at the price or within the estimated cost stipulated in the contract. The duties or authorities in this letter are not delegable; therefore, you must advise the Contracting Officer, *(Insert name of Contracting Officer)* or the Contract Administrator/Specialist *(Insert name of Contract Administrator/Specialist)* immediately when you are unable to perform these duties.

Scope of Authority (insert section if authorized by Component procedures).As COR, you are authorized: *(fill-in)***COR Responsibilities and Duties (See Appendix W, Exhibit 1 for requirements).**

Your duties as applicable to the contract are as follows:

- **Performing surveillance/inspection and acceptance.**
- **Monitoring activities, cost, providing input to contractor performance evaluations, and notifications to the Contracting Officer.**
- **Making recommendations for invoices and payments.**
- **Managing Government Furnished Assets *(when required)*.**
- **Managing Contractor Employee Access *(when required)*.**

Non-Delegable Functions and Exclusions (See Appendix W, Exhibit 2 for requirements).As COR you shall not: *(fill-in)***FAR and DHS Authorities/Directives, Government Ethics and Training.**

The FAR and the Department of Homeland Security requires strict compliance with established standards of conduct and conflict of interest rules. In addition to the FAR, HSAR and DHS Directives for ethics, training and financial disclosure, Component procedures should address and

include additional related Contracting Officer’s instructions to the COR. Also see Exhibit 3, Federal Acquisition Regulation (FAR), DHS Directives and Government Ethics, and Training.

Federal Acquisition Certification Requirements.

Based on the technical and administrative characteristics of this contract, I have determined that the COR must possess a Federal Acquisition Certification (FAC) for CORs Level (*insert appropriate level*). Your appointment as COR is based on the training, experience, certification, and other qualifications cited in your nomination letter. It is your responsibility to maintain your certification and/or qualifications for COR on this contract, including completing continuous learning points. If you fail to maintain your FAC COR certification at this level, DHS is prohibited by law from paying you for performing COR functions.

Contract file content and maintenance.

Instruction for contract file content is in accordance with Component and Contracting Officer’s instructions.

If you have any questions or problems, please contact the Contract Specialist, [insert name of Contract Specialist], at [insert full telephone number including area code].

Appointment Effective and Termination Dates.

Your appointment as the COR under the above numbered contract is terminated upon receipt of a written notice of termination from the appointing Contracting Officer, the Contracting Officer's successor, or a higher level of authority.

Name of Contracting Officer	Signature of Contracting Officer	Date

Acknowledgement Receipt and Acceptance of Appointment.

Please acknowledge receipt and acceptance of this appointment by signing and returning the attached acknowledgement section to the Contracting Officer or contract administrator/specialist.

I understand and accept my assignment as the COR under *(Insert contract /requirement name/number (if available))* as outlined in your letter to me dated *(insert date of Contracting Officer's letter)*.

Name and Title of Contracting Contracting Officer's Representative (COR)	Signature of Contracting Officer's Representative (COR)	Date

Copy to:
Supervisor
Contractor
Payment office (as appropriate)
Other Offices (as appropriate)

Exhibit 1: COR/Alternate COR Core Responsibilities and Functions.
(See HSAM 3042.270-3(b), COR Appointment letter.)

Required functions	Examples for describing COR delegated duties
Performing surveillance/inspections and acceptance.	Perform on-site surveillance in accordance with the surveillance plan. Document surveillance activities and provide a copy of documentation to the contracting officer. Review technical proficiency and compliance against the technical provisions of the contract, and verify the performance of work by the contractor.
	Perform surveillance of the performance under the business agreement and conduct inspections necessary to assure performance and compliance with the terms and conditions of the agreement.
	Assure prompt review of draft reports and approval of final reports to contractor to assist with meeting the specified completion date of the contract, and assuring prompt inspection and acceptance, or rejection of deliverable.
	Notify the Contractor of deficiencies observed during surveillance. Record and report to the contracting officer all incidents of faulty or nonconforming work, delays, or problems which may disrupt or hinder future performance.
Monitoring activities, cost (see HSAM 3016.601, 3032.7000, and 3042.1500), providing input to contractor performance evaluations and notifications to the contracting officer (see examples):	Components HCAs are responsible for contractor performance evaluations procedures and policies (see HSAM 3042.1500) for ensuring that contractor performance evaluations (interim and final) are included using the Contractor Performance Assessment Reporting System. The CO’s identification and requested assistance from the COR for input into the contractor evaluations can be efficiently assigned via the appointment COR letter.
	See HSAM 3016.601 and 3032.7000 for specific requirement in monitoring cost reimbursement contracts & time-and-material and labor hour contracts.
Notification examples:	Any requests for changes from a contractor.
	Potential labor disputes or workforce problems.
	Lack of performance which may jeopardize the cost or required schedule.
	Monitoring financial management controls with respect to the allocation of appropriated dollars under the designated contract.
	Possible changes in Contractor management and/or key personnel.
	Disagreements with the Contractor regarding performance of statement of work/objectives (SOW/SOO) requirements or other potential disputes with the Contractor about technical or other business matters.
	Any possible Contractor deficiencies or questionable practices so that corrections can be made before the problems become significant.
	Procurement fraud, waste, abuse, bribery, conflict of interest, or other improper conduct to the CO and agency office, such as the OIG.
	All problems, potential disagreements or controversy, both oral and in writing, regarding the status of the contract and performance of its requirements.
Making recommendations for invoices and payments.	Report any discrepancies in payment vouchers to the contracting officer. Provide documentation to support the representation.
(See HSAM 3016.601 and 3032.7000.)	Evaluate progress payment requests based on costs incurred and actual work accomplished.
	Certify invoices to the contracting officer for payment, using the electronic invoicing system (if Component systems provide this functionality).

Required functions	Examples for describing COR delegated duties
	<p>Reviewing contractor invoices for accuracy of work completed in accordance with contract requirements and certifying acceptance or rejection.</p> <p>Review the Contractor’s invoices/vouchers for reasonableness and applicability to the contract and recommend to the contracting officer approval, conditional approval, or disapproval for payment. The review must be completed within five days after receipt of the invoice or voucher. If you cannot meet the required review time, advise the contracting officer or contract specialist so that action can be taken to ensure Government compliance with the Prompt Payment Act, thereby avoiding the payment of interest penalties to the Contractor.</p> <p>Review the contractors invoices/vouchers to ensure that they accurately reflect the work completed in accordance with the requirements of the contract, and certify acceptance of the delivered items. Submit certified invoices/vouchers to the Dallas Finance Center and copies to the contracting officer in a timely manner.</p> <p>See HSAM 3016.601 and 3032.7000 requirements for processing payment for cost reimbursement & time-and-material and labor hour contracts.</p>
<p>Managing Government-furnished property (used when Government property is specified in the contract).</p>	<p>You are not authorized to provide any Government-owned (or leased) equipment or supplies or use of Government space to the Contractor, other than those specifically identified in the business agreement and authorized by the contracting officer.</p> <p>If applicable, ensure Government-furnished property is made available in a timely manner.</p> <p>Request the contracting officer authorize Government-furnished property and, when requested by the contracting officer, provide disposition advice on Government-furnished property or contractor-acquired property.</p>
<p>Managing contractor employee access and security through established application process for cards, badges or credentials (when security requirements are specified in the contract).</p>	<p>Serves as a Federal sponsor for contractor, by assisting with the agency Security process, to include handling, as appropriate, the Contractor Suitability worksheet for contractor requiring a DHS PIV card, notification of results of the contractor access submissions, ensuring the return of the DHSPIV card, and communication of contractor and employee’s changes in status.</p>
<p>Perform oversight of inherently Governmental and critical functions. See HSAM 3007.5 and DHS Guide on Inherently Governmental and Critical Functions regarding specific requirements</p>	<p>Perform on-going reviews of the functions performed by contractors, especially ways in which work is performed, and the manner in which Government personnel are managing services acquisitions. Reviews should focus on functions that are closely associated with inherently governmental functions and critical functions. In addition, monitor contracts to ensure that the relationships between Government personnel and contractors have not evolved into unauthorized personal services or inherently governmental functions. Also, provide information to the CO so the CO can document the contract file to reflect the results of the on-going review.</p>

Exhibit 2: Non-Delegable Functions and Exclusions.
 (See HSAM 3042.270-3(b)(2), COR Appointment letter)

Suggested characteristics of contracting officer non-delegable functions. Component procedures may include variations substantially the same as the following:
Contracting officers may not delegate to the COR the following authorities or activities:
To make or give the appearance of being able to make commitments, modifications, or other actions which would commit the Government to a change in price, performance, quality, quantity or the delivery schedule.
To provide guidance to the contractor, either orally or in writing, which might be interpreted as a change in the scope or terms of the contract.
To change or modify any of the terms and conditions, or statement of work of a contract, business agreements, or transaction.
To approve items of cost not specifically authorized or increase dollar limits for the contract or business agreement.
To take any action with respect to termination, except to notify the contracting officer that action may be necessary and to assist with the process as requested.
To engage in conduct prejudicial to the Government.
To sign contracts or contract modifications.
To solicit proposals.
To direct a contractor (oral or written) to begin work prior to contract award date or notice to proceed, or to stop work.
To participate in negotiations with a contractor outside the presence of a contracting officer.
To render a decision on any dispute or question of fact under the Disputes clause of the contract.
To interfere with the contractor’s management by supervising contractor employees or otherwise directing their work efforts.
To specify limitations and include the admonition that the COR may be personally liable for unauthorized commitments.
To make any agreement with the Contractor relating to the expenditure of Government funds.

**Exhibit 3:
Federal Acquisition Regulation (FAR), DHS Directives and
Government Ethics, and Training**
(See HSAM 3042.270-3(b)(3), COR Appointment letter)

Required	Suggested examples
FAR, Ethics and DHS Directives	<p>Adherence to applicable requirements for ethics (annual training), procurement integrity, no conflict of interest, and proper standards of conduct, including the identification of regulations (e.g., FAR Part 3, Improper Business Practices and Personal Conflicts of Interests), statutes, or agency directives governing these topics (e.g., 5 CFR Part 2635 Standards of Conduct and Management Directive 0480.1, Ethics/ Standards of Conduct (or any successor directive)).</p> <p>Submit disclosure reports, such as the OGE 450, Confidential Financial Disclosure Report, via the appropriate confidential report system.</p> <p>Use of authority for appointment letter is “Pursuant to the Federal Acquisition Regulation (FAR), the Homeland Security Acquisition Regulation (HSAR), you are appointed the COR or Alternate COR.”</p>
Training	Adherence to DHS Annual Skills Currency to maintain COR certification and any special instructions for obtaining training, to include ethics or other relevant training.
Precautionary Measures	Provide in accordance with Component procedures a disclaimer: <i>“The responsibilities and exclusions set forth in this document are not intended to be all encompassing. As a COR, you are required to consult with the contracting officer when there are questions on your authority. You are not authorized to re-delegate your authority. Violation or misuse of your authority could result in abuse of DHS policy and resources at a minimum or monetary loss to the COR or firm involved, disciplinary actions, and other measures, depending on the extent of the offense.”</i>