



1. **PURPOSE:** This directive establishes the TSA policy for appointing, certifying and terminating COTRs. This directive supersedes Acquisition Policy Letter, ACQ-03-04, Interim Policy and Procedures on Appointment and Training of Contracting Officer's Representatives (COR), dated February 27, 2003.
2. **SCOPE:** This directive applies to all prospective COTRs that will be appointed to monitor Contractor performance in accordance with a specified contractual agreement.
3. **AUTHORITIES:**
 - A. Clinger-Cohen Act of 1996, 40 USC Sections 1401 to 1503.
 - B. Office of Federal Procurement Policy Letter 97-01 dated September 12, 1997.
 - C. The Homeland Security Act of 2002, PL 107-296.
 - D. [DHS MD 0780.1, Contracting Officer's Technical Representative \(COTR\) Certification, Appointment & Responsibilities.](#)
 - E. Transportation Security Administration Acquisition Management System (TSAAMS)
4. **DEFINITIONS:**
 - A. Acquisition: Acquiring by contract with appropriated funds of equipment, supplies, material or services (including construction) by and for the use of the Federal Government through purchase or lease, whether the equipment, supplies, material or services are already in existence or must be created, developed, demonstrated, and evaluated. Acquisition begins at the point when agency needs are established and includes the description of requirements to satisfy agency needs, solicitation and selection of sources, award of contracts, contract financing, contract performance, contract administration, and those technical and management functions directly related to the process of fulfilling agency needs by contract.
 - B. Acquisition Planning: The process by which the efforts of all personnel responsible for an acquisition are coordinated and integrated through a comprehensive plan for fulfilling the agency need in a timely manner and at a reasonable cost. It includes developing the overall strategy for managing the acquisition.
 - C. Acquisition Certification Board: A DHS board comprised of functional advisors from across the Department from the various acquisition career fields. Members review and make recommendations on workforce development, such as recognizing individuals as meeting certification requirements and standards, as well as recommending disposition of certification requests. The board is chaired by the DHS Acquisition Workforce Manager.

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- D. Acquisition Workforce Manager: The principal manager in strategic planning and direction of the DHS acquisition workforce and principal advisor on formulation of plans for overall management policies and programs relating to workforce effectiveness, organization, personnel, budgeting, reporting, forecasting and competency preparation.
- E. Chief Procurement Officer (CPO): DHS Senior Procurement Executive, responsible for managing, administering, and overseeing Department-wide acquisition, financial assistance, strategic sourcing, and competitive sourcing programs.
- F. Contracting Officer (CO): A federal employee with the authority to enter into, administer or terminate contracts; make related determinations and findings; and appoint COTRs.
- G. Contracting Officer's Technical Representative (COTR): A Federal employee, designated in writing by the CO, who is appointed to perform technical functions under the contract, including inspection and acceptance of supplies and services. For the purposes of this MD, the term COTR encompasses any individual performing similar duties such as: Contracting Officer's Representative (COR), Quality Assurance Evaluator (QAE), Technical Representative of the Contracting Officer (TRCO), etc.
- H. COTR Certification: A formal process through which the DHS certifies individuals as meeting the standards/achieving the competencies required to perform the duties of a COTR.
- I. COTR Certification File: A file maintained by the Head of the Contracting Agency (or designee), containing the certification application, a copy of the certificate, exceptions and the skill currency training information of the COTR.
- J. Head of Contracting Activity (HCA): A Federal employee who, by position or appointment is responsible for managing the entire Acquisition function within an Organizational Element. For TSA, the HCA is the Assistant Administrator for Acquisition.
- K. Requisitioning Office: An organization within DHS responsible for participating in the management of successful acquisitions to meet essential mission needs and nominating an individual as a COTR to the CO. For the purposes of this MD, the requisitioning office is the office initiating the contract.
- L. Program Manager (PM): The responsible agency customer who, with significant discretionary authority, is uniquely empowered to make final scope of work, capital investment, and performance acceptability decisions, and who is responsible for accomplishing program objectives or production requirements through the acquisition process, contract or reimbursable support resources agreement. The PM is responsible for the management and oversight of the Integrated Product Team. The PM receives functional guidance and support from the Assistant Administrator for Acquisition.

5. RESPONSIBILITIES:

A. COs are responsible for:

- (1) Examining all contracts (including, but not limited to task/delivery orders and interagency agreements) to determine if assignment of a COTR is appropriate.
- (2) Ensuring all nominated COTRs meet training requirements prior to initial appointment. COs shall also strive to build a solid relationship with the COTR and the requisitioning office that includes communication, consultation and coordination.

B. COTRs are responsible for:

- (1) Performing duties in accordance with the responsibilities delineated in the COTR designation letter received from the CO. The COTR will normally be responsible for the technical direction and evaluation of the Contractor's performance and certifying acceptance of services. The COTR does not have authority to make any commitments or changes affecting scope, price, schedule, or terms or conditions of the contract, including "hiring and firing" of contractor employees. This includes all other supervision or administration of contractor employees to avoid unauthorized personal services issues.
- (2) Obtaining the required training for certification, maintaining individual documentation.
- (3) Providing information to the CO as required and building a solid relationship with the CO that includes communication, consultation and coordination.

C. Requisitioning Office is responsible for:

- (1) Participating in the successful acquisition of mission-essential equipment, supplies, materials and services.
- (2) Partnering with the CO to achieve acquisition goals/objectives and providing technical requirements.
- (3) Nominating a qualified individual to serve as COTR.
- (4) Ensuring training and certification requirements are met and maintained.
- (5) Building a solid relationship with the CO in order to communicate COTR concerns or issues.

6. POLICY:

- A. For contract actions deemed appropriate, COs may appoint a COTR in accordance with the requirements of this directive. When appointment of a COTR is not appropriate, the CO shall document the contract file as such.
- B. COTRs shall hold a COTR acquisition certification prior to appointment, unless an exception applies or a waiver is approved.
- C. For contract actions deemed appropriate, COs may appoint an individual responsible for monitoring contractor technical performance, assuring the Government receives the supplies or services contracted for in accordance with the contract.
- D. Procurements awarded through simplified acquisition procedures are exempt from this policy unless the CO determines appointment of a COTR is appropriate.

7. PROCEDURES:

- A. Certification for COTRs: TSA will have only one certification level and COTRs must be able to obtain acquisition certification within 60 days of appointment unless a waiver is granted in accordance with the MD. Training must be completed prior to appointment (unless an exception applies or waiver is authorized), while the actual application for certification may be submitted up to 60 days after COTR appointment.

(1) Certification – Minimum Mandatory Training Requirement for COTRs

- (a) Initial COTR Training: Nominees will have met the initial training requirement for certification by completing 40 hours of COTR training. Training may be completed by either online or by classroom instruction. If no previous training exists, COTRs shall, at a minimum, complete the online, no cost courses listed below, which are available from the Federal Acquisition Institute (FAI) or equivalent courses that cover the same topics as the FAI online courses. All equivalent and other courses submitted to meet the training requirements will be considered on a case-by-case basis. Completion of all the following courses will meet the 40 hours COTR training requirement:

- i. FAI – COR Refresher Training
- ii. FAI – Market Research
- iii. FAI – Contracting Orientation
 - a. Online training taken through FAI can be accessed by registering on www.faionline.com
 - b. Training classes through FAI are offered at no cost
 - c. Classroom training may be taken through a variety of vendors. The cost of this training is the responsibility of the prospective COTR's Program Office.

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- iv. Procurement Ethics Training: A one-hour procurement ethics-training course is required for initial certification, and annually (may be Agency sponsored, online through FAI or equivalent). The COTR is responsible for maintaining and forwarding documentation to the Office of Acquisition annually for inclusion in the individual's certification file, indicating completion of ethics training. If training is accomplished online via the FAI, completion of the Ethics Block Training course is considered as fulfilling the requirement of procurement ethics training. Procurement Ethics may also count toward the annual skills currency training requirement.
- v. Exceptions to Initial Training Requirements for Certification: Individuals are considered to have fulfilled the initial training requirements for COTR certification if they meet one of the following exceptions:
 - a. Any individual who successfully served in the 1102 series within five years of the date of COTR nomination and has completed eight hours of skills currency training with the preceding 12 months.
 - b. Any individual who previously completed 40 hours of COTR training within the last five years of the date of COTR nomination and has completed eight hours of skills currency training within the preceding 12 months.
 - c. Any individual, who previously completed 40 hours of COTR training, has acted in the capacity of a COTR within the last five years of the date of COTR nomination and has completed eight hours of skills currency training within the preceding 12 months.

(b) Certification – Applications, Maintenance and Renewal

- (i) Certification Application: COTRs shall use DHS Form 780-1, Acquisition Certification Application to request Acquisition Certification and shall attach copies of their training certificates to support the training requirements. Applications will be coordinated through the Office of Acquisition, Contract Performance and Monitoring Division Director and forwarded to the CPO for processing. All Acquisition Certification applications should be forwarded to the Office of Acquisition, Contract Performance and Monitoring Division for processing. The DHS Acquisition Certification Board will issue certificates, provided annual skills currency training requirements are met.
- (ii) Certification Maintenance: Once appointed, COTRs must complete a minimum of eight hours of annual skills currency training to remain certified and eligible for appointment. The HCA shall consider rescinding certification if the annual skills currency training requirement is not met. A variety of sources may be used to meet the skills currency training requirement. The FAI, the Defense Acquisition University (DAU), and the Government On-Line Learning Center are three sources offering free on-line courses. Skills currency training activities include, but are not limited to, TSA Acquisition Workshops, training seminars, attendance at conferences, office “lunch-and-learns”, developing and delivering a training seminar, special project assignments that involve acquiring new skills, education or other developmental activities deemed appropriate by the HCA that improve the knowledge, skills and abilities of the COTR. When on-the-job learning, rotation assignments or other flexible activities are used to enhance skills, the COTR shall document the learning that occurred and how it will benefit performance. To

be creditable, this information shall be validated by the COTR's supervisor and included in the COTR's certification file. Additionally, any learning activity relating to government acquisition that provides Professional Development Hours (PDHs), Continuous Learning Points (CLPs), Continuing Education Units (CEUs), Professional Development Units (PDUs) or college credit from a recognized learning institution can be used towards meeting the skills currency training requirements. The COTR is responsible for maintaining and forwarding documentation to the Office of Acquisition annually for inclusion in their COTR certification file, indicating completion of skills currency training.

- (iii) Certification Renewal: Certifications may be renewed up to one year ahead of expiration, provided skills currency training requirements are met. COTRs shall use DHS Form 780-1 to request acquisition certification renewal. Applications must be submitted to the Office of Acquisition, Contract Policy and Operations Support Division for processing.

(c) Certification – Documentation

- (i) COTR Certification File: Appropriate documentation is maintained for each certified COTR in accordance with the Privacy Act and reported to the CPO or designee as requested. Examples of required documentation include: information used to meet training requirements; maintenance/skills currency training requirements; DHS Form 780-1; and waivers if applicable.
- (ii) Maintenance Documentation: The Office of Acquisition, Contract Performance and Monitoring Division Director shall ensure documentation for skills currency training activities will be maintained in each COTR's certification file.

(2) COTR Nomination and Appointment to a Specific Contract

(a) Nomination Packages for Appointing COTRs to a Specific Contract

- (i) At the request of the CO, the requisitioning office shall nominate a Federal employee to serve as a COTR. The nominee should already be certified or be eligible for certification in accordance with the MD. As the requisitioning office will be working closely with the CO during the Acquisition process, COTR nomination package should be submitted to the CO well in advance of contract award, allowing time for completion of requisite certification training before assuming duties.
- (ii) The CO has the authority to decline COTR nominations, if the prospective COTR does not meet the requirements of this MD, or if there has been a history of actions where the prospective COTR was terminated under a previous COTR appointment, based on his/her failure to appropriately fulfill COTR responsibilities.
- (iii) The COTR nomination package should include a completed COTR Nomination form and a copy of the COTR's DHS Certification. If no certification has been issued, a DHS Form 780-1 with training certificates must be submitted with the nomination form. This information will assist the CO in determining whether any additional specialized training may be required prior to the assumption of duties.

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- (b) Minimum COTR Qualifications: If any of the minimum COTR qualifications listed below cannot be met, a justification explaining those circumstances shall be submitted to the CO along with the nomination package:
 - (i) Nominee shall have technical knowledge and experience to observe performance and to determine if a contractor meets the performance standards described in the contract.
 - (ii) Nominee shall have successfully completed the required training and certification or be eligible for a waiver. The request for a waiver shall be included with the nomination package.
 - (iii) Nominee shall acknowledge the requirement to attend subsequent skills currency and ethics training during the appointment period.
 - (iv) Nominee shall be familiar with and comply with appropriate DHS and TSA policies.
 - (v) Nominee should ideally be available for the duration of the contract.
- (c) Specialized Training: Because COs must ensure that nominated COTRs possess the necessary skills and abilities to successfully perform the assigned duties, the Office of Acquisition may establish a higher level of required skills currency training, or specialized training requirements for COTRs, if appropriate. The CO (with the approval of the HCA) has the authority to require an eligible COTR to complete additional specialized training (e.g., performance-based service contracts, contract administration, etc.) when it is considered relevant to a particular type of contract to which the eligible COTR is or may be assigned. This specialized training is in addition to the certification requirements and may be required of the COTR to meet the needs of the appointment.
- (d) Written Appointment of a COTR to a Specific Contract: The CO shall issue a unique appointment, in writing, to each COTR which sets forth the COTR's authorities and limitations with regard to the assigned contract. The written appointment must be signed by the CO and shall not contain authority for the COTR to sign contractual documents, order contract changes, modify contract terms or create any commitment or liability on the part of the Government different from that set forth in the contract. The designation shall also not change or supersede the established line of authority and/or the established procedures of the acquisition process. A copy of the appointment letter shall be retained in the official contract file.
- (e) Acceptance of COTR Appointment to a Specific Contract: Upon receipt of the appointment, the COTR shall advise the CO in writing that he/she has received the appointment and accepts the COTR responsibilities. Additionally, the COTR's supervisor must also acknowledge the COTR's appointment, in writing. After a COTR accepts an appointment, the CO will notify the Contractor within five working days of contract award and will provide a copy of the COTR appointment letter. For construction projects, the Contractor will be notified by providing a copy of the letter not less than five working days prior to giving the Contractor notice to proceed. Should the CO require changes in the COTR's duties, the COTR Appointment Letter will be modified accordingly and submitted to the

COTR and his/her supervisor for acceptance.

- (f) Appointment of an Alternate COTR to a Specific Contract: The COTR appointment is unique to an individual and may not be further delegated. An alternate COTR may be designated by the CO to act in the absence of the primary COTR. The requirements of this MD pertain equally to the designation of alternate COTRs.
- (g) Appointment of a Technical Monitor/Sub-COTR to a Specific Contract: Due to the scope or technical complexity of some contracts, a Technical Monitor/Sub-COTR may also be designated by the CO for specific aspects of the contract. The requirements of this MD pertain equally to the designation of technical monitors/sub-COTRs.
- (h) Termination of COTR Appointment from a Specific Contract: The COTR designation shall remain in effect during the life of the contract unless circumstances dictate earlier revocation. The CO is responsible for ensuring appointments are terminated when they are no longer valid or required. The CO may terminate a COTR appointment for failure to appropriately fulfill the responsibilities outlined in the appointment letter or this MD. The termination of the COTR appointment shall be in writing and written notification shall be given to the COTR and Contractor. A copy of the termination shall be retained in the official contract file.
- (i) COTR Appointment Exceptions: Individuals may be appointed as a COTR under the following conditions:
 - (i) Certification Lacking: COTRs who previously completed initial training as outlined in the MD but lack Acquisition certification, may be temporarily appointed as a COTR. The COTR must apply for certification within 60 days of appointment. If the COTR does not submit the acquisition certification to the Office of Acquisition within 60 days of the temporary appointment or if the application for certification is denied by DHS, the temporary appointment shall be terminated. The requisitioning office is responsible for nominating a replacement if the individual cannot obtain the certification in the required time.
 - (ii) Initial Training Lacking: COTRs unable to complete training and certification prior to appointment may obtain a waiver for temporary COTR Appointment.
- (j) Waiver for Temporary COTR Appointment: The HCA is authorized to issue one-time waivers for temporary appointment of COTRs, prior to completion of all required training for Acquisition certification, in unusual and compelling circumstances after receipt of a letter of explanation from the requisitioning office. When requesting a waiver:
 - (i) The COTR is responsible for completing the FAI on-line course "COR Refresher Training" or equal prior to temporary appointment. All other courses will be considered on a case-by-case basis.
 - (ii) The COTR is responsible for completing all training requirements referenced in this MD within 60 days of appointment. If the COTR does not complete the training, the CO shall terminate the COTR's temporary appointment.

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(iii) The COTR is responsible for applying for COTR acquisition certification within 60 days of the temporary appointment. If the COTR does not submit DHS Form 0780-1 to the Office of Acquisition, Contract Performance and Monitoring Division within 60 days of temporary appointment, or the application is denied, the CO shall terminate the COTR's temporary appointment.

(iv) The requisitioning office is responsible for nominating a replacement if the waived individual cannot complete the training in the required time.

(3) Existing COTRs.

(a) TSA employees already appointed as a COTR on a contract or another contractual agreement, as of the effective date of this MD, will not be required to meet the initial certification requirements to retain their current appointment. However, if they are appointed to another contract or agreement after the MD effective date, all certification requirements must be met.

(b) Existing COTRs are required to meet the skill currency requirements of this MD as stated in section 7A. COTRs must meet these requirements by the anniversary date of their COTR appointment. TSA employees appointed and serving as a COTR to a contract or contractual agreement within the last 12 months can use training activities they have completed within 6 months prior to the effective date of this MD, towards their skill currency hours.

(c) TSA employees newly appointed to a contractual agreement, after the effective date of this MD, are subject to all of the appointment and certification requirements stated herein.

(4) Any questions or concerns regarding this directive should be addressed to the Office of Acquisition, Contract Performance and Monitoring Division.

8. EFFECTIVE DATE AND IMPLEMENTATION: This policy is effective immediately upon signature.

APPROVAL



Richard Gunderson
Assistant Administrator for Acquisition

4/3/06

Date

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