NAVAIR INSTRUCTION 4200.57

From: Commander, Naval Air Systems Command

Subj: CONTRACT ADMINISTRATION AND USE OF CONTRACTING OFFICER’S REPRESENTATIVES

Ref: (a) DFARS PGI 201.602-2
(b) USD(A,T&L) Memo dated 29 Mar 2010, Subj: DoD Standard for Certification of Contracting Officer’s Representatives (COR) for Service Acquisitions
(c) ASN(RD&A) Memo dated 6 Oct 2008, Subj: Monitoring Contract Performance in Contracts for Services
(d) DEPSECDEF Memo dated 22 Aug 2008, Subj: Monitoring Contract Performance in Contracts for Services
(e) FAR 1.602-2(d)
(f) FAR 7.105(b)
(g) DFARS 242.202(a)(ii)
(h) FAR 7.104(e)
(i) Federal Procurement Data System Product and Service Codes Manual
(j) DFARS 237.102-74
(k) DFARS PGI 237.102-74
(l) DFARS 201.602-2
(n) 5 C.F.R. § 2638.705
(o) FAR 3.104
(p) 5 C.F.R. § 2634.904
(q) DoD COR Handbook dated 22 March 2012
(r) FAR 42.11
(s) FAR 37.604
(t) FAR 46.4
(u) NAVAIRINST 4200.58
(v) DFARS 242.803
(w) NMCARS 5203.101-1
(x) NAVAIRINST 4200.37B
(y) NMCARS 5232.905
(z) FAR 1.604
(aa) DFARS 204.805
(bb) FAR Part 37
1. Purpose. This instruction establishes policy, assigns responsibilities, and provides guidance regarding contract administration and the use of Contracting Officer’s Representatives (CORs).

2. Cancellation. This instruction cancels NAVAIRINST 4200.28D and the Assistant Commander for Contracts (AIR-2.0) Contracts Competency Instruction (CCI) 4200.53, Delegation of Contract Administration, dated 10 Sept 2008. As this is a new instruction that includes major revisions to policy, it should be reviewed in its entirety.

3. Scope. This instruction applies to all of the Naval Air Systems Command (NAVAIR), which includes NAVAIR Headquarters (NAVAIRHQ), Competencies, the Naval Aviation Program Executive Officers (PEOs) supported by NAVAIRHQ, Program Managers, AIR (PMA), Subordinate Commands, and field activities. The requirements outlined herein are applicable to all procurements awarded by NAVAIR.

4. Terms Used Within This Instruction. Terms used within this instruction and their meanings are outlined in enclosure (1).

5. Background. Contract administration involves activities performed by Government officials after a contract has been awarded, i.e., post-award. Contract administration and the use of CORs to perform administration functions, especially for service contracts, has been and continues to be a topic of interest within Department of Defense (DoD). The Panel on Contracting Integrity, formed in accordance with Section 813 of the John Warner National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2007 (Pub. L. 109-364), identified insufficient surveillance of service contracts by CORs as an area of vulnerability within the defense contracting system. To address this area of vulnerability, reference (a) was revised to require designation of properly trained CORs prior to the award of service contracts. In addition, a working group subcommittee was established to develop a DoD standard for COR certification. Reference (b) outlines the standard, which introduces structure and rigor to COR responsibilities, training requirements, and performance. References (c) and (d) also contain guidance regarding the responsibilities of requiring activities for surveillance of service contracts, including the requirement to assess designated functions, duties, and/or responsibilities as
part of a COR’s performance appraisal. The responsibility of the requiring activity in the administration of contracts has also been emphasized in a presidential memorandum issued on 4 March 2009, which discussed the need for the capacity to carry out robust and thorough management and oversight of contracts in order to achieve programmatic goals, avoiding significant overcharges, and curb wasteful spending. Section 864 of the Duncan Hunter NDAA for FY 2009, which aligned with the aforementioned presidential memorandum, was implemented on 2 March 2012 via a final rule (See Federal Acquisition Regulation (FAR) Case 2008-030) that amended reference (e) to address the acquisition resources necessary to award and manage cost reimbursement contracts. In order to ensure compliance with references (a) through (e), NAVAIR policy with regard to contract administration and the use of CORs is outlined herein.

6. Policy

   a. General. Contract administration is essential to ensuring that contractors meet the requirements of contracts in terms of cost, quality, quantity, and schedule. The functions typically associated with administration of a contract are outlined in FAR 42.302(a) and Defense Federal Acquisition Regulation Supplement (DFARS) 242.302(a). However, additional functions, including those outlined in FAR 42.302(b) and DFARS 242.302(b) and those meeting the requirements of FAR 42.202(c), may be applicable. Various factors, including the place(s) of performance, complexity of the work, and performance risk, will influence specific plans for administration. Acquisition and procurement planning shall include consideration of contract administration and ensure that adequate government resources will be available to provide the management and oversight associated with administering a contract after award. In accordance with reference (f), written acquisition plans must describe how the contract will be administered and, for services, how inspection and acceptance corresponding to the work statement’s performance criteria will be enforced. Details consistent with those included in NAVAIR Clause 5252.242-9511, Contract Administration Data, as discussed in paragraph 6b below, shall also be included in acquisition plans. Post-award conferences should be utilized to ensure all parties understand their roles and responsibilities with regard to administration and that there will be no duplication of effort. A contract administration checklist for planning purposes is available on the AIR-2.0 website at https://contracts.navair.navy.mil/ under Policy and Process Management, Subjects of Interest, COR.
b. Delegation of Contract Administration. Within the DoD, the Defense Contract Management Agency (DCMA) was established to perform contract administration and has offices in specific geographic areas or contractor facilities that offer a wide variety of contract administration and support services. A contract is considered to be “fully delegated” when DCMA will perform the functions outlined in FAR 42.302(a) and DFARS 242.302(a). A contract is considered to be “partially delegated” when DCMA will perform some, but not all, of the functions at FAR 42.302(a) and DFARS 242.302(a). Functions not delegated to DCMA are considered to be “retained.” Contract administration shall be fully delegated to DCMA. Exceptions to full delegation shall be approved one level above the Procuring Contracting Officer (PCO) and included in the official contract file. For contracts to be performed on military installations, the PCO shall coordinate with the cognizant DCMA office in accordance with reference (g) before requesting approval for partial delegation. Retained administration functions shall be performed by the PCO; a representative of the PCO, hereinafter referred to as a COR; the requiring activity; a representative of the requiring activity, hereinafter referred to as a Technical Point of Contact; or a combination thereof. NAVAIR Clause 5252.242-9511, Contract Administration Data, shall be included in Section G of all contracts to delegate contract administration to DCMA and provide special instructions regarding retained and/or additional functions.

c. Contracting Officer’s Representatives

(1) Use. When administration is fully delegated, contract administration is performed by DCMA, and the Administrative Contracting Officer (ACO) is considered to retain administrative duties in accordance with reference (e). Therefore, designation of a COR by the PCO for contracts other than those that are firm fixed price is not required except for services as outlined below. When administration is partially delegated or retained, the PCO may designate a COR, in writing, to perform certain administration functions on his/her behalf. However, the functions, duties, and/or responsibilities assigned for performance by the COR should only be those that are inherent to the role of the PCO. Administration functions, duties, and/or responsibilities inherent to the role of the requiring activity shall be performed by the requiring activity or a representative(s) of the requiring activity, i.e., the Technical Point of Contact, as discussed in paragraph 6d below. Note that the same individual may be both a COR and a Technical Point of Contact. When deemed necessary, CORs should be identified and nominated by the requiring activity as early as practicable in
the acquisition cycle in accordance with reference (h) and included in pre-award activities as appropriate. However, requiring activities should ensure proper internal controls and separation of duties, so that a single individual does not have sole authority or control for initiation of requirements and also have authority to receive, inspect, and accept supplies and/or services as discussed in paragraph 6c(4)(c) below. To the maximum extent practicable, CORs shall be physically located at the place of contract performance. Multiple CORs may be designated for one contract when appropriate, such as when contract performance takes place in multiple locations, 24 hours per day, etc. Alternate CORs (ACORs) may be designated to perform specific functions, duties, and/or responsibilities assigned by the PCO in the absence of the primary COR. However, ACORs are subject to the same COR requirements as primary CORs.

(a) Services. In accordance with reference (a), CORs shall be designated for all service contracts regardless of contract type. Therefore, in the event that administration has been fully delegated to DCMA for service contracts, designation of a COR is considered to be supplemental, and the PCO shall coordinate with DCMA to ensure no overlap or duplication in the performance of specific functions, duties, and/or responsibilities. Contracting officers may exempt firm-fixed price service contracts from this requirement when the following three conditions are met: (1) the contract will be awarded using simplified acquisition procedures; (2) the requirement is not complex; AND, (3) the contracting officer documents the file, in writing, why the appointment of a COR is unnecessary.

(b) Classification. To determine the classification of a contract action as either service, supply, or Research and Development (R&D), refer to the reference (i) Product and Service Codes (PSC) Manual. There are three parts within the manual. Part A is R&D, Part B is Services, and Part C is Supplies and Equipment. In accordance with references (j) and (k), there is one area within Part A, R&D, that is considered a service for the purpose of determining when a COR is required. That is Management and Support which is identified by the use of "6" in the fourth position of the code (i.e., A**6). For contract actions with a PSC code within Part B, Services, a COR is required unless an exemption is documented based on the conditions outlined above. Also note that requirements for support of the Office of the Chief of Naval Operations (OPNAV) shall not be included in NAVAIR contracts.
(2) COR Certification

(a) Categories. When a COR is required, the minimum required competencies, experience, and training shall be based on (1) the nature of the work to be performed, (2) the complexity level of the requirement, and (3) the contract performance risk. The COR designation shall formally designate the category. In the event a procurement does not clearly fall within one of defined categories, justification for the category selection shall be included as an attachment to the COR designation in accordance with paragraph 6c(4) below. The following categories shall be utilized to determine certification requirements as part of acquisition and procurement planning:

1. **Type A.** This category is for "fixed-price requirements without incentives" and "low performance risk". Attributes of such requirements might include: lack of technical or administrative complexity, no identifiable risk factors, limited requirement for technical expertise, low likelihood of modification, effort is a follow-on to an existing contract. For this category, COR functions, duties, and/or responsibilities are generally limited to minimal technical and/or administrative monitoring of the contract.

2. **Type B.** This category is for other than "fixed-price requirements without incentives" and other than "low performance risk." Attributes of such requirements might include: the nature of the work is more complex, effort will be performed in multiple locations, contract contains incentive arrangements or cost sharing provisions, contract is cost-type, Time and Materials and/or Labor Hour type, or Fixed Price Level of Effort. For this category, COR functions, duties, and/or responsibilities are of increased complexity.

3. **Type C.** This category is for unique contract requirements that necessitate a professional license, higher education or specialized training beyond the Type B requirements. Such requirements might include environmental remediation, specialized functions relating to major weapons systems (e.g., security), etc. COR functions, duties, and/or responsibilities are of increased complexity.

(b) Requirements. CORs must be Government employees, military or civilian, of the United States (U.S.) Government, a foreign government, or a North Atlantic Treaty Organization and/or Coalition partner in accordance with reference (1) and meet the DoD standard requirements for competencies, experience, and training outlined in enclosure (2). In no case shall
contractor personnel serve as CORs. NAVAIR specific requirements for certification are outlined and discussed below. All certification requirements (DoD and NAVAIR) and the fulfillment of these requirements shall be documented by the requiring activity in the COR nomination as discussed in paragraph 6c(3) below.

1. Competencies and Experience (Agency and Technical). In addition to the competencies and experience outlined in enclosure (2), the requiring activity or PCO may specify additional competencies and experience required for COR certification.

2. Training. In addition to the requirements outlined in enclosure (2), the following training must be completed:

   a. NAVAIR Specific Training. (Applicable to Type A, B, and C categories) NAVAIR specific training is intended to expand upon topics presented in Defense Acquisition University (DAU) courses that are of specific interest and relevance to NAVAIR and may be fulfilled by:

      (1) Completion of an in-classroom COR training course provided by a NAVAIR site that includes the minimum course content prescribed by the NAVAIR Contracts Policy and Process Division (AIR-2.1.1) OR

      (2) Completion of non-classroom NAVAIR specific training that is provided and documented by the PCO and includes the minimum course content prescribed by.

Note: The AIR-2.1.1 prescribed course content to be used for in-classroom and non-classroom training is available on the AIR-2.0 website at https://contracts.navair.navy.mil/ under Policy and Process Management, Subjects of Interest, COR, or can be provided by the COR Coordinator or PCO.

   b. Additional Training. (Applicable to Type A, B, and C categories) Additional training may be required as specified by the requiring activity or PCO.

   c. Refresher Training. The refresher training required by enclosure (2) to be completed every three years or prior to assuming COR functions, duties, and/or responsibilities if the individual has not served as a COR within the previous 24 months shall be fulfilled by:
(1) Completion of NAVAIR specific training as outlined in paragraph 6c(2)(b)2a above AND

(2) Completion of a combination of other coursework approved by the PCO that when combined with the NAVAIR specific training meets the course hour requirement for refresher training outlined in enclosure (2).

Note: A list of topics and courses recommended for refresher training can be accessed on the AIR-2.0 website at: https://contracts.navair.navy.mil/ under Policy and Process Management, Subjects of Interest, COR.

3. Ethics and Integrity. CORs shall adhere to the principles of ethical conduct in accordance with reference (m), complete annual ethics training as required by reference (n) and enclosure (2), and be familiar with the requirements of reference (o). Additionally, a Confidential Financial Disclosure Report (Office of Government Ethics (OGE) Form 450) must be completed prior to COR designation and on an annual basis thereafter in accordance with reference (p). All OGE Form 450s shall be filed with the employee’s respective Office of Counsel (AIR-11.0) or the site equivalent). A list of OGE-450 coordinators is available on the AIR-2.0 website at https://contracts.navair.navy.mil/ under Policy and Process Management, Subjects of Interest, COR.

4. Waivers. As provided in enclosure (2), the requirements for agency experience may be waived on a case by case basis and are subject to approval by the PCO. The nomination shall document that required agency experience has been waived. In addition, if a waiver is granted for a Type B or C category, rationale for the waiver shall be included as an enclosure to the nomination form and signed by the PCO.

(3) Nominations. Requiring activities are responsible for COR nominations. At a minimum, COR nominating officials, managers, and/or supervisors shall be Level III managers (within competencies) or one level below the Deputy Program Manager (within PMAs). If more than one individual is responsible for the COR, e.g., one individual will nominate the COR and a separate individual will be responsible for the COR’s performance, the nomination package shall be tailored to indicate that both the nominating official and the respective manager, and/or supervisor understand the importance of performance and associated requirements outlined in paragraph 6c(3)(a) below. A form for use in nominating CORs is available on the AIR-2.0 website at: https://contracts.navair.navy.mil/ under Policy and
Process Management, Subjects of Interest, COR. Nominations shall be made early in the acquisition cycle and, where practicable, be submitted with the purchase request. If multiple CORs or ACORS will be nominated, separate nomination forms shall be completed for each individual and tailored accordingly.

(a) Content. COR nominations shall document all certification requirements (DoD; NAVAIR; and any additional competencies, experience (agency and technical), and training requirements identified by the requiring activity or PCO) and the fulfillment of such requirements, including any waivers, if applicable. Training completion certificates shall be provided as attachments to the nomination. Nominations shall also affirm, by signature of the COR nominating official, the following:

1. The COR will be afforded necessary resources (time, supplies, equipment, opportunity) to perform the designated functions, duties, and/or responsibilities;

2. The respective COR and COR nominating official, manager, and/or supervisor understand the importance of performance of the designated functions, duties, and/or responsibilities and will ensure adequate separation of duties;

3. The performance of the designated functions, duties, and/or responsibilities will be included as part of the COR’s position description and performance plan and addressed as part of the COR’s performance assessments;

4. The CORs Confidential Financial Disclosure Report (OGE-450) has been reviewed and filed and no conflicts of interest are evident;

5. Inputs will be solicited from the PCO regarding the COR’s performance of designated administration functions, duties, and/or responsibilities on his/her behalf;

6. The Contracting Officer will be immediately notified if the COR nominee is transferred, reassigned, will be absent for an extended period, or is otherwise unable to fulfill the responsibilities of the position; and

7. The CORs understanding and affirmation of all requirements associated with the nomination.

(4) Designations. In accordance with references (e) and (1), CORs must be designated in writing by the PCO. A form for use in making written designations and specifying the extent of
the COR's authority to act on the PCO's behalf is available on the AIR-2.0 website at https://contracts.navair.navy.mil/ under Policy and Process Management, Subjects of Interest, COR. If a COR is required but one has not been nominated, the PCO shall provide the requiring activity a list of proposed administrative functions, duties, and/or responsibilities to be performed on behalf of the PCO and request that a COR be nominated. If a PCO identifies additional COR certification requirements, such requirements along with proof of fulfillment shall be included in the designation. If justification of the COR certification category (Type A, B, or C) was determined to be necessary in accordance with paragraph 6c(2)(a) above, the designation shall include such documentation as an attachment. PCOs may also use the designation to further document experience and/or competencies after a nomination has been received. If an ACOR will be designated, a separate designation shall be completed and tailored accordingly.

(a) Content. COR designations shall:

1. Assign the applicable category (Type A, B, or C);

2. Assign the specific functions, duties, and/or responsibilities to be performed, ensuring no duplication of effort and adequate separation of duties;

3. Specify the period covered by the designation;

4. State that the COR is qualified and certified to perform the assigned functions, duties, and/or responsibilities;

5. Identify the limitations on the CORs authority;

6. State that the delegated authority is not re-delegable or sub-delegable and that the performance of assigned COR functions, duties, and/or responsibilities may not be assigned to another individual;

7. State that the COR may be personally liable for unauthorized acts;

8. Address the COR's responsibilities with regard to appropriate conduct, procurement integrity, personal conflicts of interest, separation of duties, completion of refresher training, completion of an annual Confidential
9. Affirm the COR's acceptance of the PCO designation and understanding of stated responsibilities by signature of the COR Designee.

(b) Functions, Duties, and/or Responsibilities. In accordance with references (e) and (l), CORs may not be delegated responsibility to perform functions that have been delegated for performance by DCMA. PCOs shall determine the appropriate functions, duties, and/or responsibilities to be delegated based on the results of acquisition and procurement planning, including review of the typical administration functions included in FAR 42.302(a) and DFARS 242.302(a); the extent of delegation to DCMA, full or partial; and coordination with the cognizant DCMA office as discussed in paragraph 6b above. Functions, duties, and/or responsibilities commonly delegated to CORs for service contracts to be performed on military installations include surveillance of contractor performance and receipt, inspection, and acceptance of contract deliverables. CORs may also be delegated performance of functions in accordance with contract clauses, such as NAVAIR Clause 5252.217-9507 and 9508, Over and Above Work Requests; NAVAIR Clause 5252.232-9509, Reimbursement of Travel, Per Diem, and Special Material Costs; NAVAIR Clause 5252.242-9502, Technical Direction; and NAVAIR Clause 5252.242-9515 Restriction on the Direct Charging of Material. The DoD COR Handbook, reference (q), provides basic knowledge and tools for CORs to perform their functions, duties, and/or responsibilities.

1. Surveillance of Contract Performance. Surveillance, as discussed in reference (r), is a function of contract administration used to determine contractor progress and to identify factors that may delay performance. Surveillance is also performed for the purpose of quality assurance as discussed in references (s) and (t). While the specifics of the acquisition will determine the extent of surveillance, the general activities associated with surveillance include: (1) monitoring of contract performance and progress; (2) review and evaluation of contractor reports, i.e., progress deliverables; (3) review of invoices using Wide Area Workflow (WAWF) to ensure they are accurate and commensurate with actual performance; and (4) communication with the PCO regarding performance. Quality Assurance Surveillance Plans (QASPs) prepared by the requiring activity in conjunction with the Statement of Work (SOW) will
specify all work requiring surveillance and the method of surveillance. Therefore, CORs will conduct surveillance in accordance with the QASP. Review of invoices for cost-reimbursement, time-and-materials, and labor hour contracts, also referred to as cost vouchers, as part of surveillance efforts is for the purpose of ensuring charges are commensurate with observed performance (e.g., travel was necessary and actually occurred, labor hours charged are commensurate with level of work performed, etc.). For Knowledge Based Services (KBSs), review of invoices shall also include a comparison of fully burdened labor rates (for primes and subcontractors) to functional area caps and monitoring of Other Direct Costs (ODCs) to ensure they do not exceed ten percent or three million dollars (whichever is lower), as discussed in reference (u). In accordance with reference (v), the Defense Contract Audit Agency (DCAA) contract auditor is the authorized representative of the PCO for approving interim vouchers for payment. Therefore, the COR should coordinate any issues found as a result of invoice reviews with DCAA through the PCO.

2. Receipt, Inspection, and Acceptance. When a COR will be performing receipt, inspection, and/or acceptance on behalf of the PCO, Section E of the contract shall include details regarding this function and/or duty.

(c) Limitations. In accordance with references (a) and (e), CORs (1) may not perform any functions that have been delegated to DCMA; (2) have no authority to make any commitments or changes that affect price, quality, quantity, delivery, or other terms and conditions of the contract; and, (3) may not re-delegate and/or sub-delegate or assign the delegated authority and performance of assigned functions, duties, and/or responsibilities to another individual. In addition, as outlined in reference (w), a single individual shall perform only one of the following functions: (1) initiation of the requirement; (2) award of the contract or placement of order; and (3) receipt, inspection, and acceptance of supplies or services. Therefore, CORs performing receipt, inspection, and acceptance of supplies or services shall not have sole authority or control of requirement initiation. Requirements documentation, i.e., Purchase Requests (PRs) and Procurement Initiation Documents (PIDDs), shall be reviewed and approved through the appropriate hierarchy within the requiring activity. See reference (x) for further information regarding the PID Process.

(d) Effective Period. COR designations are typically effective during the contract period of performance; however, the effective period is at the discretion of the PCO. If the
effective period is specified using dates, PCOs shall ensure that
the designation and the contract are revised accordingly when
extensions are made.

(5) Contract Clauses. For contracts that will utilize a
COR to perform administration functions, all applicable clauses,
including DFARS 252.201-7000, COR, and NAVAIR Clause 5252.201-
9501, Designation of COR, shall be included. To ensure CORs
receive informational copies of invoices in accordance with
reference (y), the fill-in of the applicable invoicing and
payment clause shall be completed to identify the COR as a
required recipient of invoice notices.

(6) Terminations. In the event it is determined that a
COR’s designation will be terminated, the termination shall be
made in writing by the PCO. Terminations shall include: (1) the
date of termination; (2) the reason for termination (e.g., unable
to perform functions, duties, and/or responsibilities, COR
performance issues, conflict of interest, etc.); (3) acknowledgement
of the COR by signature that performance of
functions, duties, and/or responsibilities will cease
immediately, the COR file is current and will be transferred to
the successor COR, and that any system access granted
specifically for the performance of COR duties will be
terminated; and, (4) acknowledgement of the termination by the
COR nominating official, manager, and/or supervisor by
signature(s). A form for use in making written terminations is
available on the AIR-2.0 website at
https://contracts.navair.navy.mil/ under Policy and Process
Management, Subjects of Interest, COR. Concurrent with the
processing of a termination, a successor COR shall be nominated
and designated. The COR file shall be transferred from the
former COR to the successor COR.

(7) Documentation and Oversight Requirements

(a) COR Files. CORs shall maintain a COR file, in
hard copy and/or electronic format, for each contract assigned
and ensure the PCO is aware of the file’s location.

1. Content. Documentation in the COR file will
vary based upon the assigned functions, duties, and/or
responsibilities. In accordance with references (a) and (z), at
a minimum, each COR file shall include the following:

a. A copy of the PCO’s letter of designation
and other documents describing the COR’s functions, duties,
and/or responsibilities;
b. A copy of the contract administration functions delegated to a contract administration office which may not be delegated to the COR; and,

c. Documentation of COR actions taken in accordance with the delegation of authority.

2. Monthly Reports. To document actions taken by the COR in performance of functions, duties, and/or responsibilities, a written report shall be completed on a monthly basis and submitted to the PCO. Items to be discussed in the monthly report may include details regarding activities used to monitor contractor performance and progress, e.g., telephone conversations, e-mail correspondence, site visits, completion of QASP checklists, inputs and/or feedback received from other individuals, etc.; review and evaluation of contractor reports and progress deliverables; review and analysis of invoices to ensure payment requests were commensurate with actual performance; inspections and acceptance performed; findings and recommendations communicated to the PCO, etc. Additional documentation in the file should include signed copies of the COR Nomination and Designation; a copy of the contract, including all attachments, exhibits, and all modifications to the contract; training completion certificates; and correspondence to and from the PCO.

3. Retention and Disposition. Upon completion or termination of functions, duties, and/or responsibilities, COR files may be retained separately from the contracting office contract file. COR files shall be dispositioned in accordance with reference (aa), which specifies disposal six years and three months after final payment per General Records Schedule 3 (Procurement, Supply, and Grant Records). Prior to disposal, the PCO should be notified of the intent to dispose of the file.

(b) Oversight. PCO oversight of CORs shall include:

1. Communication with the designated COR on a regular basis;

2. Monitoring of the COR's performance of assigned functions, duties, and/or responsibilities, including review of monthly reports;

3. Formal assessment of the COR's file, performance of assigned functions, duties, and/or responsibilities, and compliance with certification requirements on a yearly basis; and,

(c) Official Contract Files. The following COR related documentation shall be included in the official contract file:

1. Signed COR Nominations and Designation with applicable attachments,

2. Yearly COR oversight documentation, including assessment of COR performance, compliance with certification requirements, and review of COR files, and,

3. Signed COR terminations, if applicable.

d. Representatives of the Requiring Activity

(1) Use. The requiring activity is responsible for the primary management and oversight of contract performance and may designate specific representatives to perform technical functions relating to the contract, such as answering technical questions; perform certain administration functions from FAR 42.302(a) and DFARS 242.302(a) that are inherent to the role of the requiring activity when administration is retained; and/or perform additional administration functions inherent to the role of the requiring activity, such as completing Contractor Performance Assessment Reports (CPARs) and approving base access forms. The title used to describe a representative of the requiring activity that performs such duties is Technical Point of Contact. The need to identify specific individual(s) within the contract as Technical Points of Contact shall be discussed as part of acquisition and procurement planning.

(2) Assignment. While CORs are delegated authority to perform certain functions, duties, and/or responsibilities on behalf of the PCO, representatives of the requiring activity, or Technical Point of Contacts, are not delegated specific authority to act on another's behalf. Rather, their assigned functions, duties, and or responsibilities are aligned with their position within the requiring activity. Therefore, when deemed necessary as part of acquisition and procurement planning, no designation by the PCO is required. In addition, PCOs are not responsible
for oversight of the functions performed by such representatives on behalf of the requiring activity.

(3) Training. As employees of the requiring activity, Technical Points of Contract should complete all training required for the position they hold within the requiring activity (e.g., courses required for DAWIA certification in the applicable career field, other acquisition related training, etc.). If additional training is required for performance of administration functions (e.g., completion of CPARS, approval of base access forms, etc.), the requiring activity shall ensure that the individual completes that training.

(4) Oversight. The requiring activity has responsibility for oversight of Technical Point of Contacts and shall ensure that the position description and performance plan accounts for the specific functions, duties, and/or responsibilities assigned.

(5) Contract Clause. When a Technical Point of Contact will be assigned by the requiring activity, NAVAIR clause 5252.201-9500, Technical Point of Contact, shall be used to identify the representative in the contract.

7. Responsibilities

a. Requiring Activities shall:

(1) Ensure contract administration is discussed as part of acquisition and procurement planning and addressed in acquisition documentation as required herein;

(2) For contracts determined to require a COR for performance of administration functions on behalf of the PCO, ensure nominations address the requirements of this instruction and are completed in time to allow for designation of a COR prior to contract award;

(3) Ensure COR nominees meet the certification requirements outlined in enclosure (2) and within this instruction;

(4) Ensure performance of the functions, duties, and/or responsibilities delegated by the PCO are included as part of the COR’s position description and performance plan;

(5) Ensure adequate separation of duties for CORs;
(6) Ensure CORs are added to the list of individuals required to file an OGE Form 450; complete and file the form prior to designation, and have no apparent conflicts of interest;

(7) Provide timely notice to the PCO if a COR designation must be terminated;

(8) Nominate a successor COR in the event of a termination and ensure the COR file is current prior to being transferred to the successor COR;

(9) Ensure oversight of CORs, including formal assessment of the functions, duties, and/or responsibilities delegated by the PCO and included in the position description and performance plan as part of performance evaluations;

(10) Ensure retained administration functions inherent to the role of the requiring activity are performed; and,

(11) For contracts determined to require assignment of a Technical Point of Contact, ensure adequate training and oversight of Technical Point of Contacts and notify the PCO so the representative can be identified in the contract.

b. PCOs shall:

(1) Delegate and/or retain contract administration in accordance with this instruction and ensure details regarding administration responsibilities are outlined in acquisition documentation and the contract;

(2) Ensure retained functions inherent to the role of the PCO are performed by the PCO or assigned to a COR for performance;

(3) Provide NAVAIR specific training, in the event a COR is unable to attend in-classroom training, and document completion of the training;

(4) Review COR nomination packages to ensure nominees meet certification requirements and notify the requiring activity of any issues or concerns regarding the nomination;

(5) Ensure COR designations meet the requirement of this instruction and are completed prior to contract award;

(6) Ensure the COR is not assigned the function, duty and/or responsibility of receipt, inspection, and acceptance of
supplies or services if he/she was solely responsible for initiation of the requirement;

(7) Coordinate with DCMA regarding the functions, duties, and/or responsibilities that will be applicable to the COR and complete NAVAIR clause 5252.242-9511, Contract Administration Data, to identify any functions that will be withheld from DCMA;

(8) Forward a copy of the COR Designation along with applicable enclosures to the COR nominating official, manager, and/or supervisor, COR, and COR coordinator;

(9) Ensure all applicable clauses are included in the contract and that the contract requires adequate documentation to be provided by the contractor to support invoice reviews;

(10) Provide a copy of the contract, all modifications, and any required contract orientation (e.g., review of functions, duties, and/or responsibilities, discussion of contract structure, etc.) to the COR;

(11) Perform review and oversight of CORs in accordance with paragraph 6c(7)(b) of this instruction;

(12) Terminate designations in writing, when necessary and ensure that any system accesses granted specifically for the performance of COR duties is revoked upon termination of the designation;

(13) Forward a copy of the COR Termination to the COR nominating official, manager, and/or supervisor, COR, and COR coordinator;

(14) Modify contracts when COR designations are terminated; and,

(15) Ensure the location of the COR file is identified on yearly oversight documentation.

c. CORs shall:

(1) Certify compliance with COR certification requirements by signing the COR nomination and providing copies of completion certificates for required training;

(2) Read and be thoroughly familiar with the technical and contractual requirements of the applicable contract;
(3) Affirm familiarity with the procurement, understanding of COR functions, duties, and/or responsibilities, limitations, and liabilities by signing the COR designation;

(4) Perform assigned functions, duties, and/or responsibilities as outlined in the designation and ensure system access to WAWF is gained for the purpose of invoice reviews;

(5) Prepare a written report on a monthly basis to document performance of assigned functions, duties, and/or responsibilities and submit this report to the PCO;

(6) Adhere to the regulations governing standards of conduct and procurement integrity;

(7) Avoid any conflict of interest or any appearance of a conflict of interest. If a conflict of interest or the perception of a conflict of interest develops, notify the PCO and requiring activity immediately;

(8) Report any observed fraud, waste or opportunities to improve performance or cost efficiency to the PCO;

(9) Be familiar with reference (bb) and ensure contracts do not become personal services contracts;

(10) Inform the PCO and requiring activity if unable to perform functions, duties, and/or responsibilities;

(11) Complete annual ethics requirements, including the OGE-450 Form, and refresher training and forward course completion certificates to the PCO and applicable COR Coordinator;

(12) Keep, maintain, and dispose of COR files in accordance with this instruction;

(13) Ensure that the file is available for a yearly administrative review to be conducted by the PCO; and,

(14) If functions, duties, and/or responsibilities are terminated, ensure that the current COR file is transferred to the successor COR and that any system access granted for the performance of COR functions, duties, and/or responsibilities is terminated.
d. CORs shall not:

(1) Act in a manner that may be construed by the Contractor to change the contract price, quality or delivery requirements, or any other term or condition of the contract;

(2) Re-delegate or sub-delegate the authority granted by the PCO or assign the performance of assigned COR functions, duties, and/or responsibilities to another individual;

(3) Perform functions, duties, and/or responsibilities in a manner that would suggest the contract is a vehicle for personal services as described in reference (bb);

(4) Supervise Contractor employees or interfere with the manner in which the contractor assigns work, the Contractor's relations with organized labor, or the contractor's personnel practices; or,

(5) Approve payments for cost-reimbursement, time-and-materials, and labor hour contracts.

e. COR Coordinators shall:

(1) Maintain a COR list, inclusive of applicable COR certification information, and assist in full implementation of the DoD CORT tool in accordance with reference (cc);

(2) Report to AIR-2.1.1, as requested, in support of COR monitoring and oversight activities; and,

(3) Facilitate NAVAIR Specific COR training that includes the minimum course content prescribed by AIR-2.1.1.

f. AIR-2.1.1 shall:

(1) Identify COR Coordinators at each site and maintain a contact list on the AIR-2.0 website;

(2) Prescribe and maintain minimum course content for NAVAIR Specific COR training and recommend topics and courses for refresher training on the AIR-2.0 website; and,

(3) Provide oversight of compliance with the requirements outlined herein.

8. Documents. Enclosures (1) and (2) as well as additional documents and information referenced herein can be accessed on
the AIR-2.0 website at https://contracts.navair.navy.mil/ under Policy and Process Management, Subjects of Interest, COR.

9. Review. AIR-2.1.1 shall review annually the contents herein and provide recommendations for changes and deletions.

10. Forms


b. NAVAIR 4200/36 (09/2012), Contracting Officer’s Representative Nomination Form; 4200/37 (09/2012), COR Review Form; 4200/38 (09/2012), Contracting Officer’s Representative Termination Form; and 4200/39 (09/2012), COR Designation Form, can be downloaded from the NAVAIR Directives website at https://homepages.navair.navy.mil/directives under Forms.

D. ARCHITZEL

Distribution:
Electronic only, via the MyNAVAIR Web site, located under Instruction and Notices:
https://mynavair.navair.navy.mil/portal/server.pt
1. The following terms and their meanings, listed in alphabetical order, are provided for use in interpreting this instruction.

   a. **Administration Functions.** The standard functions associated with contract administration as outlined in Federal Acquisition Regulation (FAR) 42.302(a) and Department of Defense Federal Acquisition Regulation Supplement (DFARS) 242.302(a). When administration is delegated in accordance with FAR 42.202, the cognizant Defense Contract Management Agency (DCMA) office performs these functions. When not performed by DCMA, these functions may be performed by the Procuring Contracting Officer (PCO); a representative of the PCO, or Contracting Officer's Representative (COR); the requiring activity; a representative of the requiring activity, or Technical Point of Contact; or a combination thereof. These functions are also referred to as "functions, duties and/or responsibilities" throughout this instruction.

   b. **Agency Experience.** Experience acquired as a Department of Defense (DoD) or non-DoD employee (including as a contractor employee) that provides insight into DoD's organizational structure, policies, and procedures that are relevant to performance of COR functions, duties and/or responsibilities.

   c. **Alternate Contracting Officer's Representative (ACOR).** An individual designated to perform specific functions, duties and/or responsibilities assigned by the PCO in the absence of the primary COR. See also COR.

   d. **Competencies.** Observable, measurable patterns of skills, knowledge, abilities, behaviors, and other characteristics that an individual needs to perform a specific function. Competencies may be acquired or developed through a combination of formal education, training, and experience.


   f. **Contract.** For purposes of this instruction, the term contract includes basic awards; letter contracts; orders (delivery or task) issued under Basic Ordering Agreements
(BOAs), Blanket Purchase Agreements (BPAs), or Indefinite-Delivery type contracts, including orders awarded under the Navy Virtual SYSCOM Indefinite Delivery Indefinite Quantity (IDIQ) Multiple Award Contract (MAC) Seaport-e; and bilateral modifications.

g. Contracting Officer. Defined in FAR 2.101 as a person with the authority to enter into, administer, and/or terminate contracts and make related determinations and findings. The term includes certain authorized representatives of the contracting officer acting within the limits of their authority as delegated by the contracting officer. "Administrative contracting officer (ACO)" refers to a contracting officer who is administering contracts. "Termination contracting officer (TCO)" refers to a contracting officer who is settling terminated contracts. See also the term PCO.

h. COR. Defined in FAR 2.101 and DFARS 202.101 as an individual, designated and authorized in writing by the contracting officer, to perform specific technical or administrative functions. CORs may be referred to by other terms, such as Contracting Officer’s Technical Representatives (COTRs), Task Order Managers and/or Monitors (TOMs), and Task Order Contracting Officer’s Representative (TOCORs). When Alternate CORs (ACORs) are utilized, the COR may be referred to as the primary COR. Regardless of the terminology used, CORs must be utilized and certified in accordance with this instruction. Employees of a contract administration office who perform technical or administrative functions in connection with contracts that have been delegated in accordance with FAR Part 42 are not CORs.

i. COR Nominating Official, Manager and/or Supervisor. The term COR nominating official, manager and/or supervisor is used to describe the individual(s) from the requiring activity that are responsible for submitting a written COR nomination to the PCO and managing the COR’s performance. In some cases, more than one individual may be responsible for the COR, e.g. one individual will nominate the COR and a separate individual will be responsible for the COR’s performance. For purposes of this instruction, these individuals are all considered to be part of the requiring activity. When multiple individuals are applicable, the COR nomination, designation, and termination, if
applicable, shall be tailored accordingly. See also requiring activity.

j. COR Coordinator. The individual(s) at each NAVAIR site who serves as a focal point with regard to CORs and perform responsibilities described within this instruction.

k. PCO. Used to describe the contracting officer responsible for procurement or award of contracts. See also Contracting Officer.

1. Performance Risk. The risk associated with a contractor’s ability to perform a contract in a manner consistent with the contract’s cost, technical, and schedule requirements.

m. Requiring Activity. The activity responsible for the acquisition requirements, including identification of requirements, management and oversight of contract performance, and certain administration functions. Requiring activities prepare and submit COR nominations to the PCO and assign and identify representatives of the requiring activity, also referred to as Technical Points of Contact. See also COR Nominating Official, Manager and/or Supervisor and Technical Point of Contact.


o. Technical Experience. Experience in technical, professional, or administrative field(s) that is commensurate with the functions, duties and/or responsibilities that will be delegated to the COR under a contract. Relevant technical experience is generally acquired through job performance or through direct observation of events or activities (e.g. while in a trainee, intern, or similar developmental position.)

p. Technical Point of Contact. A representative of the requiring activity that performs technical functions and/or certain administrative functions inherent to the role of the requiring activity (e.g., completion of Contractor Performance

Enclosure (1)
Assessment Reports (CPARS), approval of base access requests, etc.). See also Requiring Activity.
DoD STANDARD FOR CERTIFICATION OF NAVAIRINST 4200.57
CONTRACTING OFFICER'S REPRESENTATIVES
FOR SERVICES ACQUISITIONS

<table>
<thead>
<tr>
<th>NATURE OF TYPE A WORK/REQUIREMENT</th>
<th>REQUIRED COMPETENCY TOPICS</th>
<th>REQUIRED COMPETENCIES</th>
<th>EXPERIENCE/TRAINING REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fixed-price requirements without incentives, low performance risk. Attributes of such requirements might include: lack of technical or administrative complexity, no identifiable risk factors; limited requirement for technical expertise; low likelihood of modification; effort is a follow-on to an existing contract. COR responsibilities are generally limited to minimal technical and/or administrative monitoring of the contract.</td>
<td>General: • Attention to Detail • Decision Making • Flexibility • Oral and Written Communication • Problem Solving/Reasoning • Self-management/Initiative • Teamwork Technical: • Business Ethics • Effective Communication of Contract Requirements • Effective Contract Performance Management • Effective COR Performance</td>
<td>Upon completion of mandatory training, COR should be able to perform at least the following competencies in a manner consistent with the nature of Type A work/requirements: 1. Assist in acquisition planning. 2. Assist in contract award process. 3. Establish/maintain COR file with all required documentation. 4. Identify/prevent unethical conduct and instances of fraud/waste/abuse. 5. Perform technical/administrative monitoring and reporting responsibilities in accordance with letter of delegation and surveillance plan. 6. Recommend/monitor proposed changes. 7. Monitor contract expenditures/payments 8. Monitor contract schedule compliance. 9. Perform liaison responsibilities between the Contracting Officer, the Requiring Activity, and the applicable (competency 12) contractor for management of the contract. 10. Inspect, accept or reject deliverables during contract performance and at close-out in conformance with contract terms and conditions. 11. Monitor the control/disposition of Government furnished assets. 12. Perform surveillance in a contingency environment, when applicable.</td>
<td>Experience: ▶ Agency experience: minimum of 6 months (may be waived) ▶ Relevant technical experience: As determined by the nominating supervisor for the Contracting Officer's consideration and appointment ▶ General competencies: As determined by the nominating supervisor for the Contracting Officer's consideration and appointment. ▶ Training: ▶ DAU CLC 106, Contracting Officer's Representative (Basic) ▶ DAU COR/CLC 206, COR in the Contingency Environment, when applicable (competency 12) ▶ Minimum of 1 hour acquisition ethics training (e.g., CLM 003 or agency provided training) annually. ▶ Additional training mandated by the contracting activity (e.g., WAWF). ▶ Refresher Training: ▶ Minimum of 8 hours COR specific training: ▶ Every 3 years, OR ▶ Prior to assuming COR responsibilities if the individual has not served as a COR within the previous 24 months. ▶ Minimum of 1 hour acquisition ethics training (e.g., CLM 003 or agency provided training) annually. ▶ Any additional training mandated by the Activity.</td>
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Enclosure (2)
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<tr>
<th>NATURE OF TYPE B WORK/REQUIREMENT</th>
<th>REQUIRED COMPETENCY TOPICS</th>
<th>REQUIRED COMPETENCIES</th>
<th>EXPERIENCE/TRAINING REQUIREMENTS</th>
</tr>
</thead>
</table>
| Other than fixed-price requirements without incentives, low performance risk. Attributes of such requirements might include: the nature of the work is more complex; effort will be performed in multiple regions/remote geographic locations, contract contains incentive arrangements or cost sharing provisions, contract is cost-type, T&M/LH type, or Fixed Price Level of Effort. COR responsibilities are of increased complexity. | General:  
- Attention to Detail  
- Decision Making  
- Flexibility  
- Influencing/Persuasive interpersonal skills  
- Oral and Written Communication  
- Planning and Evaluating  
- Problem Solving  
- Reasoning  
- Self-management/Initiative  
- Teamwork  

Technical:  
- Business Ethics  
- Defining Government requirements  
- Understanding and knowledge of contract type  
- Effective analytic skills  
- Effective Communication of Contract Requirements  
- Effective Contract Performance Management  
- Effective COR Performance  
- Project Management  
- Strategic Planning  
- Understanding the Marketplace  | Upon completion of mandatory training, COR should be able to perform at least the following competencies in a manner consistent with the nature of Type B work/requirements:  
1. Assist in acquisition planning.  
2. Assist in contract award process.  
3. Establish/maintain COR file with all required documentation.  
4. Identify/prevent unethical conduct and instances of fraud/waste/abuse.  
5. Review technical submittals/ensure compliance with Statement of Work/Statement of Objectives (e.g., perform technical monitoring and reporting in accordance with a Quality Surveillance Plan).  
6. Perform administrative monitoring and reporting responsibilities (e.g., handle security issues, attend meetings, etc.).  
7. Recommend/monitor proposed changes.  
10. Perform liaison responsibilities between the Contracting Officer and the contractor for management of the contract.  
11. Inspect, accept or reject deliverables during contract performance and at close-out in conformance with contract terms and conditions.  
12. Review and validate that contractor payment requests are commensurate with performance.  
14. Perform surveillance in a contingency environment, when applicable.  | Experience:  
- Agency experience: minimum of 12 months (may be waived by the requiring activity. Waiver to be addressed in nomination package).  
- Relevant technical experience: As determined by the nominating supervisor for the Contracting Officer's consideration and appointment.  
- General competencies: As determined by the nominating supervisor for the Contracting Officer's consideration and appointment.  

Training:  
- DAU COR/CLC 222 or ALMC-CL or equivalent course  
- DAU COR/CLC 206, COR in a Contingency Environment, when applicable (competency 14).  
- Minimum of 1 hour acquisition ethics training (e.g., DAU CLM 003 or agency provided training) annually.  
- Additional training mandated by the Contracting activity (e.g., WAWF).  

Refresher Training:  
- Minimum of 16 hours COR specific training:  
  - Every 3 years, OR  
  - Prior to assuming COR responsibilities if the individual has not served as a COR within the previous 24 months.  
- Minimum of 1 hour acquisition ethics training (e.g., DAU CLM 003 or agency provided training) annually.  
- Any additional training mandated by the Activity.  |
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<tr>
<th>NATURE OF TYPE C WORK/REQUIREMENT</th>
<th>REQUIRED COMPETENCY TOPICS</th>
<th>REQUIRED COMPETENCIES</th>
<th>EXPERIENCE/TRAINING REQUIREMENTS</th>
</tr>
</thead>
</table>
| Unique contract requirements that necessitate a professional license, higher education or specialized training beyond the Type B requirements. Such requirements might include, for example, environmental remediation; major weapons systems; medical/dental/veterinarian services, etc. COR responsibilities are of increased complexity. | General:  
- Attention to Detail  
- Decision Making  
- Flexibility  
- Influencing/Persuasive interpersonal skills  
- Oral and Written Communication  
- Planning and Evaluating  
- Problem Solving  
- Reasoning  
- Self-management/Initiative  
- Teamwork  
Technical:  
- Business Ethics  
- Defining Government requirements  
- Understanding and knowledge of contract type  
- Effective analytic skills  
- Effective Communication of Contract Requirements  
- Effective Contract Performance Management  
- Effective COR Performance  
- Project Management  
- Strategic Planning  
- Understanding the Marketplace | Upon completion of mandatory training, COR should be able to perform at least the following competencies in a manner consistent with the nature of Type C work/requirements:  
1. Assist in acquisition planning.  
2. Assist in contract award process.  
3. Establish/maintain COR file with all required documentation.  
4. Identify/prevent unethical conduct and instances of fraud/waste/abuse.  
5. Review technical submittals/ensure compliance with Statement of Work/Statement of Objectives (e.g., perform technical monitoring and reporting in accordance with a Quality Surveillance Plan).  
6. Perform administrative monitoring and reporting responsibilities (e.g., handle security issues, attend meetings, etc.).  
7. Recommend/monitor proposed changes.  
10. Perform liaison responsibilities between the Contracting Officer and the contractor for management of the contract.  
11. Inspect, accept or reject deliverables during contract performance and at close-out in conformance with contract terms and conditions.  
12. Review and validate that contractor payment requests are commensurate with performance.  
14. Perform surveillance in a contingency environment, when applicable.  
15. Other specific functions consistent with the objectives of the Activity’s mandatory specialized/technical training. | Experience:  
- Agency experience: minimum of 12 months (may be waived by the requiring activity. Waiver to be addressed in nomination package)  
- Relevant technical experience: As determined by the nominating supervisor for the Contracting Officer’s consideration and appointment  
- General competencies: As determined by the nominating supervisor for the Contracting Officer’s consideration and appointment.  
Training:  
- DAU COR/CLC 222 or ALC-CL or equivalent course  
- DAU COR/CLC 206, COR in the Contingency Environment, when applicable (competency 14)  
- Minimum of 1 hour acquisition ethics training (e.g., DAU CLM 003 or agency provided training) annually.  
- Additional training mandated by the contracting activity (e.g., WAWF).  
Refresher Training:  
- Minimum of 16 hours COR specific training:  
  - Every 3 years, OR  
  - Prior to assuming COR responsibilities if the individual has not served as a COR within the previous 24 months.  
- Minimum of 1 hour acquisition ethics training (e.g., DAU CLM 003 or agency provided training) annually.  
- Any additional training mandated by the Activity.  
- Any necessary for maintenance of license/certification/etc. |