

**Commerce Acquisition Manual**  
**CAM Notice 02-04**

*Title or Purpose:* Amendment to the Contracting Officer's Technical Representative (COTR) Certification Program

*File in:* CAM, Part 13.01, Section 2  
1301.2

*Effective:* October 1, 2002

*Applicability:* All Department of Commerce individuals nominated for assignment as COTRs or assistant COTRs, current COTRs as well as current assistant COTRs.

*Implementing Guidance:* The COTR Certification Program is amended by adding a new Definitions section after paragraph 1 entitled Purpose. The new section clarifies the definitions of a Contract, Contracting Officers Technical Representative (COTR), Program Official, and Receiving Official. In addition, the CAM is amended to incorporate instructions for COTR performance evaluations and includes sample performance element and standards language, Exhibits D and E.

*Original signed by Christine Makris*

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Christine Makris, Acting Office of Acquisition Management Deputy Director  
and Director Acquisition Policy and Programs

## COMMERCE ACQUISITION MANUAL

1. **Purpose.** {Section Unchanged}

2. **Definitions**

### Contract

A mutually binding legal relationship obligating the seller to furnish the supplies or services (including construction) and the buyer to pay for them. It includes all types of commitments that obligate the Government to an expenditure of appropriated funds and that, except as otherwise authorized, are in writing. In addition to bilateral instruments, contracts include (but are not limited to) awards and notices of awards; job orders or task letters issued under basic ordering agreements; letter contracts; orders, such as purchase orders, under which the contract becomes effective by written acceptance or performance; and bilateral contract modifications. Contracts do not include grants and cooperative agreements covered by 31 U.S.C. 6301, et seq.

### Contracting Officer's Technical Representative

A Federal employee that ensures program success by partnering with contractors and Contracting Officers to achieve contract objectives. A Contracting Officer's Technical Representative is delegated limited authority by a Contracting Officer to monitor and perform specific, enumerated contract management duties related to contract closeout and technical oversight during the performance period of a contract ensuring the contractor's performance meets the standards set forth in the contract, the technical requirements under the contract are met by the delivery date or within the period of performance, and at the price or within the estimated cost stipulated in the contract.

### Program Official

An operating unit head or Office of the Secretary manager who is responsible for carrying out specified substantive functions (i.e. programs) necessary for the performance of the Department's mission.

### Receiving Official

Individual charged with certifying the receipt and acceptance of property or services for the Government.

3. **Policy.** Contracting Officers shall appoint individuals as COTRs considering the complexity and dollar value of the acquisition, the candidate's experience, training, education, judgment, character, and reputation. As a minimum, the COTR candidate shall meet minimum training and performance evaluation requirements, as evidenced by a Certificate of Eligibility issued by the Head of the Contracting Office (HCO) in accordance with the **Eligibility and Appointment Procedures** and **Performance Evaluation** sections of this Chapter. Exhibit A provides a sample Certificate of

Eligibility. Contracting Officers are encouraged to appoint COTRs who have been involved in the pre-award phase of the acquisition.

4. **References.** {Section Unchanged}

5. **Applicability.**

- a. These requirements apply to all individuals nominated for assignment as COTRs or assistant COTRs and to all individuals currently serving as COTRs or assistant COTRs on Department of Commerce (DOC) contracts for DOC programs. COTR authority may not be redelegated. Assistant COTRs shall be appointed in accordance with the same requirements applicable to COTRs.
- b. These requirements apply to individuals assigned as COTRs to procurements awarded under FAR Part 13 simplified acquisition procedures as deemed appropriate by the Contracting Officer.

6. **Effective Date.** This Amendment is effective October 1, 2002. Current COTRs and COTR nominees have until March 1, 2003 to meet performance element requirements.

7. **Responsibilities.**

- a. Director, Office of Acquisition Management. {Paragraph Unchanged}
- b. Heads of Contracting Offices (HCOs). HCOs are responsible for the following regarding this COTR Certification Program:
  - 1) Determining whether individuals nominated by their program officials as COTRs meet the minimum requirements set forth in the **Requirements** section of this Chapter.
  - 2) Issuing Certificates of Eligibility to those individuals.
  - 3) Approving or denying requests for exceptions to training requirements in accordance with the **Exceptions** section of this Chapter.
  - 4) Issuing final decisions with regard to cancellation of COTR appointments.
  - 5) Ensuring COTRs and COs comply with performance evaluation instructions.
- c. Contracting Officers. {Paragraph Unchanged}

d. Program Officials. Program officials are responsible for the following with regard to this COTR Certification Program:

1) Nominating technically competent individuals as COTR candidates.

2) Paying for training necessary to meet COTR eligibility requirements.

3) Ensuring that COTRs maintain arms-length relationships with contractors, particularly with those in long term contractual relationships with the bureau.

4) Including contract management in COTR performance plans in accordance with the **Performance Evaluation** section of this Chapter.

e. Contracting Officer's Technical Representatives. {Remainder of Section Unchanged}

8. **Requirements**. The minimum criteria set forth below must be met before a Certificate of Eligibility can be issued. HCOs may supplement these requirements to meet additional needs of the contracting activity. A copy of any supplemental requirements shall be provided to the Office of Acquisition Management, Acquisition Policy & Programs.

a. A signed procurement integrity certification (Optional Form 333) on file in employee's official personnel folder.

b. Satisfactory fulfillment of duties for any prior or current COTR appointments.

c. Contract management included in the COTRs performance evaluation plan for COTR levels 2 and 3.

d. {Remainder of Section Unchanged}

9. **Eligibility and Appointment Procedures**.

a. Program officials shall nominate COTR candidates to the HCO. COTR candidates shall submit documentation to the HCO indicating (1) contract management is included in the nominee's performance plan and (2) the COTR successfully completed training to meet the requested level of certification, as outlined in the **Requirements** section of this Chapter. COTR candidates may apply training taken within the past three years toward these training requirements, if the HCO is satisfied that the course content satisfies the subject matter requirement.

{Remainder of Section Unchanged}

10. **Certification Records.** {Paragraph Unchanged}

11. **Cancellation of COTR Appointments.** {Paragraph Unchanged}

12. **COTR Performance Evaluations.**

- a. Supervisors of COTRs, with the assistance of the bureau servicing human resources office, shall include contract management in performance plans, if such language does not already exist:
  - (i) for individuals with contract management responsibility when the COTR duties make up 20% or more of the COTR's job responsibilities; and
  - (ii) for Levels 2 and 3 certified COTRs.
- b. COTR performance plans shall incorporate:
  - (i) contract management as a separate critical element; **or**
  - (ii) contract management language into an existing element.
- c. Supervisors should seek input from the cognizant CO when preparing the performance rating of an employee with COTR responsibility. A Fully Successful or higher level rating under a 5-Level appraisal system or a Meets or Exceeds Expectations rating under a 2-Level appraisal system of a COTR by a supervisor shall not preclude the HCO's authority to cancel a COTR appointment.
- d. Exhibit D provides sample contract management performance element language for a 5-Level Performance Rating System.
- e. Exhibit E provides sample contract management performance element language for a 2-Level Performance Rating System.

13. **Exceptions to Training Requirements.** {Paragraph Unchanged}

14. **Waivers of Training Requirements.** {Paragraph Unchanged}

**CERTIFICATE OF ELIGIBILITY  
having met training and other requirements**

**is hereby certified eligible for appointment as  
CONTRACTING OFFICER'S TECHNICAL REPRESENTATIVE (COTR)  
for Level \_\_ complexity contracts  
In accordance with the  
DEPARTMENT OF COMMERCE COTR CERTIFICATION PROGRAM  
Requirements of October 2002**

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**Signature of Head of Contracting Office**

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**Date**

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**Bureau/ASC**

**Exhibit B** {Exhibit Unchanged}

**Exhibit C** {Exhibit Unchanged}

**5-Level Performance Rating System  
Sample COTR Performance Element & Standards**

Element	Description	General Measures	Specific Measures	Standards		Feedback Source for Monitoring
Contract Management <input checked="" type="checkbox"/> Critical <input type="checkbox"/> Non Critical	Ensures the technical requirements of assigned contracts are met. Monitors the technical effort being performed under the contract. Communicates with the Contractor as necessary to ensure the contractor is making satisfactory progress in performance of the contract. Directs the flow of technical matters between the Government and the Contractor.	Quality Timeliness	Regularly communicates with Contracting Officer. Resolves technical issues in a timely manner. Contract deliverables are on time. Submissions to the Contracting Officer accurate and complete.	<b>1. Outstanding</b> Element objectives are achieved with maximum impact on organizational mission through exemplary work that demonstrates exceptional originality, versatility, and creativity. Activities and related tasks are carried out with the utmost effectiveness and reliability, rarely leaving room for improvement. Products are of high quality. Potential sources of unproductive conflict are anticipated and managed through creative alternatives. Cooperation and responsiveness are actively promoted. Written and oral communications related to the performance element activities are exceptionally convincing and typically result in new cooperative relationships and an increase in organizational prestige.	<b>2. Commendable</b> Element objectives are accomplished effectively and efficiently with consistently high levels of quality and quantity of work. Activities and related tasks are carried out in an efficient, orderly sequence that achieves thorough, timely, correct, and cost-effective results. Products are above average in reliability. Accepted procedures are carried out in a highly proficient and constructive manner, and problems are dealt with skillfully and resourcefully. Cooperative efforts are typically positive and productive. Written and oral communications related to the performance of element activities are unambiguous and convincing.	Supervisory Observation; Contracting Officer Input

**Exhibit D**

			<i>3. Fully Successful</i>	<i>4. Marginal</i>
			<p>Element objectives, activities and related tasks are completed with adequate quality and quantity of work. Products are reliable and delivered without unanticipated delays. Procedures are consistently and correctly followed and problems are dealt with satisfactorily. Work methods demonstrate an acceptable degree of cooperation with others. Written and oral communication related to the performance of element activities are readily understandable and contribute to organizational effectiveness.</p>	<p>Element objectives, activities and related tasks are completed with only a minimal quality and quantity of work. Products are borderline in reliability or typically delivered with unanticipated delays. Procedures are minimally correct and problems are handled satisfactorily only after either intervention by the supervisor or coworkers or repetitive attempts. Work methods demonstrate a marginal degree of cooperation with others. The employee's written communication usually considers the nature and complexity of the subject and intended audience. They convey the central points of information important to accomplishing the work. However, too often the communication is not focused, contains too much or too little information, and/or is conveyed in a tone that hinders achievement of the purpose of the communication. In communication to coworkers, the listener must question the employee at times to secure complete information or avoid misunderstandings.</p>
			<i>5. Unsatisfactory</i>	
			<p>Element objectives and activities are typically not successfully completed due to failures in quality, quantity, completeness, or timeliness of work. Products are deficient because they are contrary to directions or guidelines; do not meet minimum specifications; are inconsistent with proper procedures; are significantly flawed or substandard in quality; demonstrate insufficient technical knowledge or skill; are incomplete or unacceptably late; or lack essential cooperative involvement and support. Problems that arise during the performance of element activities are not satisfactorily resolved. The oral and written expression the employee uses in accomplishing the work of this element lacks the necessary clarity for successful completion of required tasks. Communication failures interfere with completion of work.</p>	



2-Level Rating System						
Sample COTR Performance Element/Result/Objective & Indicators						
Critical Element/Result/Objective	Description	General Measures	Specific Measures	Sample COTR Performance Element/Result/Objective & Indicators		Feedback Source for Monitoring
Contract Management	Ensures the technical requirements of assigned contracts are met. Monitors the technical effort being performed under the contract. Communicates with the Contractor as necessary to ensure the contractor is making satisfactory progress in performance of the contract. Directs the flow of technical matters between the Government and the Contractor.	Quality Timeliness	Regularly communicates with Contracting Officer. Resolves technical issues in a timely manner. Contract deliverables are on time. Submissions to the Contracting Officer accurate and complete.	<p><i>1. Meets or Exceeds Expectations</i> Element objectives, activities and related tasks are achieved with a level of performance, which can range in quality and quantity from adequate to outstanding.</p> <p>At a minimum, products are reliable and delivered without unanticipated delays. Procedures are consistently and correctly followed and problems are dealt with satisfactorily. Work methods demonstrate an acceptable degree of cooperation with others. Written and oral communication related to the performance of element activities are readily understandable and contribute to organizational effectiveness.</p> <p>At a maximum activities and related tasks are carried out with the utmost effectiveness and reliability, rarely leaving room for improvement. Products are of high quality. Potential sources of unproductive conflict are anticipated and managed through creative alternatives. Cooperation and responsiveness are actively promoted. Written and oral communications related to the performance element activities are exceptionally convincing and typically result in new cooperative relationships and an increase in organizational prestige.</p>	<p><i>2. Does Not Meet Expectations</i> Element objectives and activities are not successfully completed due to failures in quality, quantity, completeness, or timeliness of work. Products are deficient because they are contrary to directions or guidelines; do not meet minimum specifications; are inconsistent with proper procedures; are significantly flawed or substandard in quality; demonstrate insufficient technical knowledge or skill; are incomplete or unacceptably late; or lack essential cooperative involvement and support. Problems that arise during the performance of element activities are not satisfactorily resolved.</p>	Supervisory Observation; Contracting Officer Input