

# PROCUREMENT

## Actions Needed to Enhance Training and Certification Requirements for Contracting Officer Representatives



**Office of Inspector General  
U.S. Government Accountability Office  
*Report Highlights***

April 2012

**PROCUREMENT**

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**What We Found**

Contracting Officer Representatives assist Contracting Officers in the proper procurement and administration of contracts and play a key role in ensuring that contractors abide by the contracts. The Office of the Inspector General assessed the extent to which GAO has developed the policies and programs necessary to ensure that GAO staff appointed as Contracting Officer Representatives are trained and certified.

Although GAO's current policy encourages, but does not require, certification training and continuous learning for Contracting Officer Representatives, the agency has efforts under way to expeditiously revise training and certification requirements based on the executive branch's risk-based certification program. This risk-based program has varying requirements for training, experience, and continuous learning for Contracting Officer Representatives in civilian agencies, depending upon the types of contracts being managed. To strengthen contract oversight, GAO has plans to require Contracting Officer Representatives take training this year. In addition, GAO executives have assigned a senior manager to further expedite the development of its revised policy. However GAO lacks a comprehensive plan that includes time frames, availability of training resources, and a method to track and monitor when staff complete training. Until the revised program is fully implemented, GAO is at risk that some Contracting Officer Representatives may not have the right skills and training to oversee contractors.

**What We Recommend**

This report recommends that GAO develop and implement a comprehensive action plan with milestones for revising its policy and processes for training and certifying Contracting Officer Representatives.



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**Abbreviations**

COR	Contracting Officer Representative
FAITAS	Federal Acquisition Institute Training Application System
GAO	Government Accountability Office
OFPP	Office of Federal Procurement Policy

## Memorandum

**Date:** April 11, 2012

**To:** Comptroller General Gene Dodaro

**From:** Inspector General Frances Garcia 

**Subject:** *Procurement: Actions Needed to Enhance Training and Certification Requirements for Contracting Officer Representatives*

GAO's mission is to support the Congress in meeting its constitutional responsibilities and to help improve the performance and ensure the accountability of the federal government for the benefit of the American people. To accomplish its mission, GAO has allocated about 18 percent of its resources for the procurement of goods and services to support agency operations.<sup>1</sup> Procurements at GAO vary in size and complexity, including contracts for goods and services costing less than \$10,000, interagency agreements for financial management and information technology services, and a multimillion-dollar facilities maintenance contract.

Once a contract has been awarded, GAO's Contracting Officer Representatives (COR)<sup>2</sup> play a key role in ensuring that contractors abide by the contracts. As stated in GAO's procurement guidelines,<sup>3</sup> the CORs provide critical acquisition and technical functions to ensure that contractual agreements are properly managed. CORs, who are appointed to their positions, are often the first to recognize when a program or contract is underperforming.<sup>4</sup>

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<sup>1</sup>GAO's fiscal year 2012 budget is \$541.1 million. See P.L. 112-74, Consolidated Appropriations Act, FY 2012, December 23, 2011.

<sup>2</sup>To be consistent with the latest Office of Federal Procurement Policy Guidance and the Federal Acquisition Regulation (FAR), throughout this report we will use the term Contracting Officer Representative (COR) rather than Contracting Officer Technical Representative (COTR).

<sup>3</sup>GAO Order 0625.1, U.S. Government Accountability Office Procurement Guidelines (May 7, 2009).

<sup>4</sup>Office of Federal Procurement Policy Memorandum, Federal Acquisition Certification for Contracting Officer's Representatives (Sept. 6, 2011).

Although GAO's current policy encourages, but does not require, certification training and continuous learning for CORs, the agency has efforts under way to expeditiously establish training and certification requirements based on an executive branch program in the Office of Federal Procurement Policy (OFPP).<sup>5</sup> That program requires civilian agencies to train and certify CORs according to standards first established in 2007.

In September 2011, OFPP developed a three-tiered, risk-based certification program for civilian agencies with varying requirements for training, experience, and continuous learning, depending on the types of contracts being managed. For example, CORs who handle low-risk contracts to purchase supplies are required to receive 8 hours of training, while CORs who handle moderate-risk service contracts are required to have both 1 year of previous experience and 40 hours of training. These requirements became effective January 1, 2012. (For more details on OFPP's training and certification program, see attachment I.) To strengthen contract oversight, GAO has plans to require that CORs take comprehensive training this year and to revise its COR training and certification policy and processes needed to fully implement such a program at GAO. Until this program is fully implemented, the agency is at risk that some CORs may not have the right skills and training to oversee contractors.

For this report, we assessed the extent to which GAO has developed the policies and programs necessary to ensure that GAO staff appointed as CORs are trained and certified. To do our work, we reviewed GAO's existing training and certification policies and programs and conducted a literature review of reports, policies, and relevant laws related to acquisition workforce development. We also compared a January 2012 draft proposal on COR certification developed by GAO's Acquisition Management with current policy developed by the OFPP for use by civilian agencies. Our comparison focused on the following features: use of a risk-based approach for training and certification, responsibilities for COR appointments, provisions for continuous learning, a mechanism for tracking and monitoring COR training and certification, and transition strategy. We also acquired Acquisition Management documentation on GAO employees who serve as CORs and their training and obtained Acquisition Management staff views on the work that remains to put a program in place. Finally, we interviewed GAO managers and staff who are knowledgeable about GAO's contract administration.

We conducted this performance audit from August 2011 to April 2012, in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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<sup>5</sup>Under the authority of 41 U.S.C. §§1101 et seq., the Office of Federal Procurement Policy, which is located in the Office of Management and Budget, provides overall direction of governmentwide procurement policies and procedures in the executive branch.

## **Background**

The authority and responsibility to contract for authorized GAO supplies and services is vested in the Comptroller General. This responsibility has been delegated, through the Chief Administrative Officer and Controller, to the Director, Acquisition Management, as GAO's Contracting Officer. The Controller, to whom the Contracting Officer reports, may appoint other Contracting Officers and impose limitations on their authority, as circumstances warrant.

Contracting Officers are authorized to enter into, administer, or terminate GAO contracts by applying appropriate laws, regulations, and procedures and are responsible for managing and coordinating all GAO procurements and safeguarding GAO's interests. Specifically, Contracting Officers ensure performance of and compliance with the terms of contracts; ratify procurement commitments; ensure sufficient funds are available for obligation; ensure contractors receive impartial, fair, and equitable treatment; and, as appropriate, request and consider the advice of specialists in various fields related to GAO procurements. CORs assist Contracting Officers in the proper procurement and administration of contracts. Specific responsibilities GAO has assigned to CORs include the following:

- monitor and ensure that the contractor performs the technical requirements of the contract in accordance with the contract terms, conditions, specifications, and drawings;
- communicate and coordinate directly with the contractor, as necessary, to carry out their duties as CORs;
- perform or facilitate any inspections that are necessary to ensure compliance with all contract technical requirements and require the contractor to correct any deficiencies;
- carefully and thoroughly review all contract invoices prior to acceptance of any work, deliverable, service, or product; and
- promptly request the de-obligation of any excess funds in a timely manner (i.e., prior to the end of the fiscal year) to ensure that funds are available for other purposes.

In addition to performing these responsibilities, CORs also must promptly notify Contracting Officers and contract specialists of the first indications of contract problems (e.g. technical or cost-related).

### **GAO Is Revising Its Policy on COR Training and Certification, and Further Actions Are Needed to Implement New Requirements**

Currently, the GAO order that sets procurement policy, GAO Order 0625.1, *U.S. Government Accountability Office Procurement Guidelines*, does not contain specific requirements for COR training and certification. In September 2011, GAO's Acquisition

Management Director told us she had received guidance from GAO's Chief Administrative Officer to establish a COR training and certification program modeled after the updated training program established by OFPP. In addition to revising GAO's policy, Acquisition Management staff noted that other actions would be needed to fully implement the new training and certification requirements. However, they could not estimate when full implementation of the revised training requirements would occur. In March 2012, GAO executives also assigned a senior manager to lead and further expedite the agency's efforts in establishing a COR training and certification program.

### GAO Is Updating Its Current Procurement Policy to Include Requirements for COR Training and Certification

GAO's current procurement policy contained in GAO Order 0625.1 provides information on the roles and responsibilities for CORs, but does not include specific training and certification requirements as called for by OFPP. Instead, GAO's policy strongly encourages CORs to complete a 5-day comprehensive COR training course and to maintain their skills through continuous learning. GAO's policy also specifies that GAO staff appointed as CORs to oversee a purchase order, contract, delivery order, or interagency agreement for services with a period of performance of 6 months or longer, must have the skills necessary to perform postaward administrative functions on behalf of the Contracting Officer. However, because GAO's current policy does not require CORs to complete training, the agency does not have a process in place to ensure that CORs have the skills to perform the necessary administrative functions for contract oversight.

Based on guidance provided by GAO's Chief Administrative Officer, Acquisition Management staff have drafted a new procurement policy that includes specific training and certification requirements modeled after key features of OFPP's training program, including OFPP's September 2011 update. Specifically, GAO's draft policy established training and certification requirements for COR training that (1) are risk-based, in that the required training hours vary based on certification level; (2) address how CORs are to be appointed; and (3) include provisions for continuous training to maintain certification.

### GAO Lacks a Comprehensive Plan to Implement Revised COR Training Requirements

Although GAO has taken steps to draft a new policy for COR training and certification, the agency lacks an implementation plan that includes time frames, availability of training resources, and a method to track and monitor when staff complete training. For example, GAO needs to inform both CORs and their supervisors of the new training requirements and to make the mandatory training available. In the near term, because Acquisition Management believes the majority of CORs have not been trained, GAO is planning to require that CORs attend a 5-day COR training course, a 2-day appropriations law course, and annual ethics training by July 2012. However, as of March 2012, the plan for new training requirements has not been communicated to the CORs or their supervisors.

Acquisition Management staff have made some progress in considering how the training and certification requirements in the draft policy could be implemented, and GAO is creating a task force led by a senior manager to assist Acquisition Management in

further developing a plan to implement new requirements. Before the plan can be finalized, however, several key issues need to be addressed. They include the following:

- **Implementation time frame:** Currently, no milestones exist for finalizing GAO's draft policy or for completing key elements necessary for implementing a new training and certification program, such as identifying CORs by training level (i.e., I, II, and III); providing training opportunities appropriate for each level within the time frame specified for in the draft policy; establishing mechanisms for tracking and monitoring training and certification; and revising GAO's order to change the training and certification requirements for CORs.
- **Risk-based approach to COR training and identification of CORs:** To be consistent with its draft policy, GAO will need to train CORs using a risk-based approach that differentiates between Level I, Level II, and Level III COR training and experience requirements. (See attachment I for more details on training levels.) Currently, Acquisition Management's list of CORs only includes CORs overseeing contracts or purchase orders with option years—that is, CORs who have more significant responsibility than Level I CORs with low-risk supply contracts. Since continuous learning hours vary by level, identifying CORs by level will become even more important over time.
- **Opportunities for continuous learning:** GAO will need to identify and provide opportunities for continuous learning in order for CORs to maintain their certifications.
- **Tracking and monitoring system for COR training and certification:** With no current requirement for COR training, GAO does not have a mechanism to track the training, experience, and certifications for CORs. Such a system will be a key element to help ensure compliance with new training requirements. Acquisition Management has been looking into the possibility of using GAO's Training Information System or the Federal Acquisition Institute Training Application System to be a repository of COR training records and COR certifications.

### **Delays in Implementing the Revised COR Training Policy and Lack of a Monitoring Mechanism May Result in Less Effective Contract Oversight**

In its *Framework for Assessing the Acquisition Function at Federal Agencies*,<sup>6</sup> GAO commented that agencies require staff with the right skills and training to ensure contractors provide the needed goods and services. According to the framework, the key question to ask is: What actions has the agency taken to ensure that it has adequate staff with the right skills, knowledge, and training to implement policies and processes to oversee contractors? Until GAO completes all actions necessary to establish COR training and certification requirements at GAO and develops a mechanism to monitor

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<sup>6</sup>GAO, *Framework for Assessing the Acquisition Function at Federal Agencies*, GAO-05-218G (Washington, D.C.: September 2005).

completion of training, the agency risks the possibility that its CORs will have skill and knowledge gaps, and potentially be less effective in contract oversight.

Since GAO does not require or track training or certification for CORs, there could be skill and knowledge gaps among GAO's COR workforce. Based on an informal e-mail inquiry in 2011, Acquisition Management believes the majority of CORs have not received training beyond its annual ethics training course. Delaying implementation of the draft policy with new training requirements may expose GAO to less effective contract oversight.

## **Conclusion**

CORs provide critical acquisition functions and require the right skills and training to ensure that contractors meet their commitments. GAO recognizes the importance of a strong COR training and certification program at the agency and has taken positive steps to bring such a program into existence, including drafting new COR training requirements. However, further actions will be needed to complete this initiative. While GAO has begun work on a revised policy and has assigned a senior manager to assist Acquisition Management in this effort, the agency does not yet have a comprehensive plan for completing all actions necessary to get a fully trained and certified COR workforce in place. Without a plan that assigns responsibilities for resolving these issues and includes milestones for completion, it is unclear when GAO will achieve the benefits of a COR training and certification program—such as reduced risk that skill and knowledge gaps among its COR workforce could lead to less than effective contract oversight.

## **Recommendations**

To help ensure that GAO can achieve a fully trained and certified COR workforce, we recommend that the Comptroller General ensure that GAO develop and implement an action plan with milestones for revising its policy and processes for training and certifying CORs. This plan should address unresolved issues we identified in this report.

## **Agency Comments**

The Inspector General provided GAO with a draft of this report for review and comment. GAO agreed with our recommendation. The agency also provided technical comments that we incorporated, as appropriate.

Actions taken in response to our recommendations are expected to be reported to my office within 60 days.

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We are sending copies of this report to GAO's Chief Administrative Officer, Chief Operating Officer, General Counsel, Controller, Acquisition Management Director, and GAO's Audit Advisory Committee.

The report also is available at no charge on the GAO website at <http://www.gao.gov/about/workforce/ig.html>.

If you or your staff have any questions about this report, please contact me at (202) 512-5748 or [garciaf@gao.gov](mailto:garciaf@gao.gov). Key contributors to this report were Cathy Helm (Deputy Inspector General) and Wendy Jaffe.

Attachments (2)

## **Attachment I: Summary of Key Features of the Office of Federal Procurement Policy's September 2011 Update Relating to Contracting Officer Representative Certification and Training**

In the executive branch, the Office of Federal Procurement Policy (OFPP) has established a Contracting Officer Representative (COR) training and certification program for civilian agencies.<sup>7</sup> Beginning in November 2007, OFPP established a structured training program for CORs that standardized competencies and training across civilian agencies, with the intent of improving the collective stewardship of taxpayer dollars. OFPP made each agency's Chief Acquisition Officer responsible for the policies and programs necessary to implement this certification program and ensure that CORs have essential competencies. To comply with OFPP's new policy, all CORs appointed to a contract after the effective date of the policy were to be certified not later than 6 months from the date of appointment and maintain their skills through continuous learning.

OFPP revised and strengthened its policy on COR training for civilian agencies in the executive branch as of September 2011. As explained by OFPP, where the previous certification program had just one level of certification for all CORs, the new program has three levels of certification with varying requirements for training, experience, and continuous learning, depending of the types of contracts being managed. For example, CORs should be developed and assigned as follows:

- Level I: 8 hours of training and no experience required. This level of COR is generally appropriate for low-risk contract vehicles, such as supply contracts and orders.
- Level II: 40 hours of training and 1 year of previous COR experience required. This level of COR is generally appropriate for contract vehicles of moderate to high complexity, including both supply and service contracts.
- Level III: 60 hours of training and 2 years of previous COR experience required on contracts of moderate to high complexity that require significant acquisition investment. Level III CORs are the most experienced CORs within an agency and should be assigned to the most complex and mission-critical contracts within the agency.

Additionally, the September 2011 policy specifies that the Chief Acquisition Officer, in consultation with other appropriate agency officials, is responsible for developing and maintaining an acquisition career management program to ensure an adequate professional workforce.

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<sup>7</sup>While GAO is not subject to the OFPP policy memorandum relating to COR certification, GAO is currently reviewing the OFPP program as a basis for making changes to GAO's internal policies.

Other features of the OFPP policy include the following:

- Program offices nominate the COR in writing, but the Contracting Officer has the responsibility to determine who is most appropriate to be the COR and to make this appointment in writing;
- each agency manages its own certification program; and
- each agency develops its own transition program to implement the new policies (within certain parameters) including grandfathering in the current COR workforce.

With respect to continuous learning, OFPP prescribes varying levels of training hours based on certification level. Level I requires 8 hours every 2 years; Level II requires 40 hours every 2 years; and Level III requires 40 hours every 2 years. Per OFPP, it is not intended that CORs retake their original COR training classes for continuous learning. Rather, it is intended that CORs should take courses relevant to the work they are performing as CORs.

Finally, OFPP's September 2011 policy addresses agencies' management information system for tracking and monitoring COR training. OFPP states that agencies and individuals are responsible for maintaining certification documentation for quality assurance purposes. Agencies are responsible for tracking their COR workforce, including its continuous learning requirements. Further, executive branch agencies will be required to enter their training data for CORs into the Federal Acquisition Institute Training Application System (FAITAS) (or an agency system that feeds into the FAITAS).

**Attachment II: Comparison of Key Features of the Office of Federal Procurement Policy’s September 2011 Update on Federal Acquisition Certification for Contracting Officer Representatives (COR) with GAO’s January 2012 Draft COR Training and Certification Policy**

<b>Policy area</b>	<b>OFPP requirement</b>	<b>GAO draft policy requirement</b>
<ul style="list-style-type: none"> <li>• Risk-based approach</li> </ul>	<ul style="list-style-type: none"> <li>• Varies training hours and certification level based on complexity of procurement</li> </ul>	<ul style="list-style-type: none"> <li>• Varies training hours and certification level based on complexity of procurement</li> <li>• Level I certification requires 16 hours rather than 8</li> </ul>
<ul style="list-style-type: none"> <li>• COR appointment</li> </ul>	<ul style="list-style-type: none"> <li>• Assigns responsibility to the Contracting Officer to appoint, in writing, the most appropriate COR</li> </ul>	<ul style="list-style-type: none"> <li>• Assigns responsibility to the Contracting Officer to formally appoint the COR</li> <li>• Contracting Officer assures that the COR designee is appropriately qualified to act as their authorized representative</li> </ul>
<ul style="list-style-type: none"> <li>• Continuous learning</li> </ul>	<ul style="list-style-type: none"> <li>• Varies training hours based on designated certification level</li> </ul>	<ul style="list-style-type: none"> <li>• Varies training hours based on designated certification level</li> </ul>
<ul style="list-style-type: none"> <li>• Management information system</li> </ul>	<ul style="list-style-type: none"> <li>• Assigns responsibility for tracking and monitoring training and certification to the agency</li> <li>• Notes that Federal Acquisition Institute Training Application System to provide agencies a robust reporting tool to process, track, and report on certification and continuous learning.</li> </ul>	<ul style="list-style-type: none"> <li>• Assigns responsibility for monitoring continuous learning hours to the program manager.</li> <li>• Specific tools for tracking and monitoring not yet addressed.</li> </ul>
<ul style="list-style-type: none"> <li>• Transition</li> </ul>	<ul style="list-style-type: none"> <li>• Provides flexibility to the agency (within certain parameters) including grandfathering in existing CORs</li> </ul>	<ul style="list-style-type: none"> <li>• Not addressed</li> </ul>

Source: OIG analysis based on OFPP’s September 6, 2011, Memorandum relating to revisions to the Federal Acquisition Certification for CORs and GAO’s January 2012 Draft Proposal on COR certification.

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