

Reclamation Manual

Directives and Standards

Reclamation Acquisition Regulation System

401 DM Addition to FAR & DIAPR

PART WBR 1453 – FORMS

WBR1453.303-1401-2

WBR 1453.303-1401-2 (WBR 1401.670-80(b))

CONTRACTING OFFICER'S REPRESENTATIVE (WITHOUT WARRANT) MEMORANDUM

Memorandum

To: (Insert Name and position title of the designee)

From: (Insert Title of the Level IV Contracting Officer Making the Delegation)

Subject: Appointment of Authority as Contracting Officer's Representative
Contract No. _____¹ Entitled _____²

Pursuant to the authority vested in the contracting officer by the Department of the Interior Acquisition Regulation (DIAR) 1401.670, you are hereby designated, on a non-redelegable basis, as ³ [alternate] Contracting Officer's Representative (COR) for the subject contract. [This authority is only operative in the absence of the primary COR.]

As a matter of practice, you shall prepare memorandums for the record (MFR) of all meetings, trips, and telephone conversations relating to this contract. Each MFR, other similar records, and all correspondence relating to the contract shall cite the contract number. A copy of all actions or correspondence shall be furnished to the CO and to all other interested parties having a need to know. Please ensure any restrictions regarding proprietary data, as well as classified and business-sensitive information, are enforced.

In your capacity as COR, you should become thoroughly familiar with the contract and all of the general and special terms and conditions, as well as the specifications, drawings, and attachments. Pursuant to DIAR 1401.670-3, in performing your COR duties you are not authorized to:

1. Award, agree to, or execute any contract, contract modification, or notice of intent;
2. Obligate, in any way, the payment of money by the Government;
3. Make a final decision on any contract matter which is subject to the clause at FAR 52.233-1, Disputes
4. Terminate, for any cause, the contractor's right to proceed; or
5. Order acceleration of the work.

Your COR duties will consist of the following:

A. Monitor contract performance and compliance.

1. Represent Reclamation in technical phases of the work within the scope of the contract and attempt to resolve questions regarding interpretation of contract specifications, drawings, and/or other technical matters. In the event of disagreement with the contractor in this regard, or if there is a question regarding whether a change falls within the scope of the contract, please refer the matter to me for resolution. Your referral report should contain facts and recommendations.

2. Review any technical changes or modifications proposed by the contractor and provide such information to the contracting officer along with your recommendations regarding the action the contracting officer should take.

3. Provide timely inspection and promptly accept or reject work performed under the contract. Monitor performance to ensure that the work progresses in accordance with the contract and on schedule.

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4. Advise me promptly of any situations, actual or potential, which you believe could adversely affect the interests of the Government, e.g., progress to date indicates possible late delivery, contractor financial or personnel problems.

5. Furnish copies of all applicable reports, letters, and any other pertinent contract-related correspondence to me.

6. In accordance with Federal Acquisition Regulation (FAR) 52.236-13(d), the contracting officer has the authority to issue an order directing the contractor to immediately stop all or any part of the work, if the contracting officer becomes aware of a safety or occupational health violation, or a hazardous material occurrence, that may endanger the health or welfare of workers, the public, or cause environmental damage.

In my absence, as my representative, you are authorized to stop all work, or any portion of the work, for the purposes listed in the referenced FAR clause until satisfactory corrective action has been taken by the contractor. In the event this authority is used, you are to notify me immediately of any suspension and the accompanying circumstances.

⁴ [7. If the contract is for construction, monitor safety and health requirements contained in the "Accident Prevention" clause and the "Safety and Health -- Bureau of Reclamation" clause. Provide assistance to me in conducting labor compliance and payroll reviews, and on-site inspections to insure compliance with the provisions of FAR Subpart Part 22.4.]

B. Administer Payment and Property.

1. Review and concur or provide prompt rejection of contractor invoices for payment. Since the Prompt Payment Act makes the Government liable for payment of interest if payments are not made within ⁵ days of receipt, timely certification and submission of invoices is extremely important. As required by FAR 32.905(e), defective invoices must be returned to the contractor within 7 days with a written notice specifically stating what is required to constitute a proper invoice. You should reject invoices if contract terms and conditions have not been met, or if the contractor has failed to make satisfactory progress to warrant a progress payment.

2. Monitor Government property generated and/or furnished under this contract. Maintain property records in connection with this contract and provide property disposition instructions upon completion of the contract.

Action to accelerate the contractor's work, terminate, for any cause, the contractor's right to proceed with contract performance, make changes outside the scope of the contract or make a final decision on any matter subject to the "Disputes" clause of the contract is reserved for the contracting officer.

In the event you are in doubt as to the extent of your authority with respect to a contract matter, you should contact me for guidance before taking action on the matter. You are cautioned that you may be held personally liable for actions taken or direction given beyond the authorities delegated by this memorandum (See Reclamation Acquisition Regulation WBR 1401.602-3).

You are reminded of the applicability of the Department of the Interior Employee Responsibility and Conduct Regulations (see 43 CFR 20). In particular, the provisions at 43 CFR 20.735-7, addressing gifts, entertainment, and favors are pertinent. This regulation prohibits you from soliciting or accepting any gift, gratuity, favor, entertainment, loan, or anything else of monetary value from a contractor or potential contractor involved in any action for which you are responsible under this delegation of authority. In addition, this delegation may involve the

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performance of duties which are subject to the requirements of procurement integrity legislation. (See FAR 3.104 and WBR 1403.104.)

A copy of the contract is enclosed. Our point of contact is _____⁶
Enclosure

cc: (Contractor) 2 copies

bc:

Note to Contractor: Please acknowledge, by signature below, the receipt of this letter and your cognizance of the identity and function of the COR.

Contractor's Representative

Date

1. Insert the contract number.

2. Insert the contract title.

3. Insert if the delegation of authority is for an alternate COR whose authority is only effective in the absence of the COR.

4. Include if the contract is for construction.

5. Enter the number of days from receipt of invoice that payment is due (see FAR 32.905).

6. Enter the name of the contract specialist assigned overall responsibility for contract administration.