



Appendix K

Roles, Responsibilities and Relationships of Program Managers, Project Managers, Contracting Officers and Contracting Officer's Representatives



A. Operational Requirements and Constraints Relative to Contracting and Financial Assistance

To protect the public and ensure the integrity of the U.S. Government procurement process, total authority for justifying, requesting, initiating, and funding procurements, evaluating offers, awarding and administering contracts or financial assistance, and providing technical direction is partitioned among the Program Manager, Project Manager/Contracting Officer's Representative (COR), source selection authority, and Contracting Officer (CO), who is then supported by the Contract Specialist (COS).

The use of contracts and financial assistance agreements is governed by federal statute and regulations, which define the roles and responsibilities of requiring officials (Program and Project Managers) and their relationships with acquisition/procurement officials and contractors or financial assistance recipients. Many of the decisions made during the acquisition process are joint decisions among the program staff, the Project Manager, the CO, the COR, the COS, and source selection or merit review committee members. Program and Project Managers must work as a team with these personnel to avoid unnecessary problems and delays, and to determine the best way to achieve the required results. Additionally, Program and Project Managers must understand their roles and responsibilities and the limits imposed on their actions and direction vis-à-vis contractor and grantee representatives and personnel.

B. Program Managers and Headquarters Staff

The Energy Efficiency and Renewable Energy (EERE) Program Managers and their Headquarters (HQ) staff are responsible for justifying, baselining, and authorizing a set or portfolio of projects to implement specific elements of their program. Each project is expected to contribute to the overall program goals and objectives in terms of identified cost, schedule, and scope (technical) requirements. The Program Manager's staff provides high-level oversight at key project milestones or when significant variances (exceptions) occur. Based on the situation, they make decisions and provide direction that may change the project baseline, including the expected outputs and outcomes. The Program Manager and staff also validate project results.

C. Project Managers

Once a project is authorized by the Program Manager and staff, it is assigned to a Project Manager for implementation. The Project Manager carries out the project by defining the work, providing technical direction, ensuring satisfactory project progress and completion, and reporting project information to the Program Manager and staff. This function entails working through a CO to obtain goods and/or services for the government or to provide financial assistance to carry out a public purpose. The Project Manager works with the CO and COS to put in place contracts or financial assistance agreements that obligate the government.

D. Procurement Officials

Procurement personnel play key roles in the acquisition and financial assistance processes. Their responsibilities are described as follows:

Contracting Officer. The CO has the primary authority for entering into, administering, and/or terminating contracts and financial assistance instruments (grants and cooperative agreements) and for making related determinations and findings. Authority and designation procedures for COs are set forth in DOE Order 541.1A, “Appointment of Contracting Officers and Contracting Officer’s Representatives”. It is the CO who has the specific authority to establish binding legal relationships that obligate DOE financially. The CO is responsible for the business management and non-programmatic aspects of the financial assistance process. Detailed responsibilities of the CO can be found in the U.S. Department of Energy Financial Assistance Guide for financial assistance actions and the Federal Acquisition Regulation (FAR) 1.602 for procurement actions. The CO, with the recommendation of the Project Manager, ultimately selects the method of procurement and type of contract or financial assistance instrument.

Contracting Officer’s Representative. Many of the technical details for each contract or financial assistance award are delegated to CORs. Delegated actions include technical monitoring, inspection, approval of technical documentation and reports, testing, engineering/research evaluation, and monitoring of schedules and deliverables. A COR may delegate specific responsibilities to others within his/her own delegated authority (e.g., monitoring of individual tasks), but ultimate responsibility for such functions remains with the COR. The COR does not have the authority to alter the scope, price, or terms and conditions of a contract. A COR may be assigned for financial assistance awards if required or the situations dictate. In EERE’s field offices, the COR is generally assigned from the cognizant project management office and performs the Project Manager and COR functions

described above. In EERE’s HQ, however, the COR is usually part of the Business Administration group and manages the administrative COR duties in coordination with a Project Manager who handles technical oversight for a given award. The CORs must meet the requirements listed in DOE Order 541.1A, “Appointment of Contracting Officers and Contracting Officer’s Representatives,” and the DOE Acquisition Guide, Chapter 1. Nominees are required to file a Confidential Financial Disclosure Report (SF-450) upon being nominated in accordance with DOE Order 541.1A, paragraph 4d.

Contract Specialist. During the procurement process, a COS is usually assigned to assist the CO and the project manager. The COS is knowledgeable about all federal procurement and financial assistance clauses and requirements, and the rules and regulations regarding them. His/her primary duties are to aid in developing the procurement request and requirements package prior to the solicitation, assist in the negotiation process, and help prepare/issue contract execution documents, such as modifications.

E. Cautions

Only formally appointed COs may commit the government to a course of action, such as authorizing the commencement, continuation, or amendment of work or delivery of material. Improper actions by unauthorized individuals will only complicate and possibly delay the award of a procurement and may, in fact, preclude it. Such action could lead to embarrassment for all concerned as well as costly claims against the government. Department personnel shall:

- Avoid situations that could adversely affect the integrity of the U.S. Government contracting process;
- Avoid contacts with industry representatives that would appear to favor one company/firm or representative, i.e., interviews, tests, briefings, or product demonstrations; and
- Avoid situations that could result in unauthorized commitments.

Unauthorized Commitments. All federal employees must understand the danger of an “unauthorized commitment”. From the Federal Acquisition Regulation 1.602-3, “Ratification of Unauthorized Commitments,” in brief: An unauthorized commitment is an agreement that is not binding solely because the government representative who made it lacked the authority to enter into that agreement on behalf of the government. When an unauthorized individual directs a vendor to perform in the absence of an award document and obligated funding, he/she is committing the government to an expenditure of funds without prior authorization. Such actions are referred to the cognizant

procurement office, where a CO reviews it for possible ratification (approval of an unauthorized commitment). In some cases, however, unauthorized commitments are not eligible for ratification, and the individual responsible for the unauthorized commitment may be held personally liable for the amount of the expenditure.

References

Office of Management, Budget and Analysis. (2004). *DOE Order 541.1B – Appointment of Contracting Officers and Contracting Officer's Representatives*. United States Federal Government. USA. Retrieved from: <http://www.directives.doe.gov/pdfs/doe/doetext/neword/541/o5411b.pdf>

An updated version of the FAR can be found at <http://www.acqnet.gov/far/>

Department of Energy's Office of Procurement and Assistance Management. *DOE Acquisition Guide: Chapter 1*. United States Federal Government. USA. Retrieved from: http://www.management.energy.gov/policy_guidance/Acquisition_Guide.htm

Department of Energy's Office of Procurement and Assistance Management. (2003). *Acquisition Letter 2003-02: Contract Management Planning*. United States Federal Government. USA.

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EERE Roles and Responsibilities Matrix					
Financial Assistance and Contracting			Financial Assistance only	Contracting only	
Topic or Issue	Contracting Officer	Program Manager	Project Manager/ COR	Project Manager	COR
Setting and changing project requirements	No	Yes	No	No	No
Defining acceptability of products or services	Yes	No	Yes	Yes	No
Determining method of evaluating proposals	Yes	No	Yes	Yes	No
Issuing the solicitation	Yes	No	Input	Input	Input
Interpreting the solicitation/contract	Yes	No	Input	Input	Input
Changing/modifying the solicitation/contract	Yes	No	Input	Input	Input
Managing the Technical COR Duties--Providing technical direction (within the scope of the contract)	No	Input	Yes	Yes	No
Managing the administrative COR Duties	No	No	Yes	No	Yes
Providing technical direction (outside the scope of the contract)	No	No	No	No	No
Awarding the contract/grant	Yes	No	No	No	No
Official correspondence regarding the contract/grant	Yes	No	Input	Input	Input