

ROLES, RESPONSIBILITIES, AND AUTHORITIES OF THE KEY PLAYERS IN ACQUISITION TODAY:

**CONTRACTING OFFICERS, CONTRACTING OFFICER'S
TECHNICAL REPRESENTATIVES,
AND BEYOND**

PREPARED BY:



**ACQUISITION
SOLUTIONS**
INC.

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Some roles, responsibilities, and authorities for acquisition — especially information technology — are specified by regulation. Others may vary from acquisition to acquisition (depending on size, scope, and complexity) and from agency to agency (depending on agency rules and procedures). The following sections describe in general the roles, responsibilities, and authorities of agency personnel who participate in, manage, and oversee the acquisition of information resources.

CHIEF INFORMATION OFFICER

Each agency has a Chief Information Officer (CIO) who is responsible for the agency’s information technology planning, budgeting, investment, performance, and acquisition. CIOs are responsible under the Information Technology Management Reform Act (ITMRA, also referred to as the Clinger-Cohen Act) for:

- Providing advice and assistance to the head of the executive agency and other senior agency management personnel to ensure that information technology is acquired and information resources are managed in accordance with law.
- Developing, maintaining, and facilitating the implementation of a sound and integrated information technology architecture for the executive agency.
- Promoting the effective and efficient design and operation of all major information resources management processes for the executive agency, including improvements to work processes.

The CIO has important approval authority related to investment in and acquisition of information technology in support of agency programs.

AGENCY INVESTMENT REVIEW BOARD

Each agency has a process through which requests for funding are considered and approved or disapproved. For information technology acquisitions, the processes are mandated by ITMRA and require the establishment of an agency investment review board (which is usually part of or closely associated with the office of the CIO). Agency heads are required to:

- Provide for the selection of agency information technology investments, the management of such investments, and the evaluation of the results of such investments.
- Integrate agency processes for making budget, financial, and program management decisions.
- Establish minimum criteria to be applied when considering whether to undertake a particular investment in information systems, including criteria related to the quantitatively expressed projected net, risk-adjusted return on investment and specific quantitative and qualitative criteria for comparing and prioritizing alternative information systems investment projects.
- Provide for identifying information systems investments that would result in shared benefits or costs for other Federal agencies or state or local governments.
- Provide for identifying for a proposed investment quantifiable measurements for determining the net benefits and risks of the investment.
- Provide the means for senior management personnel of the executive agency to obtain timely information regarding the progress of an investment in an information system, including a system of milestones for measuring progress, on an independently verifiable basis, in terms of cost, capability of the system to meet specified requirements, timeliness, and quality.

For a major acquisition to be funded, it must first be approved by the agency's investment review board.

PROGRAM MANAGER

Because most information technology acquisitions are made to support a specific program and specific program objectives, the role of the program manager is to represent programmatic interests during the acquisition. The program manager is responsible for ensuring that the organization's long- and short-term needs are met by the acquisition.

Due to the Government Performance and Results Act (GPRA), the Federal Acquisition Streamlining Act (FASA), and ITMRA mandates for program performance goals, the program manager's role on the team is, arguably, the most important. Initially, the program manager may be involved in strategic planning that leads to the development of specific information resources programs. If the planned program includes contracting for information technology, the program manager will likely be involved in activities such as the following:

- Establishing program performance goals.
- Working with the Office of the Chief Information Officer to gain approval and funds for acquisitions.
- Describing the functional need.
- Assisting in conducting market research and developing the acquisition strategy.

- Participating in assessing alternatives and conducting benefit-cost analysis.
- Justifying and “positioning” the acquisition to compete for funding.
- Obtaining funding.
- Preparing program-related portions of the solicitation document.
- Preparing justifications for specifications or procurement methods that limit competition (if necessary).
- Serving on evaluation panels.
- Monitoring contractor performance.
- Measuring actual performance against projected performance.
- Reporting to the agency investment review board (for major acquisitions).

ACQUISITION TEAM

The trend today, given statutory mandates, is that acquisitions are conducted by teams of people, working cooperatively toward a common goal. Participants in the acquisition process should be empowered to make decisions within their area of responsibility.

The acquisition team, sometimes called an Integrated Product (or Project) Team, normally consists of representatives from at least three key organizations: program, technical (information technology/information resource management), and contracting. Increasingly (because of ITMRA’s investment mandates), a fourth organization is represented: finance. And common sense dictates that the team should have an on-team representative of the legal office. Regardless of its representation, the team is responsible for ensuring that the acquisition:

- Satisfies legal and regulatory requirements.
- Has performance and investment objectives.
- Successfully meets the agency’s needs and intended results.
- Remains on schedule and within budget.

INFORMATION TECHNOLOGY/INFORMATION RESOURCE MANAGEMENT PERSONNEL

Information technology and information resources management personnel provide technical expertise to the program manager and the contracting officer throughout the acquisition process. Such individuals may also be the most knowledgeable about information technology acquisition reform, including the new requirements related to performance, re-engineering, modular strategies, and so on. As such, information technology/information resource management personnel can serve as “enablers,” helping to shape the acquisition strategy and to meet critical statutory and regulatory requirements.

One of the primary responsibilities of information technology/information resource management personnel is to be knowledgeable about technology, including the high-

technology industry and its standard commercial practices. As acquisition requirements dictate, the information technology/information resource management staff may be called upon to:

- Assist in determining needs and goals.
- Conduct market research.
- Assess technical and acquisition alternatives and assist in conducting benefit-cost analysis.
- Assist with justifying and positioning the acquisition to compete for funding.
- Prepare specifications, statements of work, and technical material for incorporation in the solicitation document.
- Verify that user-written statements of work and functional specifications are technically feasible and not unduly restrictive.
- Assist with developing justifications for specifications or procurement methods that

officers are responsible for ensuring performance of all necessary actions for effective contracting, ensuring compliance with the terms of the contract, and safeguarding the interests of the United States in its contractual relationships. Contracting officers should be allowed wide latitude to exercise business judgment in order to meet these responsibilities and to:

- Advise on acquisition strategies and alternatives.
- Provide advice on who will communicate (and how) with industry.
- Conduct market research (including customary market practices).
- Request and consider the advice of specialists in audit, law, engineering, transportation, and other fields, as appropriate.
- Ensure that sufficient funds are available for obligation.
- Prepare the solicitation document (if necessary).
- Verify that the planned acquisition is not unduly restrictive.
- Assist with developing justifications for specifications or procurement methods that limit competition (if necessary).
- Publicize forthcoming acquisitions.
- Issue and amend solicitations.
- Arrange and conduct pre-proposal conferences.
- Ensure that contractors receive impartial, fair, and equitable treatment.
- Determine the competitive range.
- Conduct negotiations with responsive and responsible offerors.
- Determine the successful offeror if a source selection authority (SSA) is not designated.
- Notify the successful offeror.
- Notify and debrief unsuccessful offerors.
- Award and sign contracts for the Government.
- Manage contracts and delegate certain contract administration functions to contracting officer-appointed representatives.
- Modify contracts.
- Assist in monitoring contractor performance.
- Terminate contracts.
- Prepare and present the Government's position in a dispute claim or bid protest.
- Report to the agency investment review board (for major acquisitions).

There are significant training and certification requirements for contracting officers.

ADMINISTRATIVE CONTRACTING OFFICER

The contracting officer, who normally has several contracts to administer concurrently, often designates an Administrative Contracting Officer (ACO) and authorizes that person to perform certain functions on his or her behalf. The contract identifies the ACO and specifies the authorized actions. In performing assigned contract administration functions, the ACO typically:

- Schedules a post-award conference with the winning contractor as soon as possible after contract award.
- Monitors the contractor's technical, schedule, and cost performance against the contract specifications.
- Ensures that funding is provided to the contractor on a timely basis.
- Schedules any Government activities required by the contract.
- Performs formal acceptance of contract deliverables for the Government.

The ACO is not authorized to change (add, delete, or modify) any contract terms, conditions, or requirements — or to take any action that might appear to effect change. The contracting officer alone has such authority (which must be in writing).

CONTRACTING OFFICER'S TECHNICAL REPRESENTATIVE

The contracting officer (CO) delegates specific contract administration functions to a representative of the program office who has functional or technical expertise concerning the requirement. This individual, whose identity and duties are specified in the contract, is the Contracting Officer's Technical Representative (COTR). Typically, the COTR:

- Supports the program manager in defining the requirement, conducting market research, developing the acquisition strategy, and related tasks.
- Serves as technical liaison between the Government and contractor.
- Determines whether contract deliverables meet technical and performance specifications.
- Prepares or assists in preparing contractor performance evaluations.

In some cases, the COTR and the ACO are the same person.

Unlike the requirements for contracting officers, there are no special training or certification requirements for COTRs.

SOURCE SELECTION AUTHORITY

The Source Selection Authority (SSA) — a term most often used when the selection authority is not the contracting officer — is the Government official designated by the agency to direct the source selection process and make the selection decision. The SSA is often a representative of the program office (usually at a higher level in the organization than the program manager). The SSA should be at a management level

above the contracting officer and cognizant technical officials so that the SSA will be in a position to evaluate the best interests of the Government, considering both acquisition and programmatic concerns. FAR 15.303 describes the responsibilities of the SSA.

SOURCE SELECTION EVALUATION BOARD

When necessary to assist with source selection on a large and complex acquisition, an agency may designate a Source Selection Evaluation Board (SSEB). The SSEB helps the contracting officer develop the source selection plan to evaluate proposals against the solicitation's evaluation criteria.

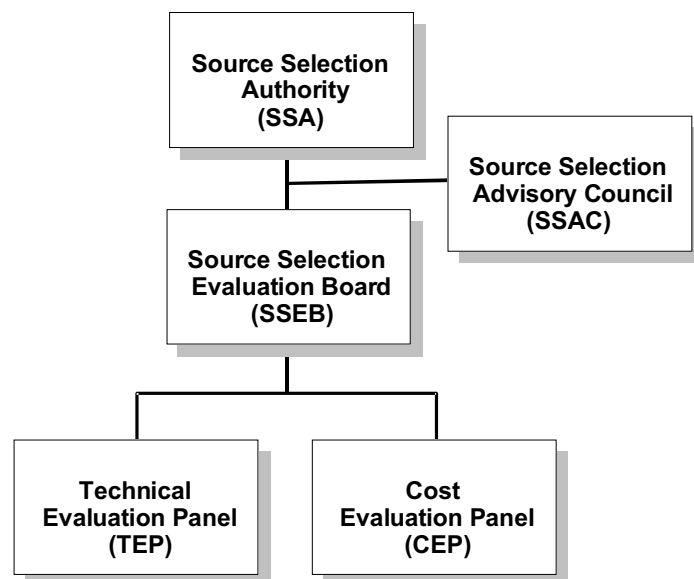
Members of the SSEB represent the various technical and functional disciplines needed to evaluate proposals for the acquisition. They are usually organized into teams, commonly the Technical Evaluation Panel and the Cost Evaluation Panel (described below). When these panels are large, most agencies include only the panel chairpersons and perhaps key team leaders in the formal SSEB meetings. The source selection plan (SSP) should clearly outline these relationships and responsibilities.

Technical Evaluation Panel. The Technical Evaluation Panel (TEP) evaluates offerors' technical proposals against the solicitation's technical evaluation factors in accordance with the source selection plan. The TEP may also support the contracting officer in discussions and negotiations.

Although its size will vary according to the complexity of the acquisition, the TEP should have sufficient technical and functional expertise to adequately assess the technical merits of offerors' proposals. For complex acquisitions, the TEP may be organized into smaller teams that specialize in evaluating specific parts of the proposals. Some agencies also use a nonvoting member from the contracting office as an advisor.

Cost Evaluation Panel. The Cost Evaluation Panel (CEP) conducts price and/or cost analysis of offerors' proposals. It also conducts a total cost evaluation in accordance with the solicitation and SSP. The CEP may support the contracting officer in discussions and negotiations.

For very complex or sensitive acquisitions, the SSA may use an additional evaluation organization — the Source Selection Advisory Council (SSAC). (See the source selection organizational structure at right.)



The SSAC advises the SSA on the status of the source selection process and prepares an independent comparative analysis of the factual evaluation information presented by the SSEB. When a separate SSAC is not used, its advisory role is performed by the SSEB.

COMPETITION ADVOCATE

The Competition in Contracting Act requires that each agency designate a competition advocate, who is responsible for:

- Promoting the acquisition of commercial items.
- Promoting full and open competition.
- Challenging requirements that are not stated in terms of functions to be performed, performance required, or essential physical characteristics.
- Challenging barriers to the acquisition of commercial items and full and open competition — such as unnecessarily restrictive statements of work, unnecessarily detailed specifications, and unnecessarily burdensome contract clauses.