

Introduction

Approximate Length: 40 minutes

Welcome to the **Authorities** lesson.

Upon completion of this lesson you will be able to answer these questions:

- What To Expect As a Contracting Officer's Representative (COR)?
- What Is the Authority of the COR?

[Review the lesson learning objectives.](#)



Print Version

For a printer friendly version of this lesson, select the icon on the left or use the Print menu in the upper right corner of the screen.

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- Recognize the duties and functions expected of a Contracting Officer's Representative (COR).
- Identify the difference between actual/express, implied, and apparent authority.



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What to Expect As A COR?

[Animated Vignette Alternative](#) **Note:** The animated vignette does not employ the use of audio. Please select the Next button when the animated vignette is complete.

Definition of a COR

A [Contracting Officer's Representative \(COR\)](#) is a government official designated in accordance with [Defense Federal Acquisition Regulation Supplement \(DFARS\) 201.602-2](#). The COR is designated in writing by the [Contracting Officer \(KO\)](#), to provide technical direction, clarification and guidance with respect to the contract specifications and Statement of Work (SOW). ([DFARS Clause 252.201-7000](#))

The COR is the technical liaison between the contractor and the KO and is responsible for monitoring contractor performance and delivery as set forth in the contract. Acting as the eyes and ears of the KO, the COR's key role is to observe, document and communicate contractor performance to both the KO and contractor. The COR is responsible for performing the duties delegated to him/her in the COR designation letter from the KO.

[What is a contract?](#)



Some agencies use the abbreviation CO for Contracting Officer; however, throughout this course KO will be used to designate the Contracting Officer.

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Contracting Officer's Representative (COR)

"Contracting officer's representative" means an individual designated in accordance with subsection 201.602-2 of the Defense Federal Acquisition Regulation Supplement and authorized in writing by the contracting officer to perform specific technical or administrative functions.



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[What is a](#)

Defense Federal Acquisition Regulation Supplement (DFARS)

Supplement of the FAR used by the Department of Defense. Acquisition regulations that apply specifically to procurement involving the departments of the Army, Navy and Air Force, and the Defense Logistics Agency.



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Contracting Officer (KO)

Service member or Department of Defense civilian with the legal authority to enter into, administer, modify, and/or terminate contracts.

[What is a contract?](#)



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[What is a contract?](#)

A contract creates legal rights and duties stemming from a bargain or promises between people. People, businesses and the Government need to know that their business dealings and agreements with others will be legally binding and enforceable. The contract accomplishes this. A contract is a mutually binding legal relationship obligating the seller to furnish supplies or services (including construction), and the buyer to pay for them. The legal concept of contracts helps to assure people that their reasonable expectations from the promises and bargains they enter into with others will be met.



Some agencies use the abbreviation CO for Contracting Officer; however, throughout this course KO will be used to designate the Contracting Officer.

Authority to Designate the COR

Agency's supplement gives authority to KOs to designate a COR. A COR candidate is often nominated by the Program Manager or other individual from the requiring organization, but only the KO can officially designate a COR. The KO must determine whether the COR has adequate training and proper technical skills.

Select each tab for additional information.

Expectations

Letter of Designation

Definition

There are conditions that must be met before becoming a COR, specifically the COR:

- Must be a Government employee unless otherwise authorized in agency regulations.
- Must be qualified by training and experience commensurate with the responsibilities delegated.
- May not be delegated responsibility to perform functions at a contractor's location that have been delegated under [FAR 42.202\(a\)](#) to a contract administration office.
- May not be delegated authority to make any commitments or changes that affect price, quality, quantity, delivery, or other terms and conditions of the contract.
- Must be designated in writing.

[DFARS 201.602-2](#)

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Select each tab for additional information.

Conditions

Letter of Designation

Definition

As the COR, you are the technical liaison between the contractor and the KO. You are also responsible for verifying satisfactory contract performance and timely delivery as set forth in the contract.

You are the "eyes and ears" of the KO. You perform this role by observing and documenting the contractor's technical performance and reporting it to the KO.

You may also be asked to participate in the planning of an acquisition before the contract is awarded.



Authority to Designate the COR

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Select each tab for additional information.

Conditions

Expectations

Definition

The COR is responsible for performing the duties delegated to him/her in the COR Letter of Designation. This letter should at a minimum:

- Specify the extent of your authority to act on behalf of the KO.
- Specify the period covered by the designation.
- Identify the limitations on the COR's authority.
- State that the authority is not re-delegable.
- State that the COR may be held personally liable for unauthorized acts.

[Sample Letter of Designation](#)

Authority to Designate the COR

Agency's supplement gives authority to KOs to designate a COR. A COR candidate is often nominated by the Program Manager or other individual from the requiring organization, but only the KO can officially designate a COR. The KO must determine whether the COR has adequate training and proper technical skills.

Select each tab for additional information.

Conditions	Expectations	Letter of Designation	
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Written notification from the KO to the COR specifying the extent of the COR's authority to act on behalf of the KO, identifying the limitations on the COR's authority, specifying the period covered by the designation, stating the authority is not delegable, and stating that the COR may be personally liable for unauthorized acts.

Terms previously used included Letter of Delegation, Letter of Appointment, and Letter of Assignment.

COR Duties and Responsibilities

The COR has many delegated duties and responsibilities while working on a contract with the KO and the contractor.

Select each tab for additional information.

Contractor

The COR is likely to have the following responsibilities when working with the KO:

- Keep KO fully informed of any technical or contractual difficulties encountered during performance
- Assure the KO that the contractor's performance meets the technical requirements, terms, and conditions of the contract
- Evaluate proposals during the source selection
- Participate in negotiations for contract modifications and claims, as requested by the KO
- Review vouchers for cost-reimbursement type work and recommend approval/disapproval to the KO
- Provide the KO with a copy of any correspondence sent to the contractor

COR Duties and Responsibilities

The COR has many delegated duties and responsibilities while working on a contract with the KO and the contractor.

Select each tab for additional information.

KO

When delegated duties to perform surveillance on a contract, the COR may be asked to:

- Ensure that any Government Furnished Property is available when needed and is being accounted for by the appropriate property personnel.
- Ensure that all required items, documentation, data, and/or reports are submitted as required by the contract.
- Review and process invoices and vouchers in a timely manner in accordance with the Prompt Payment Act.
- Document decisions made and actions taken as the COR.
- Maintain adequate records to sufficiently describe the performance of duties as COR during contract performance.
- Conduct site visits at the location(s) where the work is being performed.
- Coordinate site entry for contractor personnel as needed.
- Verify that required Department of Labor and Equal Employment Opportunity documents are posted in view of employees.
- Perform final inspection and acceptance of all work required under the contract.

COR Limitations

A COR has limitations when working with a contractor on a contract.

Select each item for additional information.

[Contract](#)

[Contractor](#)

COR Limitations

A COR has limitations when working with a contractor on a contract.

Select each item for additional information.

[Contract](#)

[Contractor](#)

In regard to a contract the COR should NOT:

- Award, agree to, or sign any contract, delivery order or task order (Exception: Unless specifically authorized by the KO).
- Make any commitments or otherwise obligate the Government to make any changes to the contract. This does not preclude the COR from providing technical interpretation or guidance on the existing contract.
- Grant deviations from, or waive any terms and conditions of the contract.
- Increase the dollar limit or authorize work beyond the dollar limit of the contract; authorize the expenditure of funds.
- Change the period of performance.

COR Limitations

A COR has limitations when working with a contractor on a contract.

Select each item for additional information.

[Contract](#)

[Contractor](#)

When dealing with a contractor the COR should NOT:

- Give direction to the contractor or to its employees except as provided for in the contract.
- Supervise, direct or control contractor employees.
- Require the contractor to perform any task or permit any substitution not specifically provided for in the contract.
- Authorize subcontracting or the use of consultants.
- Authorize the purchase of equipment or the furnishing of Government property, except as authorized under the contract.
- Approve travel and relocation expenses over and above that provided for in the contract.
- Authorize the use of overtime.

COR Performance Evaluations

Supervisors will evaluate the performance of COR duties as part of their performance assessments throughout the period of the contract. Supervisors are encouraged to seek input from the KO when preparing the performance rating of an employee with COR responsibility.

However, a KO's authority to designate or withdraw designation of a COR is based upon [DFARS 201.602-2 - COR Responsibilities](#).

This authority is distinct from the supervisor's management authority exercised through the performance evaluation process. A satisfactory or higher rating of a COR by a supervisor does not preclude the KO's authority to terminate a COR appointment.

Additional guidance on COR designations within the DoD can be found at [DFARS 201.602-2 - COR Responsibilities](#).



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Additional guidance on the KO's authority is found at [DFARS 201.602-2 - COR Responsibilities](#).



Long Description

A man and a woman sitting at a table having a conversation about documents.

Termination of COR Appointments

If a COR no longer can perform his/her duties due to e.g., contract closeout, movement to another job or is no longer performing COR functions, the COR/Supervisor must request termination of the appointment.

KOs have the authority to terminate COR appointments of individuals who are not, in the judgment of the KO, fulfilling their COR duties satisfactorily or staying within the limits of their authority as delegated by the KO.

Termination for poor performance is only used in serious circumstances and only after the KO has counseled the COR with the assistance of the COR's supervisor, if necessary.



Knowledge Review

In addition to adequate training and proper technical skills, a nominated COR must meet what conditions?

Select all that apply.

- ☒ Must be a Government employee unless otherwise authorized in agency regulations.
- ☐ Must have been delegated the authority to make commitments or changes that affect price, quality, quantity, delivery, or other terms and conditions of the contract.
- ☒ May not be delegated authority to make any commitments or changes that affect price, quality, quantity, delivery, or other terms and conditions of the contract.
- ☒ Must be designated in writing.

Check Answer



Some of the conditions to be met before becoming a COR include: **you must be a Government employee unless otherwise authorized in agency regulations, may not be delegated authority to make any commitments or changes that affect price, quality, quantity, delivery, or other terms and conditions of the contract, and you must be designated the COR in writing.**

Knowledge Review

You have been designated the COR on a contract and the KO is swamped. As long as you document the actions you make as a COR, there is no need to alert the KO of every problem you encounter, such as technical or contractual difficulties.

☐ True

☒ False

Check Answer



Correct answer: **False.** The COR should keep the KO fully informed of any technical or contractual difficulties encountered during performance and assure the KO that the contractor's performance meets the technical requirements, terms, and conditions of the contract.

What Is the Authority of the COR?

Let's talk about the types of authority and lines of responsibility, so you don't get confused on who can delegate contracting authority to you. The Government has inherent authority to procure items and services to carry out specific duties for the public good. It must delegate the necessary authority to departments and ultimately to individuals within those departments to obligate the Government's money to meet its needs.



Vision and Performance Standards

The Statement of Guiding Principles, [FAR 1.102](#), lays out the following vision and performance standards for the acquisition process:

Vision: The Government acquisition team is charged with making decisions that deliver the best value product or service to the customer.

Performance Standards:

- Satisfy the customer - cost, quality, and timeliness of delivered product or service
- Minimize administrative operations cost
- Conduct business with integrity, fairness, and openness
- Fulfill public policy objectives
- Exercise personal initiative and sound business judgment to provide best value



When exercising initiative, the KO has authority to take actions that are in the best interests of the Government unless they are specifically prohibited by law, policy, or contract terms.

Types of Authority

Knowing the types of authority helps you understand a COR's role.

Select each tab for additional information.

Apparent Authority

Actual Authority

Apparent Authority - Obvious or evident authority that a reasonable person would assume someone to possess, based on his or her actions or position. The Government does not recognize this authority for contract work.



Implied authority is an area where the COR must be very careful. CORs must never assume, nor give the impression, that they have authority beyond what is delegated in the COR Letter of Designation.

Types of Authority

Knowing the types of authority helps you understand a COR's role.

Select each tab for additional information.

Apparent Authority

Actual Authority

Expressed Authority - Written, documented authority such as that given to the KO in a warrant. The COR only has expressed authority as delegated in the COR Letter of Designation. As an example, the COR may be delegated the authority to authorize payment of invoices.

Implied Authority - All aspects of this type of authority are not spelled out in writing or documented.

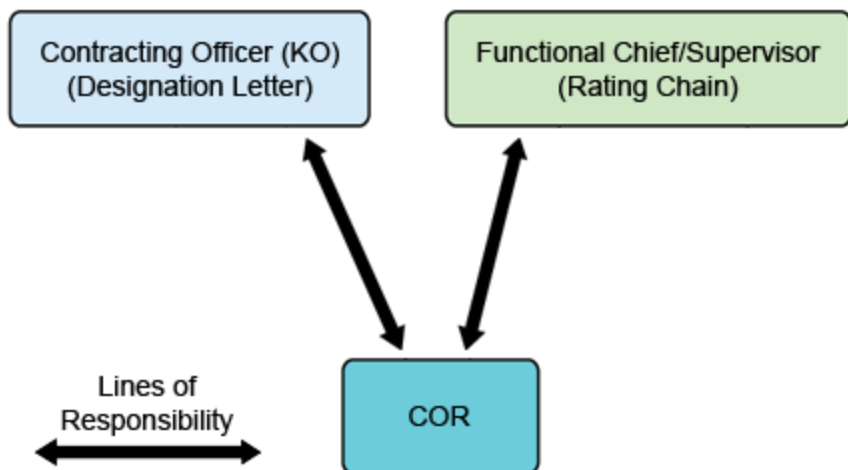


Implied authority is an area where the COR must be very careful. CORs must never assume, nor give the impression, that they have authority beyond what is delegated in the COR Letter of Designation.

Lines of Authority and Responsibility

Becoming a COR adds additional responsibilities to an individual's standard role; in no way do the duties of a COR replace or transcend an individual's current responsibilities. Given that an individual is now wearing two hats, the COR will report to his or her regular supervisor for standard daily work activities and to the KO for COR responsibilities. Since the COR now reports to two separate managers, it is important that all parties know the lines of authority and responsibility.

Select each image to see the description.



Contracting Officer (KO)

According to the flow of authority, agency heads delegate their authority to KOs, who either hold their authority by virtue of their position or must be appointed in accordance with procedures set forth in the FAR.

As an agent of the Government, the KO is the only person authorized to bind the Government, sign and award contracts, appoint CORs, make contract changes and direct the contractor.

The KO's authority is set forth in the KO's certificate of appointment (formerly called a "warrant"), which confirms the limitation of authority; the KO's certificate of appointment should be displayed in a prominent place. Authority is limited to that delegated pursuant to law and agency procedures.



Lines of Authority and Responsibility

Becoming a COR adds additional responsibilities to an individual's standard role; in no way do the duties of a COR replace or transcend an individual's current responsibilities. Given that an individual is now wearing two hats, the COR will report to his or her regular supervisor for standard daily work activities and to the KO for COR responsibilities. Since the COR now reports to two separate managers, it is important that all parties know the lines of authority and responsibility.

Functional Chief/Supervisor

The (functional chief) supervisor of a COR does not have any authority over the duties a COR performs in his/her COR position, but is responsible for preparing the performance rating of an employee with COR responsibility. Supervisors will evaluate the performance of COR duties as part of their performance assessments throughout the period of the contract.

The supervisor's management authority exercised through the performance evaluation process is distinct from a KO's authority, based upon FAR 1.6, to appoint or withdraw appointment of a COR. A satisfactory or higher rating of a COR by a supervisor does not preclude the KO's authority to terminate a COR appointment.



Select each image

Lines of Authority and Responsibility

Becoming a COR adds additional responsibilities to an individual's standard role; in no way do the duties of a COR replace or transcend an individual's current responsibilities. Given that an individual is now wearing two hats, the KO for COR is responsible for ensuring that the individual is aware of the responsibilities and to the extent that all parties know the individual's role as a COR.

COR

The source of COR authority is the KO. The COR's role is to assist and advise KOs in their duties.

CORs do not have the authority of a KO. Though authority varies for different contracts and organizations, CORs **must never**:

- Effect any changes in the work required under the contract
- Enter into any agreement that has the effect of changing the terms and conditions of the contract or causes the contractor to incur costs
- Supervise, direct or control contractor employees



Remember that you, in your COR position, may be **personally liable** for taking actions outside your authority.



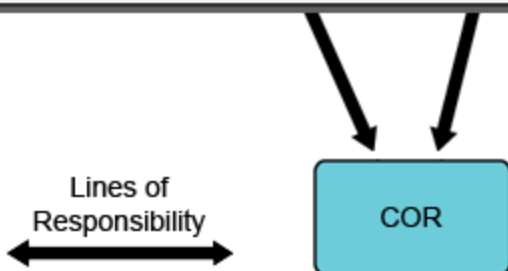
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Select each image to see the description.

Long Description

Interactive graphic shows the two-way lines of responsibility and authority between the COR and his/her dual managers: the KO and the Functional Chief/Supervisor.



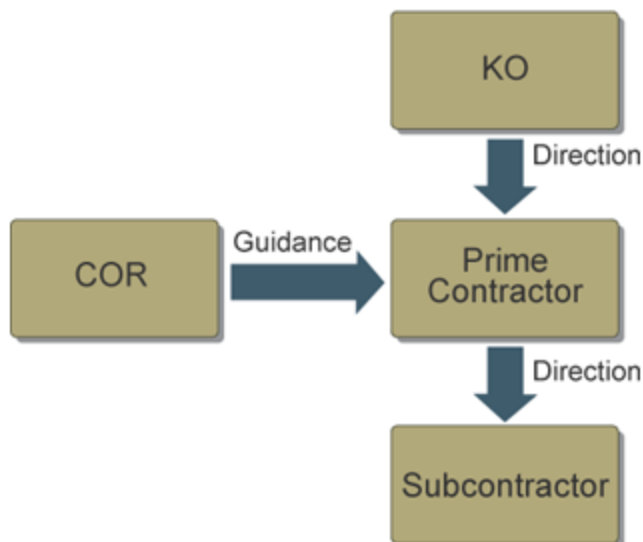
Issues with Apparent Authority

When acting as an agent for the Government, the COR needs to know that he/she has no authority except what is delegated by the KO. Sometimes the contractor can misinterpret the COR's guidance, assuming he/she has apparent authority.

For example, the COR requires the contractor to work overtime. Even though he/she appears to have the authority, the COR does not have the authority to interfere with the contractor's work schedule.

The Federal Government is not bound by apparent authority. When a Government employee acts as if he/she has authority that he/she does not actually have when dealing with third parties, the Government is not bound by his/her actions.

Remember that only the KO has the expressed authority to change cost, schedule and performance conditions. The Government does not recognize the apparent authority based on rank, position or function.



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When acting as an agent for the Government, the COR needs to know that he/she has no authority except what is delegated by the KO. Sometimes the contractor can misinterpret the COR's guidance, assuming he/she has apparent authority.

For example, the COR requires the contractor to work overtime. Even though he/she appears to have the authority, the COR cannot interfere with the contractor's work.

The Federal Government cannot give the COR authority. When a COR has authority, he/she has authority when dealing with the contractor. The contractor is not bound by his/her apparent authority.

Remember that only the KO has the expressed authority to change cost, schedule and performance conditions. The Government does not recognize the apparent authority based on rank, position or function.

Long Description

A flow chart that illustrates the roles, responsibilities and constraints for communicating with a subcontractor. The COR can only give guidance, not direction, to the prime contractor; however, the KO can give direction to the prime. Only the prime can give direction or guidance to the subcontractor.



Unauthorized Commitments

The KO is the only agent of the Government who is authorized to obligate the Government. It is no accident that the KO's certificate of appointment states that he/she is a KO for the United States of America. When others make commitments that only a warranted KO can make, these are called unauthorized commitments.

If the Government decides to be bound by such a commitment, it must be ratified. CORs must be vigilant to avoid the appearance of having authority to make changes to the contract.

CORs should be mindful of the duties and responsibilities delegated to them by the KO. If in doubt of the extent of their authority, they should contact their KO.

Contracting Officer's Authority

It is imperative for CORs to fully understand the role of and responsibilities assigned to warranted KOs.

The KO is the person with authority to enter into, administer, and/or terminate contracts. The authority is derived from a certificate of appointment.

While certain authorities are delegable to others, the authority to legally obligate the Government is not.

The three different types of KOs depend on their roles and agency procedures:

1. The Procuring Contracting Officer (PCO) handles all planning and contract actions up to award of a contract.
2. The Administrative Contracting Officer (ACO) assumes responsibility for administering the day-to-day contractual activities after award has been made.
3. Finally, the Termination Contracting Officer (TCO) is responsible for negotiating any termination settlements with the contractor.

Sometimes all three responsibilities reside in one person.



Apparent Authority/Unauthorized Commitment Review Exercise

Read the following background information, which illustrates the risk to the Government when agents act beyond their actual authority. When you are finished, click next to answer the review questions.

The Family Counseling Service, a part of Morale, Welfare, and Recreation (MWR), provided psychology seminars for military families' participation.

Ms. Brenda Jackson, the psychologist and base counselor for MWR, scheduled MWR's Family Service activities. Ms. Jackson was active in a campaign against domestic violence, worked tirelessly for children's rights, and was recognized and appreciated by almost everyone.

She learned of XYZ Corp.'s new psychological training seminar used to mitigate separation anxiety. She felt that this training would be appropriate for the families whose spouses were going to Afghanistan. Since some troops were to be deployed in May, she requested approval to schedule the training during April. Major Langley, her supervisor, considered Ms. Jackson to be a very competent employee. He respected her ability and professionalism as a psychologist and approved her request to schedule the training for MWR.

Ms. Jackson contacted XYZ Corp. to determine whether anyone in her area was certified to facilitate the training. XYZ Corp. gave her a list with only two names in her geographical area. She called one gentleman who agreed to facilitate a series of three seminars for \$2,000.00 each. She hired the gentleman, and they signed an agreement that he would receive \$6,000.00 for facilitating three seminars. The seminars were held, and Ms. Jackson received very positive feedback from the attendees. Major Langley felt that he would like to plan similar presentations prior to future deployment of troops...

Knowledge Review

Ms. Jackson has the authority to act on behalf of Major Langley, as the customer representative.

[Review the Authority/Unauthorized Commitment Review Exercise.](#)

☒ True

☐ False

Check Answer



Correct answer: **True.** Major Langley, as her supervisor, had approved her request to schedule the training for MWR. Ms. Jackson, whether or she is a COR or not, can act on behalf of her supervisor as the customer representative.

Knowledge Review

Ms. Jack
the cust

[Review](#)

Authority/Unauthorized Commitment Review Exercise

The Family Counseling Service, a part of Morale, Welfare, and Recreation (MWR), provided psychology seminars for military families' participation.

Ms. Brenda Jackson, the psychologist and base counselor for MWR, scheduled MWR's Family Service activities. Ms. Jackson was active in a campaign against domestic violence, worked tirelessly for children's rights, and was recognized and appreciated by almost everyone.

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Knowledge Review

Ms. Jackson has authority to enter into an agreement with the facilitator.

[Review the Authority/Unauthorized Commitment Review Exercise.](#)

☐ True

☒ False

Check Answer



Correct answer: **False.** When others make commitments that only a warranted KO can make, these are called unauthorized commitments. In this situation, Ms. Jackson has apparent authority, which is not recognized by the Government.

Knowledge Review

Ms. Jackson has authority to enter into an agreement with the
faci

Authority/Unauthorized Commitment Review Exercise

[Review](#) The Family Counseling Service, a part of Morale, Welfare, and Recreation (MWR), provided psychology seminars for military families' participation.

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Lesson Summary

Congratulations! You have completed the **Authorities** lesson.

Select the item for the summary of the topic.

[What to Expect As A
COR?](#)

[What Is the Authority
of the COR?](#)

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[What to Expect As A COR?](#)

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What to Expect As a COR?

The COR is the technical liaison between the contractor and the KO and responsible for verifying satisfactory contract performance and timely delivery as set forth in the contract.

The COR may be delegated duties to perform surveillance on a contract and may be asked to participate in the planning of an acquisition before the contract is awarded.

Lesson Summary

Congratulations! You have completed the **Authorities** lesson.

Select the item for the summary of the topic.

[What to Expect As A COR?](#)

[What Is the Authority of the COR?](#)

What Is the Authority of the COR?

There are two classifications of authority: actual authority and apparent authority. Government personnel must have actual authority to bind the Federal Government. Apparent authority is not real and happens when an individual appears to have authority due to his/her position. Personnel who cause new work or changes to existing work due to apparent authority may be held personally liable for the cost of the work.

CORs do not have the authority of a KO. Though authority varies for different contracts and organizations, CORs must never:

- Effect any changes in the work required under the contract.
- Enter into any agreement that has the effect of changing the terms and conditions of the contract or causes the contractor to incur costs.
- Supervise, direct or control contractor employees.

Lesson Completion

You have completed the content for this lesson.

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