

TITLE: CIB 94-13 Responsibilities of Contracting Officers

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MEMORANDUM FOR CONTRACTING OFFICERS AND NEGOTIATORS

TO: Distribution List FAC

FROM: DAA/M, Michael D. Sherwin
Procurement Executive

SUBJECT: Responsibilities of Contracting Officers

CONTRACT INFORMATION BULLETIN 94-13

This CIB supersedes CIB 88-7.

The purpose of this Contract Information Bulletin is to clarify the role and responsibilities of BS-93 Mission and Regional Contracting Officers.

The BS-93 Contracting Officer, whether assigned to a mission or a region, is the expert in USAID Direct Acquisition (Contracts), Assistance (Grants and Cooperative Agreements) and USAID-financed Host Country Acquisition (Host Country Contracts), except that expertise in Host Country Contracts for commodities may be covered by a BS-92 Commodity Management Officer, if one is servicing the particular country or region.

As such, a BS-93 Contracting Officer has certain responsibilities:

- Negotiates and executes all contract, grant and cooperative agreement actions falling within his or her warrant authority and makes the related findings and determinations within the limitations of the authority so delegated. Note, however, that a BS-93 Contracting Officer's authority to execute grants to Public International Organizations (PIOs) is limited to those PIO grants that are within the Contracting Officer's warrant and are funded by central bureaus.
- Consults as needed with the Legal Advisor, for the interpretation of all provisions of the contract, grant or cooperative agreement and for the resolution of questions or issues that may arise.
- Ensures that mission procedures require that:
 - (a) The Contracting Officer participate as a team member early in the mission/region programming process to:
 - Provide advice on available procurement options and their appropriateness for the program strategies or designs under consideration;
 - Layout the planning and implementation implications of contemplated procurements;

- Identify other program areas where early involvement by the Contracting Officer can result in streamlined implementation or more effective results.

(b) The Contracting Officer clears the procurement plans and implementation plans of authorization documents such as Project Papers, and Program Assistance Approval Documents, and, when possible, clears activity identification documents such as Project Identification Documents.

- Ensures that a procurement planning system is in place at each mission covered by that Contracting Officer and provides specific guidance to Project Officers on considerations that should precede the development of procurement plans.
- Ensures that mission procurement planning systems provide for consultations with the Contracting Officer in the development of plan scheduling, content, and conformity with acquisition and assistance regulations, and for the clearance of the Contracting Officer prior to approval of the plan.
- Provides advice on, as needed or requested, and periodically reviews for compliance and adequacy actions falling within the warranted authorities of the Executive Officer or Mission Director.
- When required and as appropriate, negotiates, prepares, clears or executes acquisition or assistance instruments for which ad hoc delegations of authority are requested.
- Provides technical oversight to mission procurement and non-procurement personnel to ensure that their involvement in the acquisition and assistance processes conforms to established procedures and regulations and that adequate administrative controls are in place.
- Prior to a Mission Director's certification of the acceptability of a Host Country Contracting Agency's procurement system, either participates in an assessment of the Host Country Contracting Agency's procurement system or reviews such an assessment and offers recommendations.
- Provides formal USAID approval of Host Country Contracting steps in the procurement process, where authority is vested in the Contracting Officer by a redelegation of the authority of the Mission Director. These include approval of certain pre-award, award and post-award steps in the procurement process which are listed in USAID Handbook 11. Contracting Officers shall not provide approvals of those steps listed in Handbook 11 which restrict approval authority to the Mission Director or an Acting Mission Director.
- Recommends or conducts appropriate training for mission staff (both Direct Hire and other) engaged in the procurement process in the Project Offices, Executive Office and Contract Office.

Implementing these responsibilities becomes more complex when a Regional Contracting Officer (RCO) serves several missions, as assigned by the Director, Office of Procurement.

Ideally, the RCO should propose a schedule (revised periodically for a forward rolling period) of visits to his or her missions. In addition to the identified actions, sufficient time should be allowed for general consultation, oversight of a mission's acquisition and assistance systems and administrative controls, and training. Where possible, a mission should schedule major actions for the planned visit, request advice on any special problems that require attention, and make sufficient funds and time available to permit the RCO to assure himself or herself that adequate administrative controls are in place for day to day acquisition/assistance actions and to provide any consultation or training that may be needed. If appropriate, TDY assistance to be requested through the Office of Procurement (M/OP) can also be identified.

In addition to the periodic visits, RCOs should establish procedures with each mission to ensure that they are consulted when acquisition or assistance problems occur, or to ensure appropriate clearance, if required by an ad hoc delegation of authority.

On occasion, if workload does not preclude it, a field Contracting Officer may be requested to provide TDY assistance to a mission other than one he or she normally serves.

If an RCO feels unable to fulfill his or her responsibilities to a mission for any reason (e.g., repetitive scheduling conflicts, lack of funding availability, consistent workload problems which may appropriately be solved by a realignment of assignments, etc.), the Director, Office of Procurement, should be advised.