



U.S. DEPARTMENT OF
ENERGY



DOE Contracting Process Basics

Craig Armstrong
Director, Office of Acquisition Management
U.S. Department of Energy
Savannah River Operations Office

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Source of Government Contracting Authority

“The United States...may within the sphere of the Constitutional powers confided to it, and through the instrumentality of the proper department to which those powers are confided, enter into contracts not prohibited by law, and appropriate to the just exercise of those powers.”

United States vs. Tingey, 1830

Flow Down of Contracting Authority in DOE



DOE EM Pre-award Process

EM Consolidated Business Center Conducts the Pre-award Process

DOE Pre-award Process Includes:

- Acquisition Planning
- Request for Proposal (RFP) Development and Issuance
- Industry Proposal Development
- Evaluation of Proposals
- Discussions with Offerors (if necessary)
- Source Selection Authority (SSA) Decision
- Award Contract

Post-Award Activities

SR Office of Acquisition Management (OAM) Responsibilities

- Pre-performance conferences and contract transition activities
- Contract Management Plan development
- Performance Evaluation Measurement Plan (PEMP) development
- Contractor invoice/voucher reviews and payment authorizations
- Fee administration
- Contract change management
- Contractor Performance Assessments Reporting (CPARS)
- Contract close-out

Contracting Officer Responsibilities

- Federal Acquisition Regulations (FAR) Section 1.602-3 states that Contracting Officers are responsible for:
 - Serving as the only person authorized to obligate the Government
 - Ensuring performance of necessary actions for effective contracting
 - Ensuring that the Government obtains value from contracts
 - Ensuring sufficient funds are available for obligation
 - Ensuring compliance by both parties with the terms of the contract
 - Safeguarding the interests of the United States in its contractual relationships
 - Ensuring contractors receive impartial, fair and equitable treatment

Contracting Officer Representative (COR) Responsibilities

- Know the contract
- Build rapport with the contractor
- Help the contractor interpret technical requirements
- Recommend changes to the Contracting Officer
- Monitor and evaluate contractor performance
- Recommend corrective actions on deficiencies
- Inspect and accept deliverables
- Cannot change scope, price, terms or conditions of the contract

Contract Modifications

Modification Authority

- Notwithstanding any of the other provisions in the Contract, a Contracting Officer shall be the only individual on behalf of the Government to:
 - (a) Accept nonconforming work
 - (b) Waive any requirement of this contract
 - (c) Modify any term or condition of this Contract

Unilateral Contract Modifications

- Issued unilaterally by the Contracting Officer
- Do not require **contractor's** signature
- Used to:
 - Make administrative changes;
 - Issue change orders;
 - Make changes authorized by clauses other than a changes clause (e.g. Property clause, Options clause, or Suspension of Work clause); and
 - Issue termination notices

Bi-lateral Contract Modifications

- Require **contractor's** signature
- Used to:
 - Make negotiated equitable adjustments resulting from the issuance of a change order;
 - Definitize letter contracts; and
 - Reflect other agreements of the parties modifying terms and conditions of contracts

Within The General Scope of the Contract

- Changes to the specific scope of the contract, for example:
 - Design specifications
 - Method of acceptance
 - Method of performing services
- Any changes to the specific requirements or expectations of the specific work scope in the contract can be implemented by a contract modification, provided that the changes remain within the “**general scope**” of the contract

Contractor Rights and Duties

- Right to equitable adjustment
- Duty to assert that right in a timely manner
- Duty to continue performance



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Questions?

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