



COR Webinar Series Part I

Developing Requirements and the
Duties, Responsibilities, Authority
and Ethics of a COR

Subjects Covered

- NRCS Construction Programs
- Methods of Installing Works of Improvement
- Duties and Responsibilities of a COR
- Ethics
- COR Certification

Errata

OSHA Requirements, Agency Policy, and General Safety Guidelines for Field Office Activities



You can [view](#) this archived webinar at any time.

Participate to learn about Occupational Safety and Health Administration (OSHA) Requirements, agency policy and general safety guidelines applicable to NRCS employees and contractors in field office operations.

NOTE: This webinar will count as 1 CLP of COR maintenance credit for those who currently have a Contracting Officer's Representative certification through FAITAS. Check to earn CEUs during sign-in, use "Step 2" after the webinar to take the quiz and receive your certificate, and submit your CEUs directly to the certification provider.



Participants in this training will become familiar with mandatory **OSHA** requirements applicable for field office operations as well as current agency policy regarding safety and health. Instructors will also present several general safety guidelines and tips. This course is not comprehensive safety training but an overview of the topics so that the participant will better understand their responsibilities and be able to identify unsafe field conditions.

This webinar is presented by the USDA NRCS East National Technology Support Center.

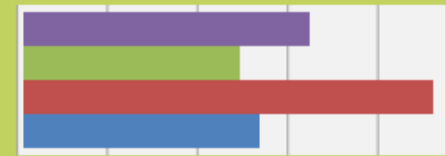
Related Files

- **Presentation slides.pdf** (6785Kb)



Green Savings!

Click on the graph below or click [here](#) for a detailed Green Savings analysis of this webinar.



When:

Aug 26, 2015 2:00 pm US/Eastern

Length: 01:00 (hh:mm)



Pre-registration not required.

Developing Requirements

- Construction requirements for NRCS begin with understanding the programs that fund them

NRCS CONSTRUCTION PROGRAMS

- Watershed and Flood Prevention Operations Program (including Watershed Rehab)
- Emergency Watershed Protection Program
- Wetland Reserve Easement Program
- Coastal Wetland Planning Protection and Restoration Act (CWPPRA) program
- Resources and Ecosystems Sustainability, Tourist Opportunities and Revived Economies of the Gulf Coast States Act (RESTORE) program



WATERSHED PROGRAMS

Watershed Projects

Watershed Work Plan Developed

- Request from Sponsor
- Study by NRCS
- Development of alternatives to solve resource problems
- Environmental Impact Statement
- Plan states method of installation of works of improvement
- Signed by all parties
- Can be changed by written amendment
- No funding



Watershed Projects

Project Agreement Developed

- Developed after project authorized and funds appropriated
- Details working arrangements & cost share between Sponsor & NRCS
- Executed prior to starting work
- Prerequisites:
 - Plans and specs (usually); land rights; sufficient NRCS & Sponsor funds; Quality Assurance Plan; Operations & Maintenance Agreement
- Can be changed by written amendment

Watershed Projects Land Rights

NRCS
provides
land rights
work map

Sponsor
acquires
land rights

Sponsor
provides
assurances

(NRCS-
ADS-78)

Sponsor
provides
attorney's
written
opinion

Watershed Projects

Types of Project Agreements

- Federal Contracting
- Locally Led
- Force Account
- Reimbursable

Watershed Projects

Obligation of Funds

- If the sponsor will perform the work or hire a contractor, then the project agreement obligates funds
- If NRCS awards a contract using the Federal Acquisition Regulations, the contract obligates the funds
- Reimbursable PAs obligate funds regardless of contracting method



EMERGENCY WATERSHED PROTECTION PROGRAM

Emergency Watershed Protection Projects

Eligibility and Funding

- Request for assistance from Sponsor
- Eligibility determined by NRCS
- Damage Survey Report (DSR) completed
- Funding request submitted to NHQ based on DSR cost estimate



Emergency Watershed Protection Projects

Project Agreements

- Developed after funding approval
- Details working arrangements & cost share between Sponsor & NRCS
- Executed prior to starting work
- Prerequisites:
 - Plans and specs (usually); land rights; sufficient NRCS & Sponsor funds; Quality Assurance Plan; Operations & Maintenance Agreement (can be included in PA)
- Can be changed by written amendment



Emergency Watershed Protection Projects

Project Agreement Types

- **Federal Contracting (does not obligate funds)**
- **Locally Led**
- **Force Account**



WETLAND RESERVE EASEMENT PROGRAM

Wetland Reserve Easement Program

Eligibility, Funding and Project Development

- Application from land owner
- Eligibility determined by NRCS
- STC approves application based on ranking and fund availability
- Wetland Reserve Plan of Operations developed (restoration plan)



Wetland Reserve Easement Program

Cost Share for Restoration

- NRCS acquires easement from landowner
- For a 30-year easement, NRCS provides 75% of restoration (construction) costs
- For perpetual easement, NRCS provides 100% of (construction) restoration costs

Wetland Reserve Easement Program

Obligation of Funds for Restoration

- If the owner will perform the work or hire a contractor, then the project becomes a long term agreement.
- If NRCS hires the contractor, funds are obligated on federal contract or via cooperative/contribution agreement.



Wetland Reserve Easement Program

- Unlike the other programs, WRE does not use a project agreement to allocate contracting duties.
- Since NRCS acquires a real property interest in the construction worksite (the easement), no land rights issues arise.

Methods of Installation

- Federal Contract (NRCS Awards)
- Locally Led Contract (Sponsor Awards)
- Force Account
- Cooperative Agreement with third party (WRE only)

Office of the Chief Procurement & Property Officer, Acquisitions, Grants & Agreements Division

- **Grants & Agreements Services Branch**
 - Establishes and administers Project Agreement (Watershed and EWP)
 - May establish cooperative/contribution agreement for WRE restoration (not a Project Agreement)
- **Contracting Services Branch**
 - Executes federal contract, as applicable, after Project Agreement signed (Watershed and EWP)
 - Executes federal contract, as applicable, for WRE restoration

Federal Contracts

- Must follow Federal Acquisition Regulations (FAR)
- Full and open competition with limited exceptions
- Sealed bidding, negotiation, and simplified procedures are available

Procurement Preference Program Goals – Subcontractors

Federal Procurement Preference Programs

- **Service-disabled veteran-owned small businesses – 3%**
- **HUBZone small businesses – 3%**
- **Women-owned small businesses – 5%**
- **Small disadvantaged businesses – 5%**
- **8(a) contracts - no goal for 2016**

- **Total small business goal of 52.5% includes all types listed above**

FEDERAL CONTRACTS

Local Area Set-Asides

- Set-asides for local firms during a major disaster or emergency (**Some EWP work**)
 - Only vendors residing or doing business in area affected can compete
 - Must be in area identified in Presidential declaration of major disaster or emergency and additional geographic areas identified by Dept. of Homeland Security
 - During time period specified

Locally Led Contracts

- Sponsor awards contract
- All Sponsors must follow procurement requirements in 2 CFR 200.217 – 200.236
 - Allows state Sponsors to follow state procedures
 - All others follow specific procedures set out in the regs

Force Account

- Sponsor uses its own equipment and personnel
- Must keep detailed records to support payment requests

Duties and Responsibilities Federal Contract

NRCS Contracting Officer (CO)

Contracting Officer's Representative (COR)

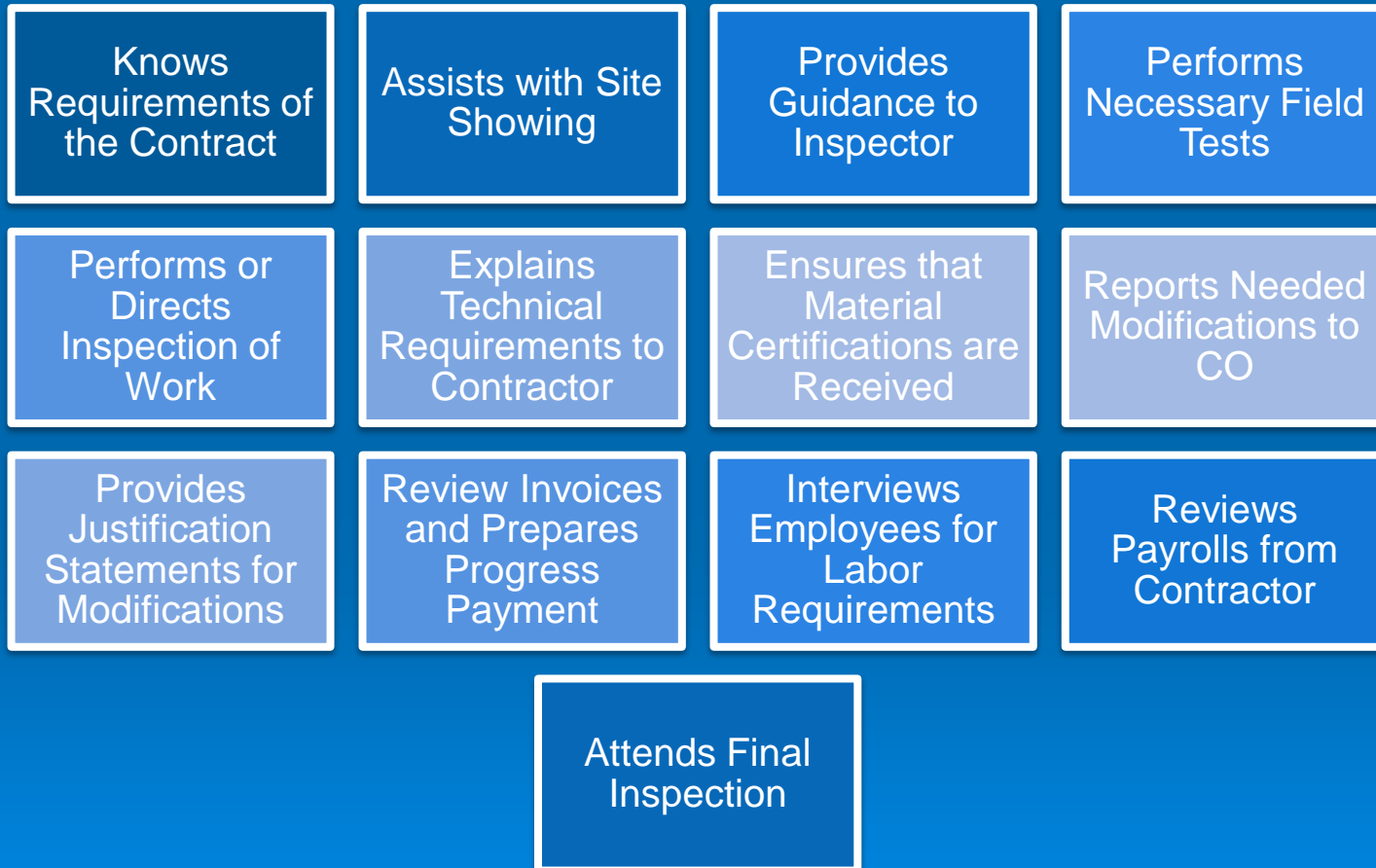
Inspector



Duties and Responsibilities Contracting Officer

Develops Project Agreement	Ensures Fund Availability	Appoints COR and Inspector	Issues Pre-Solicitation Notice
Issues Solicitation	Schedules and Attends Site Showing	Opens Bids or Receives Quotes	Checks Bid Bond
Determines Responsibility of Low Bidder	Awards Contract	Checks Bonds	Pre-Construction Conference
Receives Payment Requests	Issues Contract Modifications	Issues CO Decisions	Schedules Final Inspection

Duties and Responsibilities COR



Duties and Responsibilities Inspector

Responsible for Quality Assurance	Familiar with Contract Requirements	Ensures Work is Performed as Required	Ensures Required Testing is Completed
Maintains Job Diary	Makes Photographic Documentation	Tracks Weather Delays	Inspects Safety and Sanitary Requirements
Reports Problems Promptly to COR	Maintains Good Working Relationship with Contractor	Makes Sure Additional Work is Approved by the CO Prior to Starting	Does Not Direct Operations of the Contractor
	Does Not Approve Extra Work	Does Not Write Personal Opinions in Job Diary	

Duties and Responsibilities Locally Led Contracting

Sponsor

- Contracting Officer/Authorized Representative

NRCS

- G&A Specialist/Contract Specialist
- Government Representative





FAR - Federal Acquisition Regulations

**PART 3—IMPROPER BUSINESS PRACTICES AND PERSONAL
CONFLICTS OF INTEREST**

3.104 Procurement integrity.

Core Ethical Principles for Acquisition Professionals

- Public service is a public trust
- Employees shall not hold conflicting financial interests
- Employees shall not use public office for private gain

Core Ethical Principles for Acquisition Professionals

- Employees shall not engage in conflicting outside employment
- Employees shall not give preferential treatment
- Employees shall protect and conserve Federal property



Peter G. Tuttle, Distributed Solutions

Our acquisition professionals and their leaders must:

- Make good business decisions that serve the needs of the agency and ultimate customer, the taxpayer.
- Have the fortitude to stand up and say when something is wrong, dumb, improper, unwise or illegal.

Our acquisition professionals and their leaders must:

- . Do the right thing even if there are no rules telling them what to do.
- . Be willing to engage peers inside and outside the government and actively seek out the best ways to execute the mission.
- . Be ethical in all dealings.
- . Use common sense.

Acquisition Professionals

- Possibly held to a higher standard of professionalism and ethical behavior.
- Probably subject to more scrutiny.
- Subject to more financial liability or exposure.

FAC-COR Certification

- Policy regarding appointment, training, certification and continuous learning is located at:
 - **Federal Acquisition Institute (FAI) website**
 - **USDA Procurement Advisories 85A and 112B**
 - **NRCSPOP MP 4I-1.602-2d**
- There are three levels of certification depending on the type of contract (Level 1, 2, and 3).
- Certification and continuous learning requirements to maintain certification vary based on level of certification.
- Certification, maintenance of certification, and training is managed in FAITAS (FAI Training Application System).