



Federal Election Commission
Office of the Inspector General

MEMORANDUM

TO: John Quinlan
FEC Chief Financial Officer

Pamela Jones
Procurement Director/Contracting Officer

THROUGH: Christopher Skinner
Inspector General

FROM: Shellie Purnell-Brown
Senior Auditor *Shellie Purnell-Brown*

SUBJECT: SR-22-01: Management Letter for OIG Special Review of the Federal Election Commission (FEC) Contracting Officers Representative (COR) Program

DATE: May 26, 2022

Purpose

This letter transmits the results of the Federal Election Commission (FEC) Office of Inspector General's (OIG) Special Review of the Contracting Officers Representative (COR) Program. This special review was selected based on several factors, including risks identified during the *FEC OIG FY 2022 Risk Assessment*.

Objective

The primary objective of this special review is to assess FEC policies and procedures around COR management to ensure that current internal controls are adequate and that the program complies with relevant federal laws and regulations, including the Federal Acquisition Regulation (FAR), Office of Management and Budget (OMB) guidance, and FEC policies and procedures. For more information about the FEC COR program, see the Background section below.

Criteria

- FAR Parts 1.602-2 and 2.101
- OMB Office of Federal Procurement Policy's (OFPP) "Revisions to the Federal Acquisition Certification for Contracting Officer's Representatives (FAC-COR)"
- OFPP's Federal Acquisition Institutes (FAI) Continuous Learning Requirements

Scope

Our review concentrated on the COR certification process and COR training. We selected a random sample of 10 (22%) active employees serving as CORs during the period of FY 2019 to FY 2021.

Work Performed

We reviewed applicable FEC related policies and procedures to determine if they were aligned with the FAC-COR. We then selected a random sample of 10 (22% of the population) active CORs during the review period. For the CORs selected, we obtained and reviewed supporting documentation to ensure each COR:

- Had an authorized COR Designation Letter,
- Had the proper COR Certification, and
- Obtained the required number of Continuous Learning (CL) points.¹

Observations

1. The Procurement Office maintains COR certification and CL tracking processes but those processes are not memorialized

CORs are required to complete applicable training and CL points based on their COR level to obtain initial COR certification and semi-annual recertification. The Procurement Office reported that it captures each CORs certification/recertification dates and tracks training with a COR tracker spreadsheet. Monitoring compliance with COR regulations and applicable guidance is a key internal control which reduces the risk that management would fail to identify a COR who did not meet applicable CL requirements. According to the Government Accountability Office's Green Book, internal control procedures should be included in formal written policies and/or procedures. Memorializing Procurement's COR certification and CL tracking processes also increases the likelihood that this control process will continue to operate effectively in the event of employee turnover.

¹One classroom hour is equal to one CL point.

2. The OFPP highly recommends that COR responsibilities be incorporated as a critical element in the annual performance plans of employees with COR responsibilities at Levels II and III

The OFPP does not require COR responsibilities to be included as a critical element in employee annual performance plans. However, the OFPP recommends this as a best practice to ensure COR activities and expectations are achieved.

3. The OFPP has implemented a standard biennial COR recertification reporting period

During this review, it came to our attention that OFPP has transitioned to a common biennial COR recertification reporting period for all FAC-CORs. The new standard reporting period became effective on May 1, 2022. The OIG acknowledges that the FEC issued an agency-wide email on May 10, 2022, confirming that the FEC has implemented the common COR recertification reporting period. Consolidating all CORs to the same recertification reporting period should improve the efficiency of the COR certification monitoring process.

Conclusion

Based on the work performed, all CORs selected for testing had an approved COR Designation Letter, obtained the proper COR certification level and required CL points. We conclude that the FEC has implemented applicable FAC-COR requirements. However, the FEC OIG is proposing two recommendations to enhance alignment with the FAC-COR and improve the operating effectiveness of COR monitoring controls.

Recommendations

1. The Procurement Office should memorialize the COR certification tracking procedures it has implemented.
2. In the course of certifying CORs, the Procurement Officer should encourage supervisors to include COR activities in performance plans for employees with COR responsibilities at Level II and III. In addition, the Procurement Officer should consider including related language in the standard COR designation letters.

Management Response

The Office of the Office of the Chief Financial Officer (OCFO) recognizes the importance of an effective Contracting Officers Representative (COR) program in supporting the agency's mission. We are pleased that the Office of Inspector's (OIG) special review found that the agency had implemented applicable FAC-COR requirements and that tested CORs were appropriately certified and maintained necessary continuous learning points. These conclusions show growth in the program and confirm the program's ability to support important FEC functions.

OCFO also agrees with OIG’s recommendation to “memorialize the COR certification tracking procedures it [the Procurement Office] has implemented.” The Procurement Office intends to update the relevant procedures to reflect its current tracking processes.

We also support supervisors incorporating COR duties under existing critical elements in performance plans, where appropriate. To implement this recommendation, we intend to include language in COR designation letters encouraging supervisors to incorporate COR duties into performance plans where warranted. We note, however, that the inclusion of COR duties is ultimately up to each individual supervisor, as the procurement office does not control employee performance plans and most underlying contract management functions reside at the program level. This is one reason why most CORs are subject-matter-experts on the contracts that they oversee and reside in appropriate expert areas of the agency. Also, the proportion of COR duties to overall duties will vary by employee. Given that, the supervisors will require some flexibility in determining the appropriate level or way to incorporate COR duties into performance plans, if warranted.

We thank the OIG for its work on the COR special review and look forward to working with it to promote an effective COR program.

Background

On September 6, 2011, OMB issued a memorandum communicating the revisions to the FAC-COR requirements. The purpose of the FAC-COR is to “establish general training, experience and development requirements for CORs...” The new requirements became effective on January 1, 2012. The previous COR requirements (FAC-COTR) required only one level of certification for all CORs, and the new FAC-COR requires three levels of certification.

During the transition to define FAC-COR levels, agencies had the discretion to grandfather existing CORs in at Level I, Level II, and/or reassign to level III after validating their experience and competency. Upon being grandfathered in or reassigned, CORs are required to follow the CL requirements for their new COR level as follows:

FAC-COR Requirements			
Requirements for:	Level I	Level II	Level III
Experience*	None	1 year of COR experience	2+ years of COR experience
Initial COR Training	8 hours	40 hours	60 hours
Continuous Learning	8 CL points	40 CL points	60 CL points

*Experiences includes work performed on a job that relates directly to COR responsibilities.

Before an employee can be certified as a COR, they must complete the applicable COR specific training requirements per the table above.

Once the appropriate training is completed, OCFO will review and confirm the employees COR certification level. After a COR's initial certification is granted, they are required to earn a minimum number of CL points every 2 years based on their COR Level to maintain their FAC-COR certification. CORs are ultimately responsible for ensuring they comply with the CL requirements to maintain COR certification, and for maintaining supporting documentation.

The Contracting Officer (CO) determines who is most appropriate to be assigned as a COR on a particular contract/agreement and that is generally determined during the acquisition planning phase of the contract/agreement. FEC COR appointments are memorialized in a COR Designation Letter that is approved by the CO and signed by the COR, and the COR's supervisor. Before a COR Designation Letter is finalized, OCFO ensures that the COR has the appropriate COR Certification and has met the applicable training requirements. CORs along with their certification dates are entered into the Procurement system and tracked via the COR Certification Tracker Excel spreadsheet.

Procurement also tracks COR recertification dates and CL training requirements via the COR Certification Tracker. The COR certification tracker is used by Procurement to monitor whether CORs are obtaining the necessary training for COR recertification in a timely manner. In early 2022, the OFPP announced that they were moving to a common bi-annual recertification reporting period for all FAC-CORs which became effective on May 1, 2022. Prior to May 2022, all FEC CORs' recertification reporting periods were based on individual COR certification dates.

If I can provide you with any further information, please do not hesitate to contact me at (202) 694-1019 or via email at spurnell-brown@fec.gov

cc: The Commission
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