



OFFICE OF INSPECTOR GENERAL
U.S. Department of Energy

INSPECTION REPORT

DOE-OIG-19-53

September 2019

**THE USE OF GRANT DE-EM0003780 BY
THE REGIONAL COALITION OF
LANL COMMUNITIES**



Department of Energy
Washington, DC 20585

September 27, 2019

MEMORANDUM FOR THE ACTING DIRECTOR, ENVIRONMENTAL MANAGEMENT
CONSOLIDATED BUSINESS CENTER

A handwritten signature in black ink, appearing to read "Bruce Miller".

FROM: Bruce Miller
Assistant Inspector General
for Audits and Inspections
Office of Inspector General

SUBJECT: INFORMATION: Inspection Report on "The Use of Grant DE-EM0003780 by the Regional Coalition of LANL Communities"

BACKGROUND

The mission of the Department of Energy's Office of Environmental Management (Environmental Management) is to address the Nation's Cold War environmental legacy resulting from 5 decades of nuclear weapons production and Government-sponsored nuclear energy research. Environmental Management's Los Alamos Field Office is tasked to safely and efficiently complete the cleanup of legacy contamination and waste resulting from nuclear weapons development and research at the Los Alamos National Laboratory (Los Alamos). To help accomplish its cleanup mission, Environmental Management issues grants to non-Federal entities. Environmental Management's Consolidated Business Center (CBC) is responsible for awarding and overseeing Environmental Management grants.

On September 30, 2015, the Environmental Management CBC awarded the Regional Coalition of LANL [Los Alamos National Laboratory] Communities (RCLC) a 5-year, \$500,000 grant (grant number DE-EM0003780). The Environmental Management CBC provided grant funds to RCLC to promote environmental protection, economic development, and regional planning, and to allow the RCLC to evaluate policy initiatives and legislative impacts on its members. The grant was structured to provide five annual disbursements of \$100,000 each. From September 30, 2015, through June 30, 2018,¹ the RCLC received \$300,000 of the Federal grant funds. The RCLC is comprised of elected and Tribal officials from various localities around Los Alamos. In addition to the Environmental Management grant, the RCLC received approximately \$97,000

¹ In July 2018, the responsible Department of Energy contracting officer stated that the grant was suspended after the third year and that the remaining funds would be withheld.

per year from localities in and around Los Alamos since July 1, 2014.² The 2011 Joint Powers Agreement that established the RCLC also identified Los Alamos County as RCLC's fiscal agent. As fiscal agent, Los Alamos County managed RCLC funds received from Federal and non-Federal entities, and processed disbursements.

We initiated this inspection after obtaining information indicating that the RCLC may have misspent Department of Energy grant funds. A separate inspection was initiated to determine the facts and circumstances of an allegation that Department of Energy employees accepted meals and sporting event tickets purchased by the RCLC. The objective of our inspection was to determine if the RCLC properly accounted for and used Department of Energy grant funding in accordance with Federal requirements and the terms of the grant, and whether the Department's oversight was effective.

RESULTS OF INSPECTION

We found that the RCLC did not properly account for Department of Energy grant funds or use the funds in accordance with Federal requirements and the terms of the grant; in addition, we found that the Department did not provide effective oversight of RCLC's spending and activities. The RCLC comingled Department funds with funds received from other sources and subsequently engaged in activities prohibited by the U.S. Code and the terms of the grant agreement. Due to the comingling of funds, RCLC could not demonstrate how Department funds were used, and we were unable to determine the extent to which RCLC spent Department funds on allowable activities. As a result of those issues, we are questioning \$300,000 in Department of Energy grant funds provided to RCLC, for which the Department should seek appropriate reimbursement.

As a recipient of Federal funds, the RCLC accepted responsibility for establishing and maintaining effective internal control over the Federal award. Effective internal controls are required to provide reasonable assurance that RCLC managed the funds in accordance with Federal statutes, regulations, and the terms and conditions of the grant. Per the terms of the 2011 Joint Powers Agreement that established the RCLC, Los Alamos County served as the fiscal agent for RCLC and managed RCLC funds received from Federal and non-Federal entities, and processed disbursements, including funds received from the Department of Energy. However, the 2011 Joint Powers Agreement did not provide any details outlining Los Alamos County's responsibilities as fiscal agent, and the RCLC did not provide guidance to ensure that Los Alamos County developed policies and procedures to prevent the comingling of Department of Energy funds with funds received from other sources. This occurred as a result of (1) a lack of financial and technical oversight of the RCLC grant by Environmental Management's CBC, Operations Division, Office of Contracting and by responsible officials at Environmental Management's Los Alamos Field Office, and (2) unclear guidance directing the roles and responsibilities of the RCLC's fiscal agent.

In addition, RCLC engaged in multiple, ongoing lobbying activities throughout the duration of the grant period. The RCLC was not prohibited from performing lobbying activities. RCLC

² State of New Mexico, Office of the State Auditor, *Regional Coalition of LANL Communities Special Audit for the Period of July 1, 2014, through June 30, 2018* (August 7, 2018.)

was, however, expressly prohibited from expending Department of Energy grant funds on lobbying activities. Because RCLC engaged in lobbying activities and failed to establish and maintain effective internal control over the Federal award, RCLC was not in compliance with U.S. Code, the Code of Federal Regulations (CFR), and the terms of the grant agreement. RCLC also expended funds on other activities that are either unallowable or may be questioned under the CFR and provisions of the grant agreement.

RCLC’s Federal Funds were Comingled with Funds from Other Sources

We found that the RCLC did not properly account for Federal grant funds received from 2015 to 2017 and that the improper accounting was not in compliance with the CFR.³ As a recipient of a Federal award, the RCLC was required to adhere to CFR requirements. Title 2 CFR, Part 200, Subpart D, Section 200.303 – *Internal controls* (2 CFR 200.303), states that the non-Federal entity receiving grant funds must “establish and maintain effective internal control over the Federal award that provides reasonable assurance that the non-Federal entity is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award.”

The RCLC did not “establish and maintain effective internal control.” Specifically, the 2011 Joint Powers Agreement did not provide any details outlining Los Alamos County’s responsibilities as fiscal agent, and RCLC did not provide guidance to ensure that Los Alamos County developed policies and procedures to ensure that Federal funds were accounted for separate and apart from the RCLC’s other funding sources. Although Los Alamos County officials told us that the RCLC funds were segregated and coded separately upon receipt, we determined that the grant funds were then comingled with funds from the various RCLC funding entities and not coded separately within the account or upon disbursement. When we discussed this issue with Los Alamos County officials, the officials acknowledged the comingling of funds and stated that the RCLC never informed them that it was required to implement stricter financial controls. When we raised this issue with RCLC representatives, including current and former Treasurers, RCLC representatives stated that they relied on Los Alamos County, as the fiscal agent, to implement appropriate accounting controls. Nevertheless, as the recipient of Federal funds, the RCLC (not its fiscal agent) was responsible for ensuring compliance with 2 CFR 200.303, and it failed to do so.

The separate accounting of Federal funds from other funding sources is necessary to verify that Federal funds are spent according to the terms and conditions of the grant agreement. In an August 7, 2018, Special Audit Report by the New Mexico Office of the State Auditor on the RCLC, the State Auditor reported that Los Alamos County used a pooled cash account for all RCLC transactions.⁴ State Auditor officials told us that they did not believe that the RCLC could differentiate the funds it received from various sources or track which funds were Federal grant funds and which funds were from local community contributions; we confirmed that RCLC

³ The Federal funds RCLC received from 2015 through 2017 funded activities through June 30, 2018.

⁴ State of New Mexico, Office of the State Auditor, *Regional Coalition of LANL Communities Special Audit for the Period of July 1, 2014 through June 30, 2018* (August 7, 2018.)

could not differentiate its funds from various sources. As a result, there is no way to verify how Federal funds received by RCLC were spent, and RCLC cannot demonstrate that it spent Federal funds properly and in accordance with the terms and conditions of the grant agreement.

Prohibited Activities and Unallowable Costs

The failure to properly account for funds and adhere to 2 CFR 200.303 resulted in additional instances of noncompliance by the RCLC to the U.S. Code, the CFR, and provisions of the grant agreement. For example, RCLC was unable to demonstrate that it did not expend Federal funds on prohibited lobbying activities or other unallowable costs. While some unallowable costs are quantifiable (such as alcohol and entertainment purchases), the RCLC did not inform Los Alamos County of the need to separately account for lobbying activities. Due to the comingling of funds, RCLC could not demonstrate how it spent Department funds, and we were unable to determine the extent to which RCLC spent Department funds on allowable or prohibited/unallowable activities.

RCLC's Lobbying Activities

Our review found that the RCLC routinely and directly engaged in multiple, ongoing lobbying activities throughout the duration of the grant period. The RCLC was not prohibited from performing lobbying activities. RCLC was, however, expressly prohibited from expending Department of Energy grant funds on lobbying activities. We interviewed officials from the RCLC (including Treasurers and legal counsel), Los Alamos County, the New Mexico State Auditor, and the Environmental Management CBC. We reviewed the grant requirements, RCLC's requests for grant funding, RCLC's reported and stated activities, and the findings of the New Mexico State Auditor. As a result of our work, it is clear that the RCLC did not provide guidance to Los Alamos County and ensure that Federal funds were not comingled with funds received from other sources. The responsible Department of Energy Contracting Officer, the RCLC, nor Los Alamos County could demonstrate that the RCLC did not use Federal funds for prohibited lobbying activities.

31 U.S. Code § 1352, *Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions*, states that Federal grant funds cannot be used to pay any person for influencing or attempting to influence a Member of Congress or an officer/employee of any agency for Federal actions, including the awarding of any Federal contract, or grant, in this case. In addition, the Special Terms and Conditions of the grant between Environmental Management and RCLC states that "by accepting funds under this award, you agree that none of the funds obligated on the award shall be expended, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress... This restriction is in addition to those prescribed elsewhere in statute and regulation."

In a document titled *2017 RCLC Accomplishments*, the RCLC stated that it "has positioned itself as sole, consistent lobbying body for legacy waste cleanup dollars into LANL [Los Alamos National Laboratory] at the Congressional level." According to RCLC's website, the Coalition "is a conduit for Northern New Mexico communities to make a direct impact on local, state, and Federal government decision-making in regional economic development and nuclear cleanup at

Los Alamos National Laboratories.” In addition, the RCLC reported that it engaged in multiple other lobbying activities, including legislative liaising, analyzing the effect of legislation, and other actions that appear to be aimed at attempting to influence congressional action. Further, two RCLC Officers stated that they “wouldn’t argue that the RCLC lobbied” and that “the actions speak for themselves.”

Because RCLC engaged in lobbying activities, it was responsible for ensuring that proper accounting controls were in place so it could demonstrate that Federal funds were not spent on those prohibited activities. The RCLC failed to establish and maintain effective control over the Federal award. As a result, the RCLC was not in compliance with 31 U.S. Code § 1352 and the terms and conditions of the grant agreement. Thus, the Department may hold the RCLC accountable for this noncompliance. Part of the terms of the grant agreement are as follows:

Recipients of financial assistance are cautioned to carefully review the allowable cost and other provisions applicable to expenditures under their particular award instruments. *If financial assistance funds are spent for purposes or in amounts inconsistent with the allowable cost or any other provisions governing expenditures in an award instrument, the Government may pursue a number of remedies against the Recipient, including in appropriate circumstances, recovery of such funds [emphasis added], termination of the award, suspension or debarment of the Recipient from future awards, and criminal prosecution for false statements.*

The Environmental Management CBC Contracting Officer acknowledged a lack of awareness of RCLC’s activities. The Contracting Officer appointed a Technical Monitor for the grant, located at Environmental Management’s Los Alamos Field Office, who was aware that the RCLC could not conduct lobbying activities using Federal funds and received verbal assurance from the RCLC that funds were used appropriately. However, the Technical Monitor took no further action to request the Contracting Officer to validate that Federal funds were properly spent on allowable activities in order to determine whether RCLC’s purported verbal assurances were accurate.

Other Unallowable Costs

In addition, as a result of the comingling of funds, the RCLC could not demonstrate that it did not expend Federal funds on activities that are either unallowable or may be questioned under the CFR and provisions of the grant agreement. Specifically, Title 2 CFR, Part 200, Subpart E – *Cost Principles*, includes the following unallowable costs: alcoholic beverages; entertainment costs including amusement, diversion, and social activities; and goods and services costs for personal use. In addition, the grant agreement states that, “the allowable costs of this grant shall consist of the actual allowable direct costs incident to performance of the project...”

New Mexico’s Office of the State Auditor’s Special Audit Report on the RCLC reported that the Executive Director of the RCLC was reimbursed \$780.22 for meals, alcoholic beverages, or entertainment expenses on behalf of the board members. It also reported a \$5,799.69

reimbursement to RCLC's Executive Director for meal and drink expenses. Finally, the State Auditor reported a \$2,639.90 reimbursement to entities linked to the RCLC for alcoholic beverages, personal expenses, and entertainment/recreation expenses.

These activities do not comply with requirements established in Title 2 CFR, Part 200, Subpart E or the provisions of the grant agreement. When we questioned Los Alamos County officials about the costs, they conceded that expenditures of Federal funds for most of these costs were unallowable.

Improper Accounting caused by Unclear Responsibilities and a Lack of Oversight

Environmental Management's CBC, Operations Division, Office of Contracting and Los Alamos Field Office officials did not provide financial and technical oversight of RCLC's activities. In addition, RCLC did not provide Los Alamos County with guidance detailing the roles and responsibilities expected of a fiscal agent. The lack of oversight and guidance led to both improper accounting and improper use of Federal funds by RCLC.

Lack of Oversight

We found that Environmental Management's CBC, Operations Division, Office of Contracting did not provide proper oversight of the RCLC grant. Specifically, the RCLC grant agreement required that RCLC file quarterly financial status reports to the Office of Contracting. The required financial status reports were to contain information related to the Federal award, including the amounts of Federal and non-Federal funds disbursed over the quarter and remaining unobligated balances. The responsible Contracting Officer, located in Cincinnati, Ohio, stated that reviewing the quarterly financial reports was a primary means of overseeing grants.⁵ However, neither the RCLC nor the Contracting Officer could provide the required reports or any correspondence indicating either that the Contracting Officer requested or that the RCLC submitted the reports. The Contracting Officer acknowledged this lapse in oversight.

In addition, the Contracting Officer did not ensure technical oversight of the RCLC grant. The Department's Acquisition Certifications Program Handbook stated that the administration of grants "requires Federal technical *presence* [emphasis added] and oversight." To fulfill this requirement, the Contracting Officer assigned a "Technical Monitor" at Environmental Management's Los Alamos Field Office. The Contracting Officer confirmed that the Technical Monitor was an informal designation with no defined roles and responsibilities. The individual the Contracting Officer had informally designated as Technical Monitor for the RCLC grant stated that he did not have a clear sense of oversight responsibilities, had not seen the grant, was unsure of its scope of work, and was "not sure" whether he had seen any financial reports. A senior responsible official from the Field Office told us that the Field Office had not paid a lot of attention to grants and the monitoring of invoices, including the RCLC grant. The Field Office official further stated there was confusion regarding its office's roles regarding grant oversight responsibilities.

⁵ Environmental Management Contracting Officers also serve as Grant Administrators.

Unclear Responsibilities for RCLC Fiscal Agent

We found that there was a lack of guidance regarding Los Alamos County's roles and responsibilities as RCLC's fiscal agent. The 2011 Joint Powers Agreement stated that, "The Incorporated County of Los Alamos shall act as the fiscal agent for implementation and administration of this Agreement." As the recipient of the Federal grant, it was RCLC's responsibility to ensure that the fiscal agent fulfilled its accounting responsibilities. We determined that the guidance for RCLC's financial accountability in the agreement was minimal, stating only that "The Regional Coalition [RCLC] shall be strictly accountable for all receipts and disbursements under this Agreement." There was no other agreement, memorandum, or further guidance issued by RCLC discussing the roles and responsibilities of its fiscal agent. This lack of guidance led to a misunderstanding of roles and responsibilities and contributed to the improper accounting and comingling of Federal funds with other monies. In lieu of any formal guidance from RCLC, Los Alamos County's activities as fiscal agent were limited. Specifically, Los Alamos County simply received RCLC donor funds, from Federal and non-Federal entities, and processed disbursements.

Conclusion

RCLC failed to meet the accounting requirements associated with the receipt and disbursement of grant DE-EM0003780. Due to the comingling of Federal funds, the RCLC could not demonstrate that Federal funds were not used for prohibited activities (such as lobbying) or purchases (such as unallowable meals and drinks). Further, RCLC could not determine the amount of funds spent on lobbying activities. As a result, we are questioning \$300,000 in Department of Energy grant funds, for which the Department should seek appropriate reimbursement.

RECOMMENDATIONS

We recommend that the Acting Director of the Environmental Management Consolidated Business Center:

1. Determine the allowability of \$300,000 in Federal funds and the amount that should be reimbursed due to RCLC's lack of compliance with 31 U.S. Code § 1352; Title 2 CFR, Part 200, Subpart E; and the provisions of the grant agreement.
2. Issue guidance to Contracting Officers clarifying oversight responsibilities for the grant to the RCLC and any similar awards under their purview.
3. Issue clarifying guidance and consider providing training regarding the role and responsibilities of "Technical Monitors."

MANAGEMENT RESPONSE

Management concurred with the recommendations and have planned actions to address the recommendations. Management's comments are included in Appendix 3.

INSPECTOR COMMENTS

We consider management's comments and corrective actions to be responsive to our recommendations. We commend management for its response to our concerns.

Attachments

cc: Deputy Secretary
Chief of Staff
Senior Advisor for Environmental Management to the Under Secretary for Science

OBJECTIVE, SCOPE, AND METHODOLOGY

OBJECTIVE

The objective of this inspection was to determine if the Regional Coalition of LANL [Los Alamos National Laboratory] Communities (RCLC) properly accounted for and used Department of Energy grant funding in accordance with Federal requirements and the terms of the grant, and whether the Department's oversight was effective.

SCOPE

The inspection was conducted at the Office of Environmental Management's Consolidated Business Center in Cincinnati, Ohio, and the Los Alamos Field Office in Los Alamos, New Mexico. We performed our inspection of grant funds provided by the Department to RCLC from September 2018 to May 2019. We were unable to complete our objective as a result of comingling of Department grant funds with funds from other sources by the RCLC. Specifically, we were unable to trace the use of funds to determine the extent to which RCLC spent Department funds on allowable and unallowable activities. This inspection was conducted under Office of Inspector General project number S18IS011.

METHODOLOGY

To accomplish our objective, we obtained and reviewed documentation from and/or conducted interviews with officials representing:

- Regional Coalition of LANL Communities;
- Los Alamos County;
- State of New Mexico's Office of the Auditor of State; and
- The Department of Energy's Office of Environmental Management (including the Los Alamos Field Office and the Consolidated Business Center), Office of the General Counsel, and National Nuclear Security Administration.

We conducted this inspection in accordance with the Council of the Inspectors General on Integrity and Efficiency's *Quality Standards for Inspection and Evaluation*. Those standards require that we plan and perform the inspection to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our inspection objectives. Accordingly, the inspection included tests of controls and compliance with laws and regulations to the extent necessary to satisfy the inspection objective. In particular, we assessed the Department's implementation of the *GPR Modernization Act of 2010* as it relates to our inspection objective and found that the Department had not established any performance measures applicable to grant oversight by the Office of Environmental Management. Because our review was limited, it would not necessarily have disclosed all internal control deficiencies that may have existed at the time of our inspection. Finally, we relied on computer-processed

data, to some extent, to satisfy our objective related to properly accounting for Federal grant funds. We confirmed the validity of such data, when appropriate, by reviewing supporting documentation used to generate the computer-processed data.

We held an exit conference with management on August 15, 2019.

PRIOR REPORT

- Audit Report on [*Implementation of the Recovery Act at the Savannah River Site*](#) (OAS-RA-L-11-12, September 2011). We reported that the Department of Energy allotted more than \$1.6 billion in *Recovery Act* funds at the Savannah River Site, located in Aiken, South Carolina, to accelerate the completion of existing Office of Environmental Management projects. In light of the importance of the activities and the amount of funding involved, we initiated an audit to determine whether the Department was effectively and efficiently achieving *Recovery Act* goals and objectives at the Savannah River Site. Overall, our review of *Recovery Act* activities at Savannah River Site found that the site generally complied with *Recovery Act* requirements that were tested, such as reporting, ensuring the flow down of requirements to subcontracts, and segregation of funds. According to Savannah River Site officials, *Recovery Act* projects were on schedule, were within estimated costs, and goals and objectives were being met. We did, however, identify a concern regarding the accurate distribution of costs associated with staff augmentation contractors working on *Recovery Act* projects. No formal recommendations were made in the report. However, we suggested that Savannah River Nuclear Solutions and Department of Energy management review manual adjustments to the system, as necessary, to ensure the accuracy of staff augmentation cost until a new system was in place.

MANAGEMENT COMMENTS




Department of Energy

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AUG 13 2019

MEMORANDUM FOR: TERI L. DONALDSON
INSPECTOR GENERAL
EMCBC-00568-19

FROM: TIMOTHY HARMS 
ACTING DIRECTOR FOR ENVIRONMENTAL MANAGEMENT
CONSOLIDATED BUSINESS CENTER

SUBJECT: **Inspector General's Draft Report on "The Use of Grant Funds by the Regional Coalition of LANL Communities" (Job Code S18IS011)**

Thank you for the opportunity to comment on the Draft Evaluation Report, "The Use of Grant Funds by the Regional Coalition of LANL Communities." The Department understands the IG conducted this inspection to determine if the RCLC properly accounted for and used Department of Energy grant funding in accordance with federal requirements and the terms of the grant, and whether the Department's oversight was effective in accordance with established requirements.

The draft report contained a total of 3 recommendations. The IG recommended that the Acting Director of the Environmental Management Consolidated Business Center (EMCBC):

- Determine the allowability of \$300,000 in Federal funds and the amount that should be reimbursed due to RCLC's lack of compliance with 31 U.S. Code § 1352; Title 2 CFR, Part 200, Subpart E; and the provisions of the grant agreement.
- Issue guidance to Contracting Officers clarifying oversight responsibilities for the grant to the RCLC and any similar awards under their purview.
- Issue clarifying guidance and consider providing training regarding the role and responsibilities of "Technical Monitors."

DOE concurs with the IG's recommendations. Details regarding the planned actions to address IG's recommendations are in the attached enclosure.

Teri L. Donaldson

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EMCBC-00568-19

If you have any questions or need additional information, please contact Ms. Carin Boyd, Senior Contract Officer at carin.boyd@emcbc.doe.gov or via phone at 513-246-0570.

Enclosure: As Stated

cc electronically:

Jeff Griffin, EM-3

Lois Jessup, EM-5.112

Leslie Jackson, EM-5.112

Doug Hintze, EM-LA

Tamara Miles, EMCBC

Carin Boyd, EMCBC

David Arvin, EMCBC

Darryl McFarland, EMCBC

Josephine Brownlee, EMCBC

Carla Sudduth, EMCBC

Tom Aug, EMCBC

ORM – HQ

Attachment

MANAGEMENT RESPONSE
 IG Draft Report
 The Use of Grant Funds by the Regional Coalition of LANL Communities”
 (Job Code S18IS011)

Recommendation 1: Determine the allowability of \$300,000 in Federal funds and the amount that should be reimbursed due to RCLC’s lack of compliance with 31 U.S. Code § 1352; Title 2 CFR, Part 200, Subpart E; and the provisions of the grant agreement.

The EMCBC concurs with the recommendation. The Contracting Officer will issue a letter to the RCLC not later than Thursday, August 15, 2019, instructing the RCLC to provide the EMCBC with a segregation of the allowable costs incurred under Grant No. DE-EM0003780 and reimbursed by DOE funds no later than Friday, September 13, 2019. If the RCLC cannot segregate costs, the RCLC will be directed to reimburse the questioned costs back to the DOE.

Recommendation 2: Issue guidance to Contracting Officers clarifying oversight responsibilities for the grant to the RCLC and any similar awards under their purview.

The EMCBC concurs with the recommendation. The DOE Guide to Financial Assistance Sections 1.2.3 and 1.2.5 address the functions and oversight responsibilities of the Contracting Officer and Technical Project Officer (TPO), respectively. The program office recommends a candidate for TPO to the EMCBC. The EMCBC—Office of Contracting (OOC) will confirm that he or she meets the criteria, and EMCBC issue a TPO designation memo that further outlines the TPO’s oversight responsibilities. The TPO must sign the memo to acknowledge receipt. In addition to this guidance, the EMCBC--OOC has also created a technical instruction which reiterates the process and information.

Chapter 10 of the DOE Acquisition Certifications Program Handbook 7th Edition prescribes the certification requirements for the TPO. Prior to assuming the responsibilities of a TPO, candidates must be certified in accordance with the core curriculum requirements for TPO certification. An exception to TPO certification is that certification may be granted based on the candidate possessing a current Contracting Officer Representative (COR) certification that is supplemented by a COR appointment letter.

Recommendation 3: Issue clarifying guidance and consider providing training regarding the role and responsibilities of “Technical Monitors.”

The EMCBC concurs with this recommendation. As no formal DOE training or certification is required in order to be appointed a Technical Monitor (TM), the Technical Project Officer (TPO) shall issue a memorandum to appoint the TM, explaining the following:

- TM serves as the daily technical liaison between the Contractor and the TPO;
- The TM appointment may not be delegated;
- TM is authorized to monitor the performance of the Contractor on matters pertaining to the designated task;
- Technical direction may only be issued by the TPO;

The appointment remains in effect for the life of the task unless terminated in writing by the TPO or rescinded by the Grants Officer.

FEEDBACK

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Department of Energy
Washington, DC 20585

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