

CHAPTER 11. GOVERNMENT TECHNICAL REPRESENTATIVES  
AND GOVERNMENT TECHNICAL MONITORS

- 11-1 PURPOSE. This chapter describes the role and responsibilities of Departmental personnel serving as Government Technical Representatives (GTRs) and Government Technical Monitors (GTM) in the award of HUD contracts. It focuses on the GTR's role in the award of contracts through the negotiated contracting process (see Chapter 5). Exhibits 11-1 and 11-2 show the basic steps in the contract award process for both negotiated contracts and contracts awarded through sealed bidding. Chapter 12 contains guidance on the GTR's and GTM's post-award responsibilities.
- 11-2 DEFINITIONS. Unlike the titles Contracting Officer and Contract Specialist, GTR and GTM do not refer to specific Federal personnel classification series. Employees of any HUD office, in any job series, can be appointed to serve as a GTR or GTM. The duties and responsibilities described in this Handbook may be a routine or exceptional part of an employee's job description and duties. Some program offices maintain cadres of full-time GTRs. (Note: Unless specifically excluded, the term GTR shall also mean GTM whenever a GTM's duties include the subject being discussed.)
- A. GTR. The GTR serves as HUD's primary liaison between the contractor and the Contracting Officer regarding the technical aspects of a contract. The GTR is responsible for giving contractors technical advice and guidance related to the work required by the contract. The GTR is also the principal judge of a contractor's performance, including the quality and timeliness of products and services and, when appropriate, the contractor's ability to control costs of performance. In essence, the GTR serves as the Contracting Officer's technical "eyes and ears." The GTR may also contribute significantly to the front end of the contracting process. Therefore, the GTR is expected to be expert in the technical area(s) covered by the contract or to have ready access to such expertise (*e.g.*, through a GTM). The GTR is usually an employee of the HUD program office that initiates and/or has primary responsibility for the contract.
- B. GTM. The GTM assists the GTR. The scope of GTM duties may vary widely from contract to contract. In some cases, GTMs are delegated nearly all of the duties of a GTR (see paragraph 12-2.B). Often, a GTM may be responsible for a specific technical area or for overseeing a subdivision of the overall contract (*e.g.*, monitoring the services provided by a contractor to a specific field office or service area under a nation-wide contract). The GTM may be from the program office that initiates the contract action or from another part of the Department that is also concerned with the work done under the contract. GTMs should be used when appropriate and necessary for the particular contract. They are not required and, in fact, are not used on many contracts.

- C. Outside GTR/GTM. In rare circumstances, an individual from outside the Department (*e.g.*, an employee from another Federal agency, a private consultant, etc.) may serve as GTR or GTM. The use of an outside GTR or GTM will be closely scrutinized and must be approved by the head of the initiating program office and the Contracting Officer. Under no circumstances may an individual from outside the Government be given responsibilities or duties that are inherently governmental functions as defined at FAR Part 7.
- D. Avoidance of Conflicting Guidance. To avoid issuing conflicting instruction, the GTR shall not directly advise a contractor on matters that are the responsibility of a GTM and vice versa. When in doubt, GTRs and GTMs shall consult the Contracting Officer.

11-3 APPOINTMENT.

A. Nomination.

1. The head of the program office (see Chapter 1, paragraph 1-3 for definition of program office), or his/her designee, which has overall responsibility for the contract will nominate the GTR and GTM(s).
2. GTMs may also be nominated by the head of the office, or his/her designee, which employs the GTM. When the proposed GTM is not an employee of the initiating program office, the initiating office head or designee must concur in the nomination.
3. The nominating official shall nominate the GTR and GTM(s) by memorandum to the cognizant Contracting Officer. The nominating official shall provide the Contracting Officer with any supplementary information concerning a nominee's qualifications as requested by the Contracting Officer.

B. Appointment Authority.

1. The Contracting Officer is authorized to confirm nominations and appoint GTRs and GTMs.
2. In cases where the Contracting Officer questions a nominee's qualifications (*e.g.*, lack of adequate training, certification, or experience; see paragraph H below) and/or fitness (*e.g.*, poor performance under previous GTR or GTM appointments), he/she shall promptly request, from the nominating official, additional information (*e.g.*, evidence of completion of required GTR training or its equivalent; see paragraph H below) to support the nomination or make an alternate nomination. This request may be made in hard copy or via e-mail.

3. In the event that the Contracting Officer and the responsible program office representative cannot resolve a disagreement over a nomination, the final decision regarding the appointment will be made a level above the Contracting Officer.

C. Timing of Appointment.

1. GTR. The GTR should be appointed as soon as practicable in the procurement process, ideally once the requirement is known and planned. This enables the GTR and assigned Contract Specialist to collaborate on the entire process. The GTR must be appointed and his/her identity communicated to the Contracting Officer no later the date of submission of the RCS (see section 4-2).
2. GTM. The GTM should be appointed as soon as practicable and sufficiently in advance of the GTM's anticipated involvement to permit the GTM to familiarize him/herself with his/her responsibilities and the technical requirements of the proposed or existing contract.

- D. Written Appointment. All appointments, including temporary appointments (see paragraph 11-3.I), must be in writing. The Contracting Officer will formally appoint GTRs and GTMs by memorandum to the nominated individuals with copies to the initiating program office head and to the GTR's and GTM's supervisors. The memorandum will specify the duties for which the GTR and GTM are responsible. The appointment memorandum shall be placed in the GTR's (or GTM's, as applicable) working file (see paragraph 12-4.A). A copy of the appointment shall be placed in the contract file. Standard appointment memoranda formats are in Exhibits 11-3 and 11-4, and are available on the OCPO intranet site.

E. Content of Appointment.

1. GTR. The appointment shall authorize the GTR to act on the behalf of the program office head and Contracting Officer in activities involving those technical aspects of the proposed contract that are the responsibility of the program office. The appointment must specify any limits on the GTR's responsibilities and duties that the appointing official determines necessary to impose.
2. GTM.
  - a. The appointment must specify those duties and responsibilities that are delegated from the GTR to the GTM.
  - b. Any of the GTR's responsibilities and duties may be delegated to a GTM, except for:

- (1) Requests to the Contracting Officer for changes to contract requirements, funding, or the schedule for major deliverables or milestones; and,
- (2) Recommendations regarding the completion of contracts (i.e., all products and services have been received and are acceptable). (Note: GTMs may recommend final acceptance of individual deliverables during the performance of a contract.)

The GTR should consult the GTM on any of these matters whenever the GTM has first-hand knowledge and experience.

- c. Any redelegation of GTR duties made after the initial appointment is subject to the written approval of the Contracting Officer and the concurrence of the GTM's Program Office Head or his/her designee. The Contracting Officer will issue a new appointment letter to the GTM, retain a copy for the contract file, and provide a copy to the Program Office Head, and to the GTR's/GTM's supervisor.

F. Deficient Performance and Appointment Changes.

1. The program office is responsible for ensuring that GTRs and GTMs perform their assigned duties (see also paragraph J, below). When a GTR or GTM consistently fails to perform his/her duties or takes actions inappropriate to his/her function (e.g., violation of procurement ethics rules; see section 11-4), the cognizant program official shall take action to ensure that the deficient performance or inappropriate action is remedied. If the deficient performance or action is not, or cannot be remedied, the program official shall promptly notify the Contracting Officer and nominate a replacement. Any replacement shall be made as soon as practicable so as to not jeopardize the contract process. The Contracting Officer shall promptly notify the cognizant program official whenever he/she becomes aware of performance problems that may necessitate corrective action or replacement of the GTR or GTM.
2. In the event a GTR or GTM needs to be replaced, regardless of reason, the Contracting Officer shall seek a new nomination from the program office (see paragraph A above). The Contracting Officer shall make all GTR/GTM appointment changes and cancellations and provide copies of the revised appointments to the program office head, the GTR/GTM, and the GTR's/GTM's supervisor.

- G. Notification to Contractor. The Contracting Officer shall ensure that the contractor is informed of the name and contact information for the current GTR and GTM(s), if any. The names of the original GTR and any GTM(s) known at the time of award are included in the contract (see HUDAR 2452.237-73). The Contracting Officer shall notify contractors if the GTR/GTM for a given task order will be different than the GTR/GTM of record in the contract. The Contracting Officer shall notify the contractor of any replacement of the GTR or GTM(s) and any changes to the GTR's or GTM's duties. GTRs and GTMs shall not initiate contact with contractors until notice is made, unless the Contracting Officer instructs them otherwise.
- H. GTR/GTM Qualifications and Training.
1. Individuals serving as GTRs/GTMs must have a sound knowledge of Federal acquisition fundamentals and the requirements of the contracts to which they are assigned. They must also have a thorough understanding of their duties, responsibilities, and authority. The CPO has implemented a certification program (Federal Acquisition Certification-Contracting Officer's Technical Representative, or FAC-COTR) that specifies training and experience requirements that GTRs and GTMs must meet. Individuals who have not already met the requirements at the time of their proposed appointment must attend training or receive equivalent instruction before assuming their duties. Requests for certification shall be sent to the OCPO Acquisition Career Manager (ACM; see paragraph 1-4.B.1.e). The ACM also must approve any exceptions to this requirement and any requests for fulfillment of the FAC-COTR requirements through alternative means (*e.g.*, work experience, education, equivalency testing, or alternative training). GTR/GTM nominees shall provide the Contracting Officer with copies of their FAC-COTR certifications. Additional information on FAC-COTR may be found on the OCPO intranet site.
  2. The program office head shall be responsible for determining that GTR/GTM nominees have met the requirements in paragraph H.1 prior to nominating them. Prospective GTRs/GTMs or their program office heads should contact the Contracting Officer if they have questions about whether they meet the requirements. They should contact OCPO in Headquarters or the cognizant FCO in the field for availability of training if additional training is needed.
  3. Contracting Officers shall ensure that copies of GTR/GTM FAC-COTR certifications are placed in the file of the contract(s) to which the GTR/GTM is assigned. The Contracting Officer may request verification from the nominating official that a proposed GTR/GTM has met the FAC-COTR requirements.

4. On a case by case basis, if a GTM's responsibility is limited to providing programmatic, technical or subject matter expertise for a specific area of a contract (*e.g.*, evaluating specific aspects of technical deliverables) he/she may be exempted from meeting the full FAC-COTR requirements (*e.g.*, complete only OCPO's web-based GTR course). The ACM must approve the exemption.
- I. Ensuring GTR/GTM Coverage. Program offices are responsible for ensuring that GTR/GTM functions are adequately performed by qualified personnel during any period of time when the GTR/GTM of record is absent or unavailable. The program office shall notify the Contracting Officer promptly whenever the GTR or GTM will be absent or unavailable to discharge his/her duties (*e.g.*, due to sickness or injury) for an extended time period and request that a temporary replacement be appointed. As requested by the program office, Contracting Officers may appoint temporary replacement GTRs/GTMs. Contracting Officers may also appoint back-up GTRs/GTMs when appointing the primary GTR/GTM if the Contracting Officer deems it necessary and appropriate to ensure full coverage of the GTR/GTM duties. Contracting Officers shall use their own judgment when deciding to appoint temporary or back-up GTRs/GTMs.
- J. Oversight of GTR/GTM Performance. Because they are ultimately responsible for contract administration, Contracting Officers are also responsible for ensuring that the GTR/GTM functions are properly carried out. In addition, OCPO is authorized to establish and maintain oversight procedures for ensuring GTR/GTM compliance with mandatory training requirements and GTR/GTM performance with regard to contract-related duties. The CPO has issued a separate "Contract Monitoring Desk Guide for Government Technical Representatives and Government Technical Monitors," which is accessible from the OCPO intranet site.

#### 11-4 STANDARDS OF CONDUCT.

- A. GTRs/GTMs who are HUD employees are subject to existing Federal and Departmental standards of conduct. All GTRs/GTMs are also subject to the Procurement Integrity requirements. (See FAR Subpart 3.1 and Section 1-5 of this Handbook.)
- B. All GTRs/GTMs must complete the applicable certifications and financial disclosures as prescribed in the paragraph at Section 1-5.C.

#### 11-5 LIMITATION OF GTR/GTM AUTHORITY.

- A. No "Apparent Authority." In the private sector, a firm may be bound by the actions of an employee who appears to have the authority to financially obligate it (*i.e.* appears to be an agent). The Government does not recognize any such apparent authority of its employees. Only those employees who have been

expressly given authority possess it. Furthermore, the Government will normally only be bound by the actions of its authorized agents when they act within the limits of their authority. In Federal procurement, only Contracting Officers are authorized agents of the Government. GTRs/GTMs do not possess contracting authority by virtue of their appointment. Therefore, GTRs/GTMs may not take any action that requires Contracting Officer authority (see also paragraph 12-2.A). Whenever there is any doubt about the propriety of an action, the GTR/GTM shall consult with contracting personnel before taking the action.

- B. Unauthorized Commitments. GTRs/GTMs who take unauthorized actions that result in the creation of a financial obligation against the Government may be held personally liable for the amount of the obligation and/or subject to administrative, disciplinary or other adverse action (see also paragraph 1-4.J).

11-6 PRE-AWARD GTR DUTIES. The initiating program office is responsible for many of the significant actions that take place in the pre-award phase of a procurement (i.e., the period from the date the proposed contract is planned until the date it is awarded). During this phase, the duties and responsibilities of the GTR may vary according to the program office and the particular contract. If the GTR also serves as a member of the TEP (see paragraph 5-2.D), he/she will assume all TEP-related duties. The principal functions and activities in which the GTR is expected or may be requested to play a key role include:

- A. Developing Individual Procurement Plans (IPPs) (see paragraph 4-1.C.1.b);
- B. Conducting Market Research (see paragraph 4-1.B);
- C. Preparing RCSs (see section 4-2);
- D. Preparing and/or Reviewing (see section 5-3):
1. SOWs or specifications;
  2. Contractor reporting requirements;
  3. Technical evaluation factors for award; and,
  4. Technical proposal instructions;
- E. Preparing, Assisting in the Preparation of, or Reviewing Technical Evaluation Plans (see paragraph 5-7 E);
- F. Preparing Independent Government Cost Estimates (see paragraph 4-2.A.2.r);
- G. Obtaining Departmental Approvals and Clearances (see sections 4-4 and 4-6). The GTR may be designated to obtain any or all needed approvals and clearances

of the RCS from the initiating program office. The GTR may also be responsible for the submission of planned requirements to various HUD offices for their approval or clearance and for tracking their progress;

- H. Developing or Updating Contractor Source Lists (see paragraph 4-2.A.2);
- I. Reviewing Final Solicitations (see paragraph 5-3.B). The GTR is expected to be knowledgeable of the requirements of the solicitation to which he/she has been assigned. In the case of competitive negotiated procurements, the Contracting Officer may request that the GTR oversee the review of a final RFP by the cognizant TEP (see paragraph 5-2.D);
- J. Participating in Pre-proposal Conferences (see paragraph 5-4.B). The GTR usually serves as the primary spokesperson and/or subject matter expert for technical and programmatic aspects of the RFP during pre-proposal conferences. The GTR normally assists the Contracting Officer in preparing responses to questions raised during the conferences and in making revisions to the RFP as a result of such questions;
- K. Advising Contracting Personnel. The GTR shall advise the Contracting Officer on any technical matters concerning solicitations (*e.g.*, developing responses to questions from potential offerors). (Note: GTRs shall not directly advise or otherwise communicate with potential offerors concerning the RFP; see paragraph 5-4.A.);
- L. Participating in Technical Evaluations (see paragraph 5-7.F). Whenever practicable, the GTR should be a voting member of the TEP for any RFP to which the GTR is assigned. As appropriate, the GTR may serve as the chairperson;
- M. Advising on Cost Analysis (see paragraph 5-7.I). The GTR may be requested to advise the Contracting Officer on the reasonableness and need for proposed costs (*e.g.*, amount and type of labor, travel costs, etc.);
- N. Assisting in Responding to Protests. As requested, the GTR shall assist the Contracting Officer in preparing responses to protests filed by unsuccessful offerors. (Note: Unsuccessful offerors may protest before award is made. See also paragraph 11-7.B.);
- O. Participating in Discussions and Negotiations.
  - 1. Preparations. The GTR normally attends pre-negotiation meetings (see paragraph 5-7.K);
  - 2. Pre-negotiation objectives (see also paragraph 5-7.L). The GTR may also be responsible for assisting the Contracting Officer in developing the pre-negotiation position. As requested, the GTR shall analyze proposed costs,

level of effort (i.e., amount and types of labor, proposed use of consultants, subcontractors, and other direct costs), management and work plans (including key personnel assignments), delivery and performance schedules, etc., and advise the Contracting Officer as to their reasonableness;

3. Discussions and negotiations (see paragraph 5-7.M). Normally, the Contracting Officer should seek the GTR's (and as needed, GTM(s)'s) active participation in discussions and negotiations with offerors. The GTR shall cooperate with the Contracting Officer in establishing the roles and responsibilities each will take during discussions and negotiations;
  4. Reviewing proposal revisions (see paragraph 5-7.N). If the GTR serves on the TEP, he/she may be asked to review proposal revisions;
  5. Preparing final TEP reports and source selection recommendations (see paragraph 5-7.O). If the GTR serves on the TEP, he/she may be asked to prepare final TEP reports and source selection recommendations; and,
- P. Reviewing final contract documents. As requested, the GTR shall advise the Contracting Officer and concur on any changes to the technical requirements of a proposed contract that result from discussions and negotiations (see paragraph 5-8.A).

11-7 POST-AWARD DUTIES. After the contract has been awarded, the GTR will assist the Contracting Officer in:

- A. Debriefing Unsuccessful Offerors (see paragraph 5-8.D). If the GTR participated in the source selection, he/she may be asked to assist the Contracting Officer in debriefing unsuccessful offerors; and,
- B. Responding to Protests (see paragraph 5-8.E). As requested, the GTR shall assist the Contracting Officer in preparing responses to protests filed by unsuccessful offerors.

(Note: See Chapter 12 for post-award monitoring duties and responsibilities.)