
From: Prentki, Richard
Sent: Friday, August 19, 2011 2:35 PM
To: Rueffert, Celeste; Hobbs, Marianne
Cc: Campbell, Chris; Coon, Catherine; Crowley, Heather A; Horowitz, Warren; Monnett, Charles; Raymond, Richard L; Wedemeyer, Kate; Williams, Dee; Cody, Mary B; Denton, Jeffrey W; Holiday, Dan M; Kendall, James; Cluck, Rodney

Subject: Request for additional needed COR training

United States Department of the Interior

BUREAU OF OCEAN ENERGY
MANAGEMENT, REGULATION AND ENFORCEMENT

Alaska Outer Continental Shelf Region

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August 19, 2011

Subject: Request for additional needed COR training

To: Chief Procurement Operations Branch
Bureau Acquisition Career Coordinator

From: Richard Prentki, Ph.D.
BOEMRE Alaska OCS Region
Oceanographer/COR

Although I have been on Agency Technical Proposal Evaluation Committees (TPECs) for 30 years and a Contracting Officer's Representative/Contracting Officer's Technical Representative/Project Officer (COR/COTR/PO) for over 20 years, the issues being raised by Office of Inspector General (OIG) in regard to Dr. Monnett (<http://www.globalwarming.org/wp-content/uploads/2011/08/IG-Letter-to-Charles-Monnett-Aug-15-2011.pdf>) demonstrate that my COR training is incomplete. I therefore request that BOEMRE provide me and other CORs additional training in appropriate COR/pre-COR appointment/potential contractor/grantee interactions. I recommend that such training be the focus of COR certification renewal training that is required during the current 2-year recertification period. This may be particularly important training for the inexperienced, first-time CORs who have taken over most of Dr. Monnett's contracts.

The training should cover all types of Agency contracting: open competition; sole-source contracts; unsolicited proposals; Cooperative Agreements (Co-ops), including Coastal Marine Institute (CMI) and Cooperative Ecosystem Studies Units (CESU); and Interagency Agreements (IAs).

Proposed Studies for which contracting mechanism not yet established or study not yet approved for procurement

State of Understanding:

- We can share published study abstracts, FedBiz notices, etc. with likely interested parties

- We can solicit and help develop detailed study ideas, including budgets and tasks, at public meetings such as done at the 2006 COMIDA and NAB workshops as per FAR 15.201(c).
- We can contact knowledgeable scientists/contractors about likely cost of research efforts as long as the information we provide is not detailed and is clearly identified as not leading to currently approved procurement
- FAR Subpart 15.201(a) states that “exchange of information among all interested parties, from the earliest identification of a requirement through receipt of proposals are encouraged.”

Open Competition

State of Understanding:

- We can share published study abstracts, FedBiz notices, etc. with likely interested parties as per FAR 15.201.
- Any other contact with potential bidders should go through CO (although FAR Subpart 15.201(f) appears to require this only after the solicitation is issued).
- Question: What information can we share with cooperating Federal or State agencies (who are not expected to be bidders)? If we can share, what safeguards need to be taken?

Sole-Source Contracts

State of Understanding:

- I am unclear what I can share in a proposed sole-source contract. Obviously we need to find out whether the proposed sole-source “contractor” is interested and available before it makes sense to try to establish the Solicitation. FAR 15.201 encourages contact and exchange with interested parties until the solicitation is issued; at which time, further exchange of information must start going through the CO. Once the decision to sole-source has made past the FedBiz notification period without comment, the language in FAR 15.201 suggests sharing of draft RFPs, one-on-one meetings, etc. with the **one** potential Offeror (see FAR 15.201(c)) is appropriate and encouraged. The language in FAR 15.201 suggests that discussion of a presolicitation draft proposal based on a draft RFP could be appropriate in a sole-source contract for agency “participants in the acquisition process.” However, if the COR participates in any of these presolicitation, encouraged contacts and exchanges and then as usual serves as the TPEC Chair for the subsequent proposal, has the COR, in OIG words “reviewed a Proposal as ...the government official responsible for protecting the government’s interest, that you helped draft?” **Detailed training should be provided on the application of FAR 15.201 in sole-source procurement.**

Unsolicited Proposals

State of Understanding:

- Such proposals must be truly unsolicited.
- Unsolicited proposals are normally forwarded to POB with or without a Regional Recommendation, for a POB-assigned TPEC.
- Study ideas/proposals submitted in response to a Studies Plan call may be considered and processed as part of Study Plan development

CMI Proposals

State of Understanding:

- The CMI Program Announcement
<http://www.grants.gov/search/search.do?jsessionid=Gzh2Nh1YPJpMvGmykGJv1NX6LP>

[n1WL2qW2Dt9Q6hpvnLGyjr424S!-1834076665?oppId=94393&mode=VIEW](https://www.federalregister.gov/public-comments/comment/20170606-1834076665?oppId=94393&mode=VIEW) suggests that “Proposals for topics that may be highly relevant...should be discussed with the CMI Director and BOEMRE contracts in advance of proposal development.” The BOEMRE contact is the PO and in the language of the OIG the PO would have “assisted...in preparing...Proposal.” The PO manages the review of the initial submitted Proposal. Authors of proposals which make it through the subsequent Technical Steering Committee review are told to contact the PO to discuss changes the PO wants in the proposal, including providing a meaningful participation role of the PO in the project. The PO then reviews the revised proposal and has in OIG words “reviewed a Proposal as ...the government official responsible for protecting the government’s interest, that you helped draft.” **Training should clarify why this help in preparing proposals and then reviewing them is okay for CMI proposals.**

CESU

State of Understanding:

- We can chose a specific CESU public member of an affected State to do a research project we design. We can request them to use specific subcontractors. We negotiate research design and budget directly with the chosen CESU member, including a required meaningful participation role of the PO. The TPEC-chair PO then reviews the revised proposal and in OIG words “reviewed a Proposal as ...the government official responsible for protecting the government’s interest, that you helped draft.” **Training should clarify why this help in preparing Proposals and then reviewing them is okay for CESU proposals.**

Other Cooperative Agreements

State of Understanding:

- I am unclear what I can share in a proposed cooperative agreement. We can have competitive contracting or a sole-source co-op. Obviously, for the latter, we need to find out whether the co-op “contractor” is interested and available before it makes sense to try to establish the co-op. In either case, the meaningful participation role of the PO in the co-op has to be established before the Proposal can be approved. The TPEC-chair PO then reviews the revised proposal and in OIG words “reviewed a Proposal as ...the government official responsible for protecting the government’s interest, that you helped draft.” **Training should clarify why this help in preparing Proposals and then reviewing them is okay for co-op proposals.**

Interagency agreements

State of Understanding:

- We can discuss and co-design a research project with another Federal agency. We negotiate draft research design and budget directly with the other Federal agency. An agreement proposal is then submitted and reviewed by the COR who co-designed the project. In OIG words this would appear to fall into “reviewed a Proposal as ...the government official responsible for protecting the government’s interest, that you helped draft.” **Training should clarify why this help in preparing proposals and then reviewing them is okay for interagency agreements.**