

SUBJECT: LIMITED CHANGE TO DOE O 541.1C, *APPOINTMENT OF CONTRACTING OFFICERS AND CONTRACTING OFFICER REPRESENTATIVES*

1. **EXPLANATION OF CHANGES.** On August 15, 2022, the Chief of Staff, Christopher Davis, issued a memorandum to Ingrid Kolb, Director, Office of Management, and Samuel Walsh, General Counsel, directing them to establish a Working Group (WG) on Innovative Funding Mechanisms in support of BIL and IRA. The WG was to have two sub-WGs—one on Other Transaction (OT) Authority and the second on Partnership Intermediary Agreements (PIA).

The OT sub-WG was charged with examining how, beyond Technology Investment Agreements (TIA), the Department can utilize the flexibilities provided by statute. The OT sub-WG was also charged with reviewing the capacity of and training needs for contracting officers.

The OT sub-WG determined that the current training and warrant requirements for contracting officers need to be updated. These updates to DOE O 361.1C, Acquisition Career Management Program, and DOE O 541.1C, Appointment of Contracting Officers and Contracting Officer Representatives, are necessary to ensure that DOE's contracting officers have knowledge of OT agreements and that contracting officers with training, experience, and good business judgement are available to make OT awards.

2. **LOCATIONS OF CHANGES:**

Page	Paragraph	Changed	To
multiple	various	Revised text to reflect correct way to cite the current DOE Order	
2	a	Added text at end	Grants Officers (GOs) and Agreements Officers (AOs) are COs that are warranted for specific types of instruments other than contracts. They must meet the requirements of the respective certification programs before being warranted as a GO or AO. With the exception of the certification program, CO includes GOs and AOs in the requirements set forth in this Order.

Page	Paragraph	Changed	To
5	g	Revised text to delete TIAs and add grants officers and agreement officers	g. Grants Officers and Agreement Officers must meet the requirements in the Acquisition Career Program Handbook, have sound business judgment and file financial disclosures.
7	k	Revised text in note for OT	Note: The Federal Financial Assistance programs utilize the Technical Project Officer's (TPO) certification program for Federal Financial Assistance actions. Other Transaction Authority will utilize an Agreements Technical Representative (ATR). DOE's Acquisition Certifications Program Handbook provides detail on training and certification for both TPOs and ATRs.
7	l and m	Added TPOs/ATRs after COR	<p>l. An individual designated as a COR/TPO/ATR must meet the qualifications (i.e., education, training, experience) set forth in DOE O 361.1, current version. All designated contracting officer representatives must be identified in FAITAS.</p> <p>m. CORs/TPOs/ATRs for management and operating, management and integration, and performance-based contracts must be designated formally, in writing, and will be subject to the requirements of this Order.</p>
7	n	Added TPOs/ATRs and GO/AO	<p>n. COR/TPO/ATR appointments must be documented in writing and must include:—</p> <p>(1) name and position;</p> <p>(2) instructions delineating actions that may or may not be</p>

Page	Paragraph	Changed	To
			<p>taken on behalf of the CO/GO/AO; and</p> <p>(3) copies of certificates indicating completion of training required under DOE O 361.1 current version, which must be included with the appointment letter in the contracting officer representative's file that is maintained by the contracting activity as supporting documentation uploaded as part of the official contract file.</p>
8	o	Added GO/AO	<p>o. When a CO/GO/AO is assigned to a new position, the following requirements apply.</p> <p>(1) When reassignment is within the same contracting activity—:</p> <p>(a) the HCA must revoke the CO/GO/AO appointment (on SF 1402) in writing if no longer needed, and</p> <p>(b) if the revocation may affect the employee's official job classification, it must be coordinated with the responsible personnel office.</p> <p>(2) When reassignment is within the Department, the SF 1402 certificate is terminated automatically.</p> <p>(3) The gaining organization that determines a need to reappoint the individual must—:</p> <p>(a) obtain documentation supporting the initial or latest appointment from the losing organization, and,</p> <p>(b) issue a new SF 1402.</p> <p>(4) The CO/GO/AO must continue to file annual financial</p>

Page	Paragraph	Changed	To
			disclosure reports [pursuant to paragraph 4.d.].
9	d	Added AOs/GGs	d. COs/AOs/GOs. Comply with the procurement integrity requirements in FAR 3.104.
9	b	Added paragraph	b. Agreements Officer (AO). A person with the authority to enter into, administer, and/or terminate other transactions, and make related determinations and findings. The term includes certain authorized representatives of the AO acting within the limits of their authority as delegated by the AO. An individual previously warranted for Technology Investment Agreements meets the definition of and requirements for an AO.
10	h	Added paragraph	h. Grants Officer (GO). A person with the authority to enter into, administer, and/or terminate financial assistance, and make related determinations and findings. The term includes certain authorized representatives of the GO acting within the limits of their authority as delegated by the GO.
10	k	Added paragraph	k. Other Transactions (OT). OT authority provides DOE with the ability to enter into a legal agreement other than a contract (awarded under the FAR) or Federal Financial Assistance awards to fund a requirement in support of a DOE mission.
11	l	Deleted paragraph	Deleted paragraph on TIAs
15	8	Changed text from TIA to OT	Other Transactions.