



OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

ACQUISITION
AND SUSTAINMENT

MEMORANDUM FOR COMMANDER, UNITED STATES CYBER
COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES SPECIAL OPERATIONS
COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES TRANSPORTATION
COMMAND (ATTN: ACQUISITION EXECUTIVE)
DEPUTY ASSISTANT SECRETARY OF THE ARMY
(PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE NAVY
(PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING)
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Guidance Addressing Contracting Officer Representative Policies

This memorandum provides guidance on Contracting Officer's Representative (COR) file review requirements until such time we update the Defense Federal Acquisition Regulation Supplement (DFARS) Procedures, Guidance, and Information (PGI), and Department of Defense Instruction (DoDI) 5000.72, DoD Standard for Contracting Officer's Representative (COR) Certification. This addresses recommendations in "Audit of the Oversight of Encore III Information Technology Service Task Orders," Report No. DoDIG-2023-067, which identified deficiencies in COR performance related to file documentation, technical experience, and Contracting Officer (CO) oversight. Furthermore, this addresses "Audit of the DoD's Implementation and Oversight of the Controlled Unclassified Information (CUI) Program" Report No. DoDIG-2023-078, which identified deficiencies in contractor implementation and subsequently COR oversight of CUI training requirements as applied to the contractor.

Until the DoDI and PGI are revised, contracting components should consider implementing the following as best practices:

- When CUI is included in a requirements package, COs should evaluate the extent to which the requiring activity has fulfilled their responsibilities for submission of CUI contractor requirements in accordance with DFARS PGI 204.7303-1, Safeguarding Covered Defense Information and Cyber Incident Reporting. Then, when applicable, as identified in the requirements package, the CO shall:
 - Ensure that any CUI-specific requirements are identified in the quality assurance surveillance plan.
 - Ensure that the handling, training, and marking requirements on the contractor, as identified in DoDI 5200.48, Controlled Unclassified Information (March 6, 2020),

are monitored by the COR during contractor surveillance. This verification process should include all identified performance areas in the requirements package. For example, if training is identified specifically or implicitly, the COR should be monitoring that the contractor covers the 11 DoD training standards in DoDI 5200.48, CUI and that the contractor has a process to maintain documentation of completed training.

- COs should consider the DoD technical experience requirements for CORs who monitor contractor cybersecurity services or accept cybersecurity deliverables.
 - The Office of the DoD Chief Information Officer identifies qualification criteria in the Department of Defense Manual (DoDM) 8140.03, “Cyberspace Workforce Qualification and Management Program,” in accordance with the DoD Cyberspace Workforce Framework (DCWF). All DoD personnel assigned to positions requiring the performance of cyberspace work must be fully qualified.
- Although COR file reviews are required annually (DFARS PGI 201.602-2), COs should consider earlier initial COR file reviews, such as within 6 months of contract award, based on the risks, complexity, and value of the contract. Similarly, if additional reviews in subsequent years would be beneficial for contract oversight, COs should consider them based on the risks, complexity, and value of the contract.
- If any inadequacies are identified during the file review, communicating COR performance deficiencies must be within 30 days of each review to ensure timely corrective action.

For more information, please email
osd.pentagon.ousd-a-s.mbx.asda-dp-c-contractpolicy@mail.mil.

John M. Tenaglia
Principal Director,
Defense Pricing and Contracting