



TOR Training

Presented by PEO-STR
Acquisition Center



Agenda

- **TOR Authority**
- **Do's and Don'ts**
- **LCCS Contract**
- **TOR Duties**



Contracting Officer

- Is the only one authorized to enter into, administer, or terminate contracts. (FAR 1.602-1(a))
- Ensures compliance with applicable law and regulations
- Ensures that contractors receive impartial, fair, and equitable treatment
- Contracting Officers will often request and consider advice of specialists including CORs, and **TORs**



The COR

The Contracting Officer's Representative is a qualified person who is authorized **in writing** to assist in the technical monitoring or administration of a contract or task order.



The TOR

The TOR is a functional representative of the COR who assists in monitoring contract performance.



TOR Qualifications

- Must be a U.S. Government employee
- Have the necessary technical experience and training to monitor a complex contract or task order
- Installed by Appointment Letter



TOR Authority

- TOR's authority is an extension of the COR's
- The TOR acts as the COR's eyes and ears at the various sites and locations
- The TOR's duties are **NOT** redelegable



Technical Assistants

- May **NOT** provide technical direction to the Contractor
- **May** conduct routine administrative and monitoring duties, then report to COR
- Are appointed in writing



TOR Responsibilities

- Perform the duties within the limitations of the TOR appointment letter
- Adhere to statutes and limitations governing standards of conduct
 - Maintain an “arms length” relationship with Contractor employees
 - Avoid any conflict of interest



As A Technical Liaison

- You **can** serve as focal point for discussions with Contractor on work issues
- You **can** provide technical clarifications of the SOW
- You **can** propose changes to specifications to the COR or Contracting Officer



Technical Liaison (cont'd)

- Document/verify any Government actions or delays impacting Contractor performance
- Notify COR and PCO of any Contractor delays
- You are required to document Contractor performance problems

TOR Limitations



You have **NO AUTHORITY** to take any action that could change the:

1. Pricing or Cost of the Contract
2. Quantities
3. Quality
4. Scope of contract
5. Delivery schedule
6. Labor mix
7. Other Terms and conditions of the contract

TOR Limitations (cont'd)



You **MAY NOT**:

- Promise the Contractor additional work
- Modify terms and conditions of the contract
- Issue stop work orders
- Disclose source selection information
- Provide budget information
- Solicit proposal information



Non-Personal Services

Contractor personnel are **NOT** subject to the direct supervision and control of Government employees.



Non-Personal Services (cont'd)

Keep services non-personal by:

- Maintaining the scope of work within the limitations specified in the SOW
- Dealing directly with the Site Manager (not contractor subordinates)
- Keeping the COR and PCO involved



Avoiding Personal Services

You CANNOT:

- Direct people
- Assign personnel
- Direct how to do tasks
- Do the supervisor's job in training personnel
- Approve Contractor's Leave Requests



Avoiding Personal Services

You **CAN**:

- Prioritize work
- Clarify requirements
- Identify deficiencies
- Interrupt improper work



Avoiding Personal Services

Timecards:

Firm Fixed Price – TORs DO NOT
review or approve contractor timecards

Time & Materials – TORs MAY VERIFY
reported time worked by reviewing
contractor timecards when necessary



Standards of Conduct

You may not accept gratuities from persons:

- Seeking government business
- Conducting operations regulated by DoD
- Having interests that may affect personnel performance

See Your Command's Ethics Counselor



When to Notify the COR/PCO?

- Any violation of, or deviation from, the contract requirements
- Insufficient or wrongful methods in use by the Contractor including safety violations
- Any request for changes from the Contractor
- Issues requiring clarification or resolution
- Improper use of government materials or equipment



Over & Above Work Requirements

Work discovered during the course of performing overhaul, maintenance, and repair that is:

- Within the general scope of the contract
- Not currently on contract
- Necessary in order to satisfactorily complete the contract



Over & Above Work Requirements (cont.)

TORs may be called upon to provide expertise on:

- Defining OAWR Requirements
- Upon Completion, review “Actual Costs Incurred” for accuracy (Reviewing actual Labor Hours & Materials used)



Over & Above Work Requirements (cont.)

Remember -

Only A Contracting Officer can authorize any new work (including OAWRs).

This is done by contract modification.

NEVER authorize the Contractor to do any work without the Contracting Officer's authorization!



TOR Duties

- Serve as technical liaison
- Monitor contract progress
- Verify equipment downtime
- Authorize training in a degraded mode



Surveillance

- Surveillance in LCCS contracts is a function of monitoring such things as preventive maintenance, safety, security compliance, deliverables, etc.
- Some contract line items have some provisions for reducing payments for non-performance of these functions including reducing payments for not keeping trainers in a fully operational condition.



Surveillance (cont'd)

- Performance measurement is not a process by which we are “out to get the contractor.” Rather, performance measurement is used to determine if the Government, is reasonably receiving the services for which it is paying.
- The Contracting Officer relies on your experience and judgment to **fairly** determine the performance of the Contractor.



Surveillance Methods

- Review progress reports submitted by Contractor
- Validation of customer complaints
- Inspection of quality of work performed

Government Responsibilities



Fixed Sites:

- Space – Provide secure space for work stations and to store parts
- Climate Control – Heat and A/C
- Overhead Lighting
- Power to the junction box on the wall
- Reviewing site's maintenance reports.

Contractor Responsibilities



- FFP - All training device consumables including paper for AAR and other print outs.
- Perform all corrective and preventive maintenance.
- Provide the required reports to TORs/CORs.
- HAZMAT and Safety Issues.
- Maintaining proper levels of Inventoried and non-inventoried spares.



Good communication is essential.

- Good communication is the first line of defense against a poorly performing Contractor.
- Both the COR and Contracting Officer rely on you, the TOR, to keep us informed on what is happening at your site.



“PCO” CONTACT LIST

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TOR Functions

A Short List of Things You Should Do





TOR Functions



- Know your LCCS contractor personnel
 - Build a relationship
 - Be honest with each other
 - Be firm, but fair
- Be familiar with the SOW
 - Know what is required
 - Work with the LCCS site lead to ensure mutual understanding of requirements
 - Contact the appropriate STRI Project Director for resolution as necessary
 - Submit recommendations for changes





TOR Functions

- Do not let problems age
 - Discuss with the site lead
 - Contact appropriate PD or their Lead
 - We (PEO STRI) can't fix it if we don't know about it !
- Review records
 - Maintenance logs
 - Emphasis on Preventive Maintenance
 - Ask questions





TOR Functions

- Be your installation's single POC for your AOR with the contractor, as appropriate
- Use the Partial Mission Capable Matrix (as applicable)
 - Energizes the contractor
 - Ensures proper payment
 - Be fair.... work with your site lead





TOR Functions

- Ensure monthly reports are accurate
 - Discuss with your contractor's site lead
 - PCO will make final determination after discussion with PD & Lead
- Coordinate Extended Training (O/T)
 - Early notification to contractor
 - Request to PEO STRI
 - Funding in place





TOR Functions

- Device status notification
 - New devices
 - Increased/reduced # of devices
- Property
 - Know your inventory
 - Inspect spares and repairables
 - Ask questions





TOR Functions

- Spot inspections of your TADSS, all related materials and general condition of the contractor's space
- Closely monitor logs to ensure timely trouble correction by the contractor
- Extra vigilance is required from now until transition to WFF to minimize “deferred” maintenance and inventory issues





Over & Above Work Request Non-Fair Wear & Tear

- In the event of damage , loss, missing or destruction of Government property during the course of performing overhaul, maintenance, and repair that is:
 - Within the general scope of the contract
 - Not covered by line items for basic work
 - Necessary in order to satisfactorily complete the contract
 - Contractor or Government initiated, implemented through contract modification.
- TORs should processes OAWRs through their COR.





Over & Above Work Requirements Non-Fair Wear & Tear

- TORs may be called upon to provide expertise on:
 - Defining OAWR Requirements / SOW
 - Reviewing proposed Labor Hours & Labor Categories
 - Reviewing proposed “Other Direct Costs” for necessity
 - Upon Completion, review “Actual Costs Incurred” for accuracy
 - Non Fair Wear & Tear (NFWT) -Validation/Verification & justification of the NFWT.
 - Approve Degraded Training of CPF “1” devices.





TOR Functions

- Communicate with your users
- Communicate with your site lead
- Communicate with PEO STRI

Questions ??





PEO STRI WFF Points of Contact

- ***Russ McBride, PM Field OPS, 407-384-3723***
- ***Jude Tomasello, DPM Field OPS, 407-384-3829***
- ***LTC Rick Stroyan, Operations Officer, 407-384-3729***
- ***Bob Capote, Business Manager, 407-384-3747***
- ***Rich McGovern, WFF COR, 407-384-3790***
- ***Jim Comfort, APM Soldier Systems, 407-384-3858***
- ***Perman McIntosh, APM Soldier Non-Systems, 407-384-3754***
- ***Henry Lastra, APM Combat Training Centers, 407-384-3720***
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- ***Kevin Clark, APM Battle Command Training Systems, 407-384-3722***
- ***Dave Christensen, APM Support Mission, 407-384-3923***



Summary

- **Contact your POCs / Ask Questions**
- **WFF taking shape**
- **Integrated team**
- **Seamless transition**
- **Train The Force**

