

## **Part I Chapter 55 Roles of Contracting Officer**

- A. Execution of Contracts and Orders.** While the agency head of the purchasing agency has the authority to enter into procurement contracts or sign Purchase Orders either by law or through delegation, the agency head may delegate such authority to other employees in the agency. Such delegations should be in writing, using the procedures and forms in [Management Directive 205.4, Delegation of Authority to Sign and Delegation to Authorize SAP Payments](#). Contracting officers have the authority to legally bind their agencies to contracts and contract modifications.
- B. Administration of Contracts.** Contracting officers are generally not involved in the day-to-day contract administration activities. The day-to-day contract administration activities will generally be carried out by other agency employees who are at the location where the supplies are to be delivered, the services provided, or the construction performed. Formal communications, however, should be between the contractor and the contracting officer.
- C. Contract Controversies.** In the event of a controversy or claim arising from a contract, the contractor must, within six months after the cause of action accrues, file a written notice of controversy or claim with the contracting officer for determination. The contracting officer shall send his or her written determination to the contractor. The decision of the contracting officer shall be final and conclusive unless, within 30 days after receipt of such written determination, the contractor files a claim with the Commonwealth Board of Claims. Pending a final judicial resolution of a controversy or claim, the contractor shall proceed diligently with the performance of the contract in a manner consistent with the interpretation of the contracting officer. The Commonwealth shall compensate the contractor pursuant to the terms of the contract.
- D. Settlement and Resolution of Contract Controversies.** The contracting officer is authorized to settle and resolve contract controversies. In the event of a settlement, a written settlement agreement, contract, amendment, or contract modification will generally be required.
- E. Written Determinations.** If a contract controversy is not resolved by mutual agreement, the contracting officer, on behalf of the agency head, must issue a written decision. The decision shall:
1. State the reasons for the action taken.
  2. Inform the contractor of his or her right to file a claim with the Commonwealth Board of Claims. The written decision must be delivered by registered mail to the contractor. The written decision shall be final and conclusive unless the contractor files a claim with the Board of Claims within 30 days of receipt of the decision. If the contracting officer does not issue the written decision within 120 days after written requests for a final decision or within a longer period, as may be agreed upon by the parties, then the contractor may proceed as if an adverse decision had been received.

- F. Bid Withdrawals.** Bidders who seek to withdraw erroneous bids after bid opening, but before award, must submit written requests to the contracting officer and present credible evidence that the reason for the lower bid price was a clerical mistake, as opposed to a judgment mistake, and was actually due to an unintentional arithmetical error or an unintentional omission of a substantial quantity of work, labor, material, or services made directly in the compilation of the bid. The contracting officer shall not permit a withdrawal of a bid if the withdrawal of the bid would result in awarding of the contract on another bid of the same bidder, its partner, or a corporation or business venture owned by or in which the bidder has a substantial interest. No bidder who is permitted to withdraw a bid shall supply any material or labor to or perform any subcontract or other work agreement for any person to whom a contract or subcontract is awarded in the performance of the contract for which the withdrawn bid was submitted without the written approval of the contracting officer.
- G. Contract Records.** The contracting officer is responsible for maintaining a complete record of all contract documents (electronically and/or manually). This record should include, but is not limited to, contract, specifications, terms and conditions, bid proposal, bid responses, and bid tabulation.
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**References:**

1. [Management Directive 205.4, Delegation of Authority to Sign and Delegation to Authorize SAP Payments](#)