

## **ARE YOU A CONTRACTING OFFICER S TECHNICAL REPRESENTATIVE?**

### **Are You a COTR on an Existing Contractual Agreement?**

If you are a COTR on an existing firm-fixed-price type contract, the new EIT requirements do not affect you.

For all NOAA Indefinite Delivery/Indefinite Quantity Contracts and Blanket Purchase Agreements, the COTR needs to determine whether the products or services are for EIT. If it is determined that the product/service to be provided under these contractual agreements are EIT, discussions should be held with the Contractor to determine whether the products/services offered are Sec. 508 compliant and to what degree they are compliant. This determination will need to be made periodically throughout the remainder of the period of the contract. If the contractual agreements do not offer fully compliant products/services and compliant products/services are available in the market place, a determination of undue burden would need to be made to continue to place orders against the existing contractual agreement.

As existing contractual agreements are identified that include noncompliant products/services, decisions will need to be made regarding the feasibility and appropriateness of modifying the existing agreement/contract to provide compliant products/services. These decisions will need to be made on a case-by-case basis and will need to include both the cognizant COTR/Program Officer and the Contract Specialist/Contracting Officer.

### **What are the Special Rules that Apply to Indefinite Quantity/Indefinite Delivery Contracts?**

Exception determinations are not required for award of the underlying indefinite quantity contracts, except for requirements that are to be satisfied by the initial award (e.g., if the contract specifies a guaranteed minimum, that minimum quantity must either meet one of the exceptions or be Sec. 508 compliant).

Indefinite quantity contracts may include non-compliant items, provided that any task order or delivery order issued for non-compliant EIT meets an applicable exception.

Contracting Officers that award indefinite quantity contracts must indicate to ordering offices which supplies and services the contractor indicates as compliant, and show where full details of compliance can be found (e.g., vendor s or other exact web page location).