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**COMMERCE ACQUISITION MANUAL
1317.570**

DEPARTMENT OF COMMERCE
INTERAGENCY ACQUISITIONS

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Interagency Acquisitions

SECTION 1 – OVERVIEW

1.1 Background

Appropriate use of efficient contractual mechanisms is an increasingly important focus for the federal government. *Interagency acquisition* is the term used to describe the process by which one agency (requesting agency), uses the contracts and/or contracting services of another agency (servicing agency) to obtain supplies and services. Through use of an interagency acquisition, an agency needing supplies or services can obtain them using another agency's contract, the acquisition assistance of another agency, or both. The use of interagency acquisitions, either through direct access to another agency's delivery vehicle (direct acquisition) or for a servicing agency to award a contract on behalf of a requesting agency (assisted acquisition) can be an effective means of acquiring needed goods and services. In order to ensure that the interests of all parties are met throughout this process, the Office of Federal Procurement Policy issued a Memorandum entitled "Improving the Management and Use of Interagency Acquisitions" dated June 6, 2008. The memorandum prescribes requirements for both the requesting agency and the servicing agency.

1.2 Purpose

The purpose of this policy is to prescribe the general requirements for interagency acquisitions throughout the Department of Commerce (DOC or Department); the requirements of Federal Acquisition Regulation (FAR) Subpart 17.5; and the requirements prescribed by the Office of Federal Procurement Policy Memorandum "Improving the Management and Use of Interagency Acquisitions" dated June 6, 2008. This policy is provided as supplemental guidance to the Department of Commerce Agreements Handbook, located in the Handbook section of the Office of Acquisition Management Acquisition Policy website.

1.3 Applicability

This document is applicable to all Department of Commerce operating units when using interagency acquisitions for award and administration of direct acquisitions; and development, preparation, review, clearance, approval, cost and performance monitoring, and close-out of interagency agreements when using interagency acquisitions for assisted acquisitions.

1.4 Types of Interagency Acquisitions

Interagency acquisitions include two distinct processes for the acquisition of goods or services through a contract. These processes, direct acquisitions and assisted acquisitions, are differentiated as follows:

1.4.1 Direct Acquisitions

A direct acquisition is a type of interagency acquisition where the requesting agency acquires goods or services through another agency's indefinite delivery vehicle by placing an order directly against the indefinite delivery vehicle. Direct acquisitions are typically placed by a warranted contracting officer of the requesting agency.

1.4.2 Assisted Acquisitions

An assisted acquisition is a type of interagency acquisition where the parties enter into an interagency agreement pursuant to which the servicing agency performs acquisition

activities on the requesting agency's behalf, such as awarding a contract, task order, delivery order, or blanket purchase agreement.

1.5 Interagency Acquisition Authority

Various authorities govern the establishment of interagency acquisitions. The Economy Act, 31 U.S.C. §1535, provides general authority to undertake interagency acquisitions and is available when more specific authority does not exist. General authorities available to the Department of Commerce can be found in Appendix B. Specific operating-unit authorities may also be available.

1.6 Certification Requirements

1.6.1 Direct Acquisitions - For direct acquisitions, if appointed, the contracting officer representative is required to have achieved the appropriate level of certification under the Federal Acquisition Certification-Contracting Officer Representative (FAC-COR) Program in accordance with Department of Commerce requirements contained in Commerce Acquisition Manual (CAM) Chapter 1301.670. Department of Commerce operating units shall comply with any additional certification and training requirements imposed by a servicing agency.

1.6.2 Assisted Acquisitions - For assisted acquisitions, if appointed, the contracting officer representative is required to have achieved the appropriate level of certification under the FAC-COR Program in accordance with Department of Commerce requirements contained in CAM Chapter 1301.670 regardless of the Department of Commerce's role as requesting agency or servicing agency. Department of Commerce operating units shall comply with any additional certification and training requirements imposed by a servicing agency.

1.7 Roles and Responsibilities

1.7.1 Senior Procurement Executive

The Senior Procurement Executive is responsible for developing interagency acquisition policy that applies to the Department of Commerce; and providing oversight regarding compliance with federal and departmental policies by the operating units.

1.7.2 Senior Bureau Procurement Official

The Bureau Procurement Official is responsible for clearly defining roles and responsibilities, including any designation identified in Section 1.7.4; identifying and documenting appropriate authorities; ensuring appropriate investment and acquisition reviews are conducted; providing appropriate information and support for indefinite delivery vehicles held by the operating unit; and complying with reporting requirements.

1.7.3 Head of Contracting Office

The Head of Contracting Office is responsible for reviewing all notices of planned interagency acquisitions; and timely concurrence/non-concurrence of assisted acquisitions received from project officers.

1.7.4 Contracting Officer

The signatory official for the execution of interagency agreements for assisted acquisitions is a contracting officer or other designated individual in accordance with operating unit policy. Designations of individuals other than a contracting officer should be determined by the operating unit using a risk-based approach depending on the complexity of the requirement or other factors. The designated individual is responsible for ensuring that required review and approvals have been met prior to execution; and

ensuring that the roles and responsibilities associated with the assisted acquisition as the requesting agency or servicing agency can be met prior to signature.

The contracting officer is responsible for review and execution of all determination and findings for payable agreements under Economy Act authority. This function may only be executed by the contracting officer.

1.7.5 Office of General Counsel/Assistant General Counsel for Administration –

The Assistant General Counsel for Administration, General Law Division (hereinafter General Law Division) is responsible for providing legal review and advice for all interagency acquisitions prior to signature unless specifically waived or exempted by General Law Division.

1.7.6 Office of General Counsel/Assistant General Counsel for Finance and Litigation –

The Assistant General Counsel for Finance and Litigation, Contract Law Division (hereinafter Contract Law Division) is responsible for preliminary review and advice for interagency agreements for assisted acquisitions when the Department of Commerce is the requesting agency.

1.7.7 Program Counsel

Program counsel assigned to individual operating units are responsible for ensuring the appropriate use of program-specific authority(s).

1.7.8 Finance Office

The Finance Office is responsible for recording and monitoring payable and receivable financial transactions; ensuring compliance with appropriation law in all transactions; identifying and executing deobligations with appropriate documentation; and providing financial data in support of close-out activities.

1.7.9 Budget Office

The Budget Office is responsible for identifying the availability of funding for all interagency acquisitions when the Department of Commerce is the requesting agency; prescribing indirect cost rates and applicability; monitoring and reconciling costs in accordance with the operating plan and agreement authority; ensuring agreement is within apportioned limits; and deficit management.

1.7.10 Sponsoring Office

The sponsoring office is responsible for designating the project officer; and ensuring that required planning, negotiation, review and approval, and post-award administration functions are accomplished. The following general requirements apply to the sponsoring office based on the Department of Commerce's role in the interagency acquisition. Additional responsibilities are detailed in Section 3 of this policy.

1.7.10.1 Requesting Agency

When the Department of Commerce is the requesting agency, the operating unit is responsible for compliance with Office of Federal Procurement Policy Memorandum dated June 6, 2008, including ensuring a clear statement of requirements, terms and conditions; providing accurate and complete funding citations, if applicable; and conducting performance and cost monitoring.

1.7.10.2 Servicing Agency

When the Department of Commerce is the servicing agency, the contracting officer or other designated individual in accordance with operating unit policy is responsible for compliance with Office of Federal Procurement Policy

Memorandum dated June 6, 2008, including timely and cost-effective completion of requirements in a responsive and coordinated manner.

1.7.11 Project Officer

The project officer is responsible for coordination with all parties involved in interagency acquisition management; planning and development; appropriate monitoring of performance and costs; management of the close-out process; and compliance with the requirements of this policy. In addition, the project officer is responsible for working with program counsel in order to determine whether the work is within the scope of the operating unit's programmatic authorities.

END OF SECTION 1

SECTION 2 – DIRECT ACQUISITIONS

2.1 Background

Interagency acquisitions are commonly conducted through indefinite delivery vehicles such as task and delivery order contracts. This is classified as a direct acquisition. The structure of these vehicles is well suited to the efficiencies and economies that operating units seek through interagency acquisitions. The requesting agency acquires goods or services through another agency's indefinite delivery vehicles by placing an order directly against the indefinite delivery vehicles.

2.2 Executing Responsibilities

2.2.1 Requesting Agency

Prior to award of a task or delivery order against another agency's indefinite delivery vehicles, the contracting officer shall review terms and conditions for the indefinite delivery vehicles and determine through the servicing agency whether additional requirements exist. The contracting officer shall ensure that, if appointed, the contracting officer representative has obtained a FAC-COR certification at the appropriate level for the requirement.

2.2.2 Servicing Agency

For indefinite delivery vehicles awarded and managed by an operating unit within the Department of Commerce, the Senior Bureau Procurement Official shall post information on use of the vehicle, make training available to requesting agency users, and provide sufficient points of contact to address questions from users in a responsive and timely manner.

END OF SECTION 2

SECTION 3 – ASSISTED ACQUISITIONS

3.1 Background

Assisted acquisitions are those relationships between a requesting agency and servicing agency in which the servicing agency performs all or part of the contract award and administration functions on behalf of the requesting agency. All assisted acquisitions must be supported by an interagency agreement. This section addresses the content and activities for assisted acquisitions, regardless of the Department of Commerce's role (requesting agency or servicing agency).

3.2 Assisted Acquisitions Subject to the Economy Act

Assisted acquisitions subject to the Economy Act must comply with the requirements of FAR Subpart 17.5 including the appropriate determination and findings (D&F).

When the Department of Commerce is the requesting agency, the Contracting Officer shall sign the D&F prior to review and approval of the interagency acquisition. When the Department of Commerce is the servicing agency, a copy of the D&F executed by the requesting agency must be obtained.

In both cases, the D&F shall be included in the interagency acquisition package and retained in the Official Agreement File. The following information must be asserted in the D&F:

- a. The use of an interagency acquisition is in the best interest of the Government;
- b. The supplies or services cannot be obtained as conveniently or economically by contracting directly with a private source; and
- c. A statement that at least one of the following circumstances applies:
 - i. The acquisition will appropriately be made under an existing contract of the servicing agency, entered into before placement of the order, to meet the requirements of the servicing agency for the same or similar supplies or services;
 - ii. The servicing agency has the capability or expertise to enter into a contract for such supplies or services that is not available within the requesting agency; or
 - iii. The servicing agency is specifically authorized by law or regulation to purchase such supplies or services on behalf of other agencies.

A checklist for agreements under Economy Act authority (for general use) can be found in the Department of Commerce Agreements Handbook. The elements of the checklist must be incorporated into any interagency agreement for assisted acquisition under authority of the Economy Act. Appendix C provides a format for a D&F for Economy Act authority.

3.3 Assisted Acquisitions Outside the Economy Act

3.3.1 Interagency acquisitions over \$200,000

When the Department of Commerce is the requesting agency for interagency agreements for assisted acquisitions over \$200,000, the project officer shall

provide notice of a planned interagency acquisition to the Head of Contracting Office within the operating unit responsible for providing acquisition services. The notice shall include a brief description of the service or product, estimated dollar amount, and the name of the external acquisition organization that will provide acquisition assistance.

Notice shall be sent by electronic mail with return receipt to provide a record for management reviews and audits. The Head of Contracting Office has five business days to provide feedback regarding the notice. Otherwise, or in the case of favorable feedback, the project officer may continue. Unfavorable feedback shall include a specific plan of action to address identified issues or an appropriate alternative.

3.3.2 Interagency Acquisitions over \$500,000

When the Department of Commerce is the requesting agency for interagency agreements for assisted acquisitions over \$500,000, the project officer shall provide similar notice of a planned interagency acquisition to the Head of Contracting Office responsible for providing acquisition services. The notice shall include a brief description of the service or product, estimated dollar amount, and the name of the external acquisition organization that will provide acquisition assistance. Notice shall be sent by electronic mail with return receipt to provide a record for management reviews and audits. However, these notices must seek concurrence from the Head of Contracting Office and provide five business days for response. Non-concurrences shall be presented to the Senior Procurement Executive (through the Senior Bureau Procurement Official) and resolved within one week of non-concurrence. Blanket concurrences may be granted, if appropriate, for repetitive requirements.

3.4 Executing Responsibilities for Interagency Acquisitions

Both the requesting agency and the servicing agency have important roles in ensuring the success of any acquisition. Communication and coordination are of particular importance for interagency acquisitions and both agencies must perform their duties and responsibilities with the best interests of the government and the taxpayers in mind. A thoughtful and comprehensive approach to development of the terms and conditions of the interagency agreement for assisted acquisition will ensure that the subsequent acquisition process is successful. The Subsections 3.4.1 through 3.4.4 addresses duties and responsibilities for executing interagency acquisitions, including requirements specific to the Department of Commerce. Additional information can be found in the Office of Federal Procurement Policy Memorandum dated June 6, 2008.

3.4.1 Acquisition Planning

- a. Determine needs and develop requirements document** - the parties must jointly identify the requirements that must be met to carry out the requesting agency's mission and the associated functions and characteristics of the subsequent contractual agreement.

Regardless of the dollar amount of the planned assisted acquisition, the project officer must provide the funding source and seek preliminary guidance from the Department of Commerce operating unit contracting office for appropriate determinations, (e.g. Economy Act determination & findings); and the Contract Law Division for advice regarding the contemplated process including preparation of the required documentation.

When the Department of Commerce is the requesting agency, the operating unit should establish that a requirement exists; provide appropriate documentation to the servicing agency; and involve the servicing agency early in the planning process. The scope of work shall be clearly defined and specific key milestones shall be included to provide a clear understanding between the parties and to support performance monitoring and cost monitoring of the agreement. Project deliverables shall be clearly identified and include due dates. Interagency acquisitions may contain special provisions and may be subsequently modified or amended.

When the Department of Commerce is the servicing agency, the contracting officer or other designated individual in accordance with operating unit policy should assist the requesting agency in refining the requirements document package and addressing Department of Commerce acquisition planning requirements.

- b. Nominate Project Officer**– it is the responsibility of both parties to ensure that an individual with appropriate expertise and training is selected to assist with monitoring contract performance and performing other contract administration responsibilities.

When the Department of Commerce is the requesting agency, the operating unit must provide appropriately qualified and certified individuals based on the total contract value and complexity; and provide alternate individuals within a reasonable time should the personnel provided be unable or unavailable to perform the required duties.

When the Department of Commerce is the servicing agency, the contracting officer must determine the required level of contract administration; identify the type of individual to be appointed; determine which agency will provide the individual; appoint qualified and appropriately trained contracting officer representatives and, if appropriate, a fee-determining official.

A Contracting Officer Representative, if appointed, may serve as the project officer.

- c. Prepare funding document** - funding documentation must be prepared in order to demonstrate the requesting agency's bona fide need and the information required to authorize the transfer and obligation of funds for the acquisition. The operating unit must work with the other agency to ensure accurate and complete estimation of costs, which is a critical factor for satisfactory execution and performance of an assisted acquisition.

Appropriation law must be adhered to in all interagency acquisitions. In addition, all intragovernmental transactions shall comply with the requirements of Office of Management and Budget Memorandum M-07-03 "Business Rules for Intragovernmental Transactions" dated November 13, 2006.

Interagency agreements for interagency acquisitions may provide for reimbursement either on the basis of cost or performance. Instructions on the basis and frequency of payment shall be included in the agreement.

Execution of full cost recovery for the requirements of the interagency agreement must be anticipated and addressed.

When the Department of Commerce is the requesting agency, the funds certifying official must timely execute all financial documents and ensure that funds are certified and legally available. The project officer, in conjunction with appropriate members of the interagency acquisition management team, will establish an independent cost estimate.

When the Department of Commerce is the servicing agency, the contracting officer must decline to accept funding that is not properly identified or fails to include adequate description of the bona fide need. The project officer for the operating unit, in conjunction with the appropriate members of the internal interagency acquisition management team, will prepare a cost estimate of the operating unit's effort contemplated in the agreement and any applicable fees.

- d. Develop acquisition strategy** - the parties must collaborate effectively in order to establish a strategy to apply acquisition processes and tools in the most effective manner possible.

When the Department of Commerce is the requesting agency, the project officer must provide the servicing agency with information on project objectives, deliverables and milestones. In addition, the project officer must work with the servicing agency to develop pre-award requirements such as market research, acceptance criteria and independent government cost estimates; and ensure sufficient time has been built into the acquisition schedule to maximize competition and support quality proposals.

When the Department of Commerce is the servicing agency, the contracting officer must conduct market research; establish a formal acquisition plan, if required; select an appropriate contract type; advise the requesting agency of risks associated with strategy and contract type; and obtain concurrence on acquisition strategy activities from requesting agency.

- e. Prepare or finalize statement of work and/or specifications** – the parties should work collaboratively to fully develop the requirements document.

When the Department of Commerce is the requesting agency, the project officer should work with the servicing agency to ensure that requirements are clearly defined; suitable performance standards are developed; and appropriate award fee criteria and membership of the award fee board are identified, if applicable.

When the Department of Commerce is the servicing agency, the contracting officer must provide the requesting agency an opportunity to concur on the final requirements document before finalizing; and ensure that award fee criteria are tied to identifiable acquisition outcomes.

- f. Develop quality assurance requirements** - the parties are responsible for developing quality assurance requirements for the contract including a quality assurance surveillance plan, if required.

When the Department of Commerce is the requesting agency, the project officer should assist the servicing agency in developing the quality assurance surveillance plan; and provide trained personnel to perform monitoring, as required.

When the Department of Commerce is the servicing agency, the contracting officer should consult with the requesting agency to identify the most effective means of surveillance against the risk associated with the acquisition; strategize regarding quality assurance documentation; and consider input from requesting agency during all phases of development of documentation.

3.4.2 Contract Execution

- a. **Period of performance** - a fully executed interagency agreement for assisted acquisition must be in place prior to the start of any related work. The date the project is to begin and the expected completion or expiration date shall be included in the agreement. Interagency agreements in support of interagency acquisitions shall not exceed a period of performance of five years. Expiration/completion dates may be extended by mutual agreement through a modification or amendment to the agreement but may not extend beyond the five-year limitation. In rare cases, such as international agreements, the five-year limitation may be waived provided General Law Division concurrence has been obtained. Documentation supporting the waiver must be included in the interagency acquisition clearance package.
- b. **Comply with competition requirements** – the parties shall maximize the meaningful use of competition and ensure exceptions to competition are properly documented, justified and approved.

When the Department of Commerce is the requesting agency, the project officer shall ensure that enough time is built into the process to foster competition; participate in the development of technical evaluation criteria; and develop supporting rationale through market research and due diligence if an exception to competition is required and appropriate.

When the Department of Commerce is the servicing agency, the contracting officer shall develop technical evaluation criteria in consultation with the requesting agency; seek competition unless exception is justified and appropriately supported by the requesting agency; and review sufficiency of documentation before proceeding with non-competitive action.

- c. **Comply with laws and policies** – the parties are jointly responsible for ensuring that contracts or orders awarded on behalf of the requesting agency adhere to any statutory, regulatory and policy requirements specific to the requesting agency.

When the Department of Commerce is the requesting agency, the project officer must apprise the servicing agency of all terms, conditions and requirements to comply with statutes, regulations and directives particular to the requesting agency; and provide information and timely clearance on security requirements. The following terms and conditions shall be included in the interagency agreement for assisted acquisition, at a minimum:

- i. Data Rights – Interagency acquisitions involving the provision or development of data products must state the conditions for provision and/or the disposition of the work results and address ownership of data.
- ii. Government-Furnished Property – All government-furnished property must be identified and the requirements for control and disposition must be addressed.
- iii. Physical and Information Technology Security – All interagency acquisitions involving physical and/or data security must include all related requirements such as, but not limited to, Homeland Security Presidential Directive 12 (HSPD-12) and Federal Information Security Management Act of 2002 (FISMA).
- iv. Resolution of Disputes – Language addressing the resolution of disputes shall be included in all interagency acquisitions.
- v. Partial or Complete Termination – Instructions and terms for termination of all or part of the project shall be included in all agreements, including costs of termination, if applicable. Consideration of impact of termination of unfunded agreements should be included in unfunded agreements, as appropriate.
- vi. Changes – The terms and process for modification or amendment of the interagency agreement for assisted acquisitions shall be defined. At a minimum, modifications or amendments shall include the agreement number, the contract number, specific changes to scope, changes to dollar amount, authority for modification, and any required supporting documentation.

When the Department of Commerce is the servicing agency, the contracting officer must ensure that laws, regulations and directives including restrictions for data collection and reporting requirements that have been identified by the requesting agency are met.

- d. **Ensure cost/price reasonableness** – the parties are jointly responsible for determining that costs/prices to be paid for contracted goods or services are fair and reasonable. The cost estimate should be used to validate and evaluate cost/price proposed.
- e. **Conduct source evaluation and make award** – both parties have a role in appointing the source selection authority and source evaluation board; ensuring proposals are evaluated in an impartial manner; and ensuring that award decisions are properly documented and represent the best value to the government.

When the Department of Commerce is the requesting agency, the project officer must provide necessary resources for technical evaluation of proposals; attend oral presentations and technical evaluation discussions; conduct or assist with evaluations; review the evaluation plan; have representation on the source selection board; and provide the correct funding code for the award.

When the Department of Commerce is the servicing agency, the contracting officer must appoint the source selection authority and source evaluation board; ensure evaluations are conducted fairly; ensure award decisions are properly documented; consult with the requesting agency prior to making a final decision; execute the decision and provide debriefings as necessary; and ensure FPDS reporting is accurate.

3.4.3 Contract Administration

- a. **Conduct inspection, acceptance, and surveillance** – the parties are jointly responsible for examining and testing supplies or services to determine conformance with contract requirements and monitoring the contractor's work to ensure compliance with contract terms including the quality assurance surveillance plan, if applicable. Achievement of milestones against the agreed upon schedule and against the overall period of performance must be managed so that changes can be addressed timely and expectations of both parties can be fully managed and met. Measurable changes to the requirements, milestones, and deliverables shall be recorded through formal modification/amendment to the agreement. Careful monitoring of a potential change to the period of performance must be maintained so that any change can be executed prior to expiration of the agreement.

When the Department of Commerce is the requesting agency, the project officer must ensure deliverables are received and quality is acceptable; inspect work for compliance with requirements; and conduct appropriate surveillance. The project officer, in conjunction with the finance offices, is responsible for cost monitoring of payable and reimbursable interagency acquisitions.

When the Department of Commerce is the servicing agency, the contracting officer collaboratively identifies the respective roles for contract administration functions; ensures that personnel appointed for contract administration duties are carrying out their responsibilities; and ensures that appropriate surveillance is conducted. The project officer within the Department of Commerce operating unit, in conjunction with the finance office, is responsible for oversight of funding received against the performance of the products or services provided. Projected or actual deficits must be anticipated such that they are addressed and corrected prior to the expiration date of the agreement.

- b. **Determine when contract modifications are required** – the parties are jointly responsible for evaluating the merits of proposed contract modifications. Any change in scope of work, funding, period of performance or major deliverable must be accomplished through a modification/amendment to the interagency acquisition. All requirements of this chapter that are applicable to the basic interagency agreement for assisted acquisition must be applied in processing a modification or amendment to the interagency acquisition. Modifications/amendments must contain specific detail on all changes to the original (or previously modified or amended) agreement so that changes are clearly identifiable and include funding citation(s) and certifications, if applicable.

When the Department of Commerce is the requesting agency, the project officer must work with the servicing agency to evaluate proposals for changes; and ensure that requesting agency personnel are not directing changes or authorizing work independently of the servicing agency. In addition, the project officer in conjunction with the contracting officer for their operating unit, must ensure that modifications/amendments to interagency acquisition under Economy Act authority are accompanied by a determination and findings if funding is increased through the modification or amendment.

When the Department of Commerce is the servicing agency, the contracting officer must work with the requesting agency to evaluate proposals for changes; ensure that modifications are within scope; ensure that authority for changes is clearly identified; and determine that cost/price is fair and reasonable. Further, the contracting officer must ensure that the requesting agency has provided the required determination and findings for modifications/amendments to interagency acquisition under Economy Act authority, if appropriate.

- c. Prepare contractor performance evaluations** – both parties are responsible for evaluating and recording the contractor's performance for consideration in future competitions.

When the Department of Commerce is the requesting agency, the project officer must track and measure performance and report those findings to the servicing agency.

When the Department of Commerce is the servicing agency, the contracting officer must evaluate the contractor's performance with consideration to the requesting agency's input and document performance in accordance with Department of Commerce policy.

- d. Review and approve invoices and make payment** – it is the joint responsibility of the parties to examine the contractor's invoices for completeness and accuracy.

When the Department of Commerce is the requesting agency, the project officer is responsible for reviewing the invoice and advising the servicing agency contracting officer whether to approve or disapprove payment; refraining from making direct payment when an invoice is disapproved by the servicing agency contracting officer; and ensuring that a copy of the invoice is provided to the servicing agency when direct payments are made.

When the Department of Commerce is the servicing agency, the contracting officer is responsible for ensuring correct addresses and invoice processes are provided to the contractor; and working with the requesting agency to ensure responsible review, approval, and payment of invoices.

- e. Perform contract closeout** – the parties are jointly responsible for close-out activities for both the interagency agreement for assisted acquisition and the resulting contract. Documentation of close-out considerations for the interagency agreement shall be included in the official agreement file. (See Appendix D for Close-Out Checklists.) The official agreement file shall

include all required information and appropriate supporting information as well as close-out documentation in paper or scanned form. The official agreement file including electronic records shall be retained for a minimum period of three years following close-out of the agreement. However, some documentation included in the official agreement file including products of the agreement may be subject to other retention requirements. The retention schedule is a document approved by the National Archives and Records Administration, which provides authority for the final disposition of recurring or non-recurring records. In developing the schedule, consideration shall be given to the volume of the file and the different categories and value of the records that constitute the files, e.g., legal and other correspondence relating to the agreement, transactions correspondence, and electronic records. These documents may have different retention periods.

When the Department of Commerce is the requesting agency, the project officer is responsible for supporting close-out functions for the resulting contract including verification of full performance; administrative activities; provision of additional funding, if required; and taking appropriate actions to retrieve unexpended balances.

When the Department of Commerce is the servicing agency, the contracting officer is responsible for ensuring that all administrative activities required for close-out of the contract are complete; and returning unused balance of funds to the requesting agency.

3.4.4 Other Responsibilities

Track contract activity – it is the responsibility of both parties to ensure the accurate and timely collection of data to measure results and plan for future requirements.

When the Department of Commerce is the requesting agency, the project officer must ensure that correct data is provided to the servicing agency in a timely manner; and provide the correct funding agency code needed for accurate reporting in FPDS.

When the Department of Commerce is the servicing agency, the contracting officer must ensure accurate contract data reporting; provide an earned value management report to the project manager for contracts to which earned value management is applied; and ensure proper credit is assigned to the requesting agency.

3.5 Routing and Approvals

At a minimum, the following routing and approvals shall be employed for each interagency acquisition or subsequent modification/amendment prior to execution:

3.5.1 Contracting Office

The contracting office or other designated individual in accordance with operating unit policy provides:

- a. Preliminary review of type of agreement and contractual implications;
- b. Review of content and associated documentation for completeness and compliance with this chapter; and

- c. Approval and signature for Determination and Findings (D&F) for Economy Act agreements with outgoing funds. This must be performed by a contracting officer.

3.5.2 Office of General Counsel Assistant General Counsel for Finance and Litigation - Contract Law Division

The Contract Law Division provides preliminary review of interagency agreements for assisted acquisition to determine appropriate use and identify contractual issues. This review occurs as soon as the requirement is identified as an assisted acquisition.

3.5.3 Office of General Counsel Assistant General Counsel for Administration – General Law Division

The General Law Division provides:

- a. Review and advice regarding appropriate use of authorities;
- b. Analysis and advice regarding terms and conditions;
- c. Assurance that funds are used in accordance with relevant appropriations laws;
- d. Waiver of or exemption from review of certain categories of agreements and/or modifications, as appropriate; and
- e. Written documentation of review and advice. This review occurs as the agreement is prepared for execution.

3.5.4 Finance Offices

The Budget and Finance offices provide:

- a. Written certification of funds availability when the Department of Commerce is the requesting agency; and
- b. Review and analysis of use of appropriated funds.

3.5.5 Review Boards

Interagency acquisitions shall be reviewed in accordance with Commerce Acquisition Manual chapter 1307.1.

3.6 Execution of Interagency Agreements for Interagency Acquisitions

Signature authority for interagency acquisitions shall rest with the contracting officer or other designated individual in accordance with operating unit policy. The designated individual ensures the requirements reviews and approvals have been accomplished and that the roles and responsibilities of the Department of Commerce in the interagency acquisition process (requesting agency or servicing agency) are met.

3.7 Official Agreement File

The Official Agreement File shall contain all relevant and supporting documentation including, but not limited to:

- a. Original copy of the fully executed agreement;
- b. Determination and Findings (for agreement under Economy Act authority);
- c. Proof of legal clearances by General Law Division (memoranda, routing slip or e-mail showing legal approval);
- d. Proof of preliminary review by Contract Law Division and/or program counsel, if required;
- e. Cost estimate or cost proposal, as appropriate;
- f. Funding certification;
- g. Market research documentation (if required);
- h. Documentation of review/approval process;
- i. Supporting documentation submitted by servicing agency regarding approach and costs, if applicable; and
- j. Close-out documentation.

The operating unit shall establish the appropriate physical location and management of the Official Agreement File. All offices shall maintain sufficient documentation to accomplish their responsibilities within this policy.

3.8 Contract File

When the Department of Commerce is the servicing agency, the contracting officer must ensure that all required close-out documentation and file retention requirements for the resulting contract are met.

END OF SECTION 3

SECTION 4 – REPORTING REQUIREMENTS

4.1 Background

The use of interagency acquisitions of all types, particularly those involving assisted acquisitions, constitute considerable funds transfers and can have significant impact to the ongoing operation of Department of Commerce entities.

4.2 Reporting Requirements

Senior Bureau Procurement Officials shall maintain clear and complete information regarding the portfolio of interagency acquisitions within their operating unit to ensure effective management and reporting.

4.3 Federal Procurement Data System (FPDS) Reporting

When the Department of Commerce is the servicing agency the contracting officer is responsible for accurately reporting contract awards made as a result of an interagency acquisition in the Federal Procurement Data System (FPDS).

For assisted acquisitions, in addition to any required terms and conditions, the project officer must include a requirement for the servicing agency to enter the Department of Commerce Funding Agency and Funding Office Identification in FPDS when reporting any contract action which results from the agreement.

4.3.1 FPDS Reporting Requirements for Awards on Behalf of the Department of Defense (DoD)

For all awards made against requisitions or other interagency transfer agreements received from DoD components that result in contracts, purchase orders, delivery orders, task orders or call orders, the Contracting Officer must complete the FPDS data field entitled “Funding Office ID” with the Department of Defense Automatic Addressing Code (DoDAAC) identified on the requisition (most often on a Military Interdepartmental Purchase Request (MIPR), Department of Defense Form 448) representing the requisitioner for the transaction. On a MIPR, this is **not** the Pay Office DoDAAC nor the Accounting Station DoDAAC identified in blocks 13 and 14 respectively. The requisitioner’s DoDAAC should be identified in block 8 with the identity of the organization providing the MIPR (note that it is often depicted as the first six characters of the MIPR number in block 5). *Requisitions/MIPRs shall not be accepted if the requisitioner’s DoDAAC is not provided.*

In addition, the Contracting Officer must complete the FPDS data field entitled “Funding Agency ID” with the code shown on the matrix in Appendix F that correctly corresponds to the DoDAAC being reported in the “Funding Office ID” data field. This code should not be confused with similar codes that are often seen in block 14 of the MIPR.

END OF SECTION 4

END OF CAM 1317.570

APPENDICES

APPENDIX A - DEFINITIONS

Accrual – Accruals are the amount anticipated if actual costs were generated and billed through the accrual period.

Assisted Acquisition – Assisted acquisitions are defined through an interagency agreement pursuant to which the servicing agency performs acquisition activities on the requesting agency's behalf, such as awarding a contract, task order, or delivery order.

Authority (Legal Authority) – Legal authority is the statutory basis for entering into an interagency agreement for assisted acquisition.

Contracting Officer – An individual designated authority to enter into, administer, and/or terminate contracts and to make related determinations and findings.

Deobligation – Decrease or removal of a previously obligated amount of funding in the financial system.

Direct Acquisition – Direct acquisitions are defined as a requesting agency placing an order directly against the servicing agency's indefinite delivery vehicle. The servicing agency manages the indefinite delivery vehicle but does not participate in the placement of an order. Use of these vehicles does not typically require the use of an interagency agreement.

Head of Contracting Office – An individual designated to head the contracting offices within each operating unit that has designated contracting authority to award and administer contracts to the full limit of the Department's contracting authority.

Interagency Agreement for Assisted Acquisition - Interagency agreement for assisted acquisition refers to the written agreement between two parties which defines the services or commodities through acquisition as well as the terms and conditions of the assisted acquisition services.

Interagency Acquisition – An interagency agreement which results in a contractual action by the servicing agency.

Obligation - Funding authorized for expenditure through delegated signature and recordation in financial system.

Project Officer – Primary Department of Commerce liaison and manager for an assisted acquisition.

Requesting Agency – The agency acquiring goods or services through the contractual functions of the servicing agency (assisted acquisition).

Servicing Agency - The agency providing contractual functions on behalf of the requesting agency (assisted acquisition).

APPENDIX B – KEY AUTHORITIES

Legal Authority	Applicable Criteria
Economy Act of 1932 (31 U.S.C. 1535)	a. Other party to the agreement is another government agency.
	b. More specific authority does not exist.
	c. Funds are available.
	d. The head of the ordering agency decides the order is in the best interest of the government.
	e. The agency filling the order is able to provide the goods or services.
	f. The head of the ordering agency decides contracting directly with a private source cannot provide the ordered goods as conveniently or economically.
Special Studies 15 U.S.C., 1525 (first par.)	a. Conduct special studies for other organizations under their legal authority.
	b. Data belong to the requesting agency.
Joint Project Authority 15 U.S.C. 1525 (second par.)	a. Other participants are eligible entities, i.e., for-profit and nonprofit organizations, research organizations, or public organizations or agencies.
	b. Matters are of mutual interest.
	c. The total costs (sum of costs for all participants in the joint project) for such projects must be apportioned equitably.
	d. Joint projects may be performed only if (1) the project cannot be done at all or as effectively without the participation of all parties to the project and (2) the project is essential to the furtherance of a departmental program.
Intergovernmental Personnel Act 5 U.S.C. 3371	a. Provides for the temporary re-assignment of personnel between federal agencies.
	b. Provide personnel with specialized or technical expertise to another agency.
	c. The servicing agency is especially competent in and authorized by law to provide the specialized or technical service to another agency.
Intergovernmental Cooperation Act 31 U.S.C. 6505	a. Federal agency to provide specialized or technical services for state or local governments that the agency is especially competent in and authorized by law to provide.
	b. The services must be consistent with and further the government's policy of relying upon the private enterprise system to provide services reasonably and quickly available through ordinary business channels.
	c. Services may be provided only when there is a written request for those services made by the state or local government. The requestor must also pay all identifiable costs incurred by the agency in rendering the service.

APPENDIX C – TEMPLATE FOR ECONOMY ACT DETERMINATION AND FINDINGS (D&F)

Based on the following determination and findings, in accordance with the authority of the Economy Act (31 U.S.C. 1535), as implemented in subpart 17.5 of the Federal Acquisition Regulation (FAR), the requesting agency, [insert the Bureau name], intends to enter into an interagency agreement for acquisition assistance with the servicing agency, [insert the servicing agency name].

FINDINGS

- A. The requesting agency has a need for the servicing agency to provide [describe the products or services]. The total cost of the agreement is estimated to be [enter the dollar value].
- B. The [describe the supplies and/or services] cannot be obtained as conveniently or economically by contracting directly with a private source.
- C. Include **one** of the following choices, as applicable:
 - 1. The acquisition will appropriately be made under an existing contract of the servicing agency, entered into before placement of the order, to meet the requirements of the servicing agency for the same or similar supplies or services.
 - 2. The servicing agency has capability or expertise to enter into a contract for such supplies or services that is not available within the requesting agency.
 - 3. The servicing agency is specifically authorized by law or regulation to purchase such supplies or services on behalf of other agencies.
- D. [State the justification/rationale that it is in the best interest of the Government to issue an agreement.]

DETERMINATION

Based on the above findings, I hereby determine that it is in the best interest of the Government to enter into an Interagency Agreement with the servicing agency.

[Name]
Contracting Officer:

Date

Approval by the Senior Procurement Executive if the servicing agency is not subject to the Federal Acquisition Regulation:

[Name]
Senior Procurement Executive

Date

APPENDIX D – CLOSE-OUT CHECKLISTS

DEPARTMENT OF COMMERCE AGREEMENT CLOSE-OUT CHECKLIST - PAYABLES		
Servicing Agency:	Agreement Number:	The period of performance for this project ends/ended on:
List of specific products obtained from the project. State title and date.		
SECTION 1: PROJECT TECHNICAL COMPLETION CERTIFICATION (To be completed by Project Manager)		
A. The Servicing Agency has: (if "NO" is checked, provide discussion in the Other Comments section below.)		
1. Satisfactorily performed the work requirements for the project. ___ Yes ___ No		
2. Furnished all required deliverables, including reports, disclosures, licenses, equipment, or any other articles required. ___ Yes ___ No		
B. Narrative evaluation of performance is as follows. If additional space is required, use the Other Comments section below.		
1. Quality of work performed and qualifications of contractor/servicing agency staff.		
2. Timeliness (meeting milestones).		
3. Cost Effectiveness.		
C. With regard to property either acquired by the Servicing Agency or provided by the Department of Commerce for use under this project, I have determined the following: (If both blocks 1 and 2 are "true statements," check the appropriate boxes and skip blocks 3 and 4.)		

____ 1. No property was purchased under this agreement	
____ 2. No property was acquired for use under this project	
____ 3. Property purchased under this agreement may be retained by the servicing agency.	
____ 4. List of property furnished by the Department of Commerce for use under this project is attached and returned.	
PROJECT MANAGER CERTIFICATION	
To the best of my knowledge, all actions required by CAM Chapter 1317.570 have been met, and the above project is hereby closed.	
TYPED OR PRINTED NAME	SIGNATURE
DATE	

DEPARTMENT OF COMMERCE AGREEMENT CLOSE-OUT CHECKLIST - REIMBURSABLES		
Requesting Agency:	Agreement Number:	The period of performance for this project ends/ended on:
List of specific products provided through the project. State title and date.		
SECTION 1: PROJECT TECHNICAL COMPLETION CERTIFICATION (To be completed by Project Manager)		
<p>A. The Requesting Agency has: (if "NO" is checked, provide discussion in the Other Comments section below.)</p> <p>1. Accepted the work requirements for the project. <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>2. Received all required deliverables, including reports, disclosures, licenses, equipment, or any other articles required. <input type="checkbox"/> Yes <input type="checkbox"/> No</p>		
<p>B. With regard to property either acquired by the Requesting Agency or received by the Department of Commerce for use under this project, I have determined the following: (If both blocks 1 and 2 are "true statements," check the appropriate boxes and skip blocks 3 and 4.)</p> <p><input type="checkbox"/> 1. No property was purchased under this agreement</p> <p><input type="checkbox"/> 2. No property was acquired for use under this project</p> <p><input type="checkbox"/> 3. Property purchased under this agreement may be retained by the servicing agency.</p> <p><input type="checkbox"/> 4. List of property furnished by the requesting agency for use under this project is attached and returned.</p>		
SECTION 2: CLOSEOUT CHECKLIST (To be completed by the Project Manager)		
Full cost recovery was verified on the following date _____.		
PROJECT MANAGER CERTIFICATION		
To the best of my knowledge, all actions required by CAM Chapter 1317.570 have been met, and the above project is hereby closed.		
TYPED OR PRINTED NAME	SIGNATURE	DATE
OTHER COMMENTS		

APPENDIX E-RESERVED

APPENDIX F – FUNDING CODE MATRIX

**APPENDIX G – OMB MEMORANDUM DATED JUNE 6, 2008
IMPROVING THE MANAGEMENT AND USE OF INTERAGENCY ACQUISITIONS**

**APPENDIX H – OMB MEMORANDUM DATED NOVEMBER 13, 2006
BUSINESS RULES FOR INTERGOVERNMENTAL TRANSACTIONS**