



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NORTHWESTERN DIVISION
PO BOX 2870
PORTLAND OR 97208-2870

REPLY TO
ATTENTION OF

CENWD-ZA

04 February 2016

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: NWD Commander's Policy #22-15, Processing Economy Act Orders within the U.S. Army Corps of Engineers (USACE) Northwestern Division (NWD)

1. References:

- a. Memorandum, USACE NWD, CENWD-DE, 19 June 2014, subject: NWD Policy Memorandum #17-14, Processing Economy Act Orders within the U.S. Army Corps of Engineers (USACE) Northwestern Division (NWD).
- b. Engineer Regulation 1140-1-211, Support for Others: Non-Department of Defense Reimbursable Services, 15 August 2011.
- c. Sec. 865, National Defense Authorization Act (NDAA) for FY09 (Public Law (P.L.) 110-417).
- d. Department of Defense (DoD) Financial Management Regulation (FMR), 7000.14-R, Vol. 11A, Chapter 3, March 2012.
- e. Department of Defense Instruction (DoDI) 4000.19, April 25, 2013, subject: Support Agreements.
- f. Memorandum, Department of Defense Procurement Acquisition Policy (DPAP), Oct 31 2008, subject: Meeting Department of Defense Requirements through Interagency Acquisition.
- g. Memorandum, Office of Federal Procurement Policy (OFPP), June 6, 2008, subject: Improving the Management and Use of Interagency Acquisitions, available at http://www.whitehouse.gov/omb/assets/procurement/iac_revised.pdf.
- h. Memorandum, Assistant Secretary of the Army, Acquisition Logistics and Technology (ASA(AL&T)), June 30 2014, subject: Interagency Acquisitions.
- i. Federal Acquisition Regulation (FAR) 17.5 and 17.7; Defense FAR Supplement (DFARS) 217.5 and 217.7; Army FAR Supplement (AFARS) 5117.5, 5117.78 and 5153; USACE Acquisition Instruction (UAI) 17.5 and 17.7.

CENWD-ZA

SUBJECT: NWD Commander's Policy #22-15, Processing Economy Act Orders within the U.S. Army Corps of Engineers (USACE) Northwestern Division (NWD)

2. Authority: The Economy Act (31 U.S.C. 1535) authorizes agencies to enter into agreements to obtain supplies or services (including construction) from another agency and applies only when more specific statutory authority does not exist.

3. Purpose and Applicability:

a. This policy is effective immediately and supersedes the previous guidance provided in reference 1(a).

b. This memorandum provides updated guidance and standardization for when USACE NWD Commands are placing interagency (between a DoD Component and a non-DoD federal agency) and intra-agency (between DoD Components) orders under the authority of the Economy Act (*i.e.* when USACE is the *requesting* agency). See reference 1.b. for procedures to be utilized when USACE is providing support to other agencies (*i.e.* when USACE is the *servicing* agency). Although interagency and intra-agency transactions may be completed under other statutory authorities (*i.e.*, Non-Economy Act interagency acquisitions), this memorandum applies to Economy Act transactions only.

4. Background: Not all Economy Act transactions include a contract action. For example, an Economy Act transaction may result in an agency providing services through in-house agency labor. In that situation, there is an Economy Act transaction requiring approval for the other agency to perform this work, but there is no resulting contract action. On the other hand, Economy Act transactions are often accompanied by a contract action via an assisted or direct acquisition where the other agency is using a contractor to provide the supplies or services. This memorandum addresses each type of Economy Act transaction separately, as the documentation required will differ depending upon whether there is – or is not – an accompanying contract action at issue.

a. *Authorities for Economy Act Transactions with Non-DoD Federal Agencies that Result in a Contract Action*. Federal Acquisition Regulation (FAR) Subpart 17.5 clarifies that the FAR applies only to interagency transactions that result in a contract action, *i.e.* interagency acquisitions. Interagency acquisition is defined by the FAR as a procedure by which an agency¹ needing supplies or services (the requesting agency) obtains them from another agency (the servicing agency), by an assisted acquisition or a direct acquisition. Interagency acquisitions exceeding the micro-purchase threshold using the Economy Act as statutory authority are subject to the requirements of FAR 17.5, DFARS 217.5, AFARS 5117.5 and DoD FMR Vol. 11A, Ch.3.²

¹The term "agency" is defined in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)), except that in the case of a military department, it means the Department of Defense. See Reference 1(c), Definitions.

² DoDI 4000.19, which provides policy, assigns responsibilities, and prescribes procedures for interagency agreements between DoD and non-DoD agencies, and intra-agency agreements between DoD components, was updated on April 25, 2013. The updated guidance indicates that DoDI 4000.19 no longer applies to interagency agreements that are subject to the FAR. (See DoDI 4000.19, paragraph 2.b.(1) & (12)). Thus, for Economy Act

CENWD-ZA

SUBJECT: NWD Commander's Policy #22-15, Processing Economy Act Orders within the U.S. Army Corps of Engineers (USACE) Northwestern Division (NWD)

b. *Authorities for Economy Act Transactions not Requiring a Contract Action.* The FAR does not apply when the Economy Act transaction does not involve a contract action. Therefore, Economy Act transactions that do not include a contract action are subject to the requirements of DoDI 4000.19 and DoD FMR Vol. 11A, Ch. 3.

5. Requirements for Economy Act Transactions with Non-DoD Federal Agencies that Result in a Contract Action:

a. WRITTEN INTERAGENCY AGREEMENT. A signed written interagency agreement between the servicing agency and requesting agency is required when the order is through an *assisted* acquisition (*i.e.*, where a servicing agency performs acquisition activities on a requesting agency's behalf, such as awarding and administering a contract, task order, or delivery order).³ (FAR 17.502-1(b)(1)). The requirement for a written agreement applies whether the assisted acquisition is a one-time request for assistance or whether the request is for recurring support. The interagency agreement shall consist of (1) a *master agreement*, such as a Memorandum of Agreement (MOA), which sets forth the general terms and conditions governing the relationship between the two agencies, and (2) *the support agreement (or order)*, which specifies the need and provides funding information. These documents may be combined into a single document as long as they contain the pertinent information outlined below. To assist with drafting the agreement, districts should review the Office of Federal Procurement Policy guidance on Interagency Acquisitions (See reference 1(f) and 1(g)).

(1) *The Master Agreement.* Districts may utilize a standard paragraph style MOA or the Treasury Financial Management Service (FMS) Form 6-10 7600A. The MOA or Form 7600A (*a.k.a.* Interagency Agreement Part A) sets forth the general, fiscal, procurement, and other terms by which the parties agree to be bound, including roles and responsibilities for acquisition planning, contract execution, and the administration and management of the contract(s) or task/delivery order(s). (FAR 17.502-1(b)(1)(i)). Unique terms, conditions, and applicable agency-specific statutes, regulations, directives, and other applicable requirements must be provided to the servicing agency so that the servicing agency can incorporate these requirements into the order or contract. If there are no agency unique requirements beyond the FAR, the requesting agency shall so inform the servicing agency contracting officer in writing. Commands should first determine whether an MOA is currently in place (and up-to-date and effective), prior to initiating a new MOA.

(2) *The Support Agreement (or Order).* The order or support agreement (*a.k.a.* Interagency Agreement Part B), serves as the funding document and it is used to explain, in

transactions that are accompanied by a contract action, the various requirements articulated in DoDI 4000.19 are inapplicable.

³ Note that no written agreement is required when the order is a *direct* acquisition, as the requesting agency places the order *directly* against the servicing agency's indefinite-delivery contract. (FAR 17.502-1(b)(2)).

CENWD-ZA

SUBJECT: NWD Commander's Policy #22-15, Processing Economy Act Orders within the U.S. Army Corps of Engineers (USACE) Northwestern Division (NWD)

detail, the supplies or services that are needed. There are a number of standard and non-standard forms in use across the executive branch and DoD, and any form will suffice as long as it contains the elements outlined below. FMS Form 6-10 7600B, ENG Form 4914-R, and DD Form 1144 are all examples of acceptable support agreements⁴ as long as they contain the following elements:

(a) A clear and detailed description of the supplies or services (which can be completed by attaching the scope of work to the form);

(b) Delivery requirements or period of performance;

(c) A funds citation;

(d) A payment provision;

(e) The authority for the transaction (the Economy Act); and

(f) Any additional ordering procedures.

(3) Certification of Availability for Purpose. A certification must be provided on, or attached to, the Economy Act order indicating that the funds cited on the order are properly chargeable for the purposes cited in the order. (FMR Vol. 11A, Ch. 3, para 030402).

(4) Approval Authority. When USACE is the requesting agency, any new master agreements and/or support agreements must be signed at a level no lower than NWD's Senior Executive Service (SES) member or General Officer (GO).

b. DETERMINATION AND FINDINGS. In addition to the written interagency agreement, all Economy Act orders must be supported by a determination and findings (D&F) that is executed by the requesting agency. (FAR 17.502-2(c)(1); DoD FMR Vol. 11A, Ch.3, para 030302). When USACE is the requesting agency, the D&F must be approved by NWD's SES/GO,⁵ and receive concurrence from the district contracting office prior to sending to NWD for approval. The D&F must include sufficient facts and/or analysis to support the D&F conclusions and shall not merely consist of conclusory statements that repeat back the below criteria. The D&F must demonstrate that:

(1) Funding is available to pay for the support;

⁴ Although USACE may not demand that other agencies must use a particular form when USACE is the requesting agency, in the interest of uniformity and standardization, districts are encouraged to recommend that the servicing agency use ENG Form 4914-R or DD Form 1144.

⁵ Note that in those limited situations where the servicing agency is not covered by the FAR, approval of the D&F must be approved by the senior procurement executive for the Army. (FAR 17.502-2(c)(2)).

CENWD-ZA

SUBJECT: NWD Commander's Policy #22-15, Processing Economy Act Orders within the U.S. Army Corps of Engineers (USACE) Northwestern Division (NWD)

- (2) The servicing agency is able to provide the support;
- (3) The transaction does not conflict with any other agency's authority;
- (4) Use of an interagency transaction is in the best interest of the Government;
- (5) The supplies or services cannot be obtained as conveniently or economically by contracting directly with a private source; and
- (6) At least one of the following circumstances applies:
 - (a) The acquisition will appropriately be made under an existing contract of the servicing agency, entered into before placement of the order, to meet the requirement of the servicing agency for the same or similar supplies or services.
 - (b) 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.
 - (c) The servicing agency is specifically authorized by law or regulation to purchase such supplies or services on behalf of other agencies.

c. BEST PROCUREMENT APPROACH DETERMINATION. Prior to placing an order or requesting that another agency conduct an acquisition on its behalf, USACE, as the requesting agency, must first make a determination that the use of an interagency acquisition represents the best procurement approach. (FAR 17.502-1(a)). This determination is made at the district level, but at the very least must receive concurrence from the applicable legal counsel and District Contracting Chief (DCC) prior to approval by a Government official no lower than an O-6/GS-15 level. (AFARS 5117.502-1(a)(i) and (ii)). The content of the determination must address the criteria set forth in FAR 17.502-1(a)(1) for an assisted acquisition or FAR 17.502-1(a)(2) for a direct acquisition. Please refer to enclosures 4 and 5 of this memorandum for templates to be used for this determination.

(1) ADDITIONAL DOCUMENTATION. The following additional document is required as part of the Best Procurement Approach Determination if the acquisition is above the Simplified Acquisition Threshold (SAT)⁶:

(a) FAR 17.703 Certification from Non-DoD Agency. USACE may only request that a non-DoD agency conduct an assisted acquisition on its behalf or a DoD acquisition official may place an order, make a purchase, or otherwise acquire supplies and services for DoD in excess of the SAT if the head of the non-DoD agency has certified that the agency will comply with applicable procurement requirements for that fiscal year, or that the non-DoD agency has obtained a waiver in accordance with FAR 17.703(e). See FAR Subpart 17.7

⁶ Refer to FAR 2.101 for the current simplified acquisition threshold.

CENWD-ZA

SUBJECT: NWD Commander's Policy #22-15, Processing Economy Act Orders within the U.S. Army Corps of Engineers (USACE) Northwestern Division (NWD)

and the DPAP website on Interagency Acquisitions

(http://www.acq.osd.mil/dpap/cpic/cp/interagency_acquisition.html) for more details on compliance with this requirement. A copy of the non-DoD agency's certification or waiver shall be included as an attachment to the Best Procurement Approach Determination.

6. Economy Act Transactions with Non-DoD Agencies (Interagency Support) not Requiring a Contract Action. The requirements for an interagency agreement that do not result in a contract action are similar to the criteria articulated in FAR 17.5, although the authorities to be followed are different and the documentation required is less. As noted above in paragraph 4.b., the proper authorities that must be followed for Economy Act transactions that are not accompanied by a contract action are DoDI 4000.19 and DoD FMR Vol. 11A. The following is required for interagency agreements when the non-DoD agency is completing the requirement through the agency's own in-house resources:

a. WRITTEN INTERAGENCY AGREEMENT. Similar to the written interagency agreement requirement outlined in paragraph 5.a., the entirety of the agreement shall consist of (1) *a master agreement* that sets forth the general terms and conditions governing the relationship between the parties, and (2) *the support agreement (or order)*, which specifies the need and provides funding information. DoDI 4000.19, Encl. 3, para 3.b. These documents may be combined into one as long as they contain the pertinent information outlined below.

(1) *The Master Agreement*. The master agreement shall set forth the general terms and conditions governing the relationship between the parties. DoDI 4000.19, Encl. 3, Figure 1, provides an MOA template, which can be used to assist with drafting the master agreement. Commands should first determine whether an MOA is currently in place (and up-to-date and effective) prior to initiating a new MOA. All new agreements shall have an expiration date not to exceed 9 years from the date they are signed by both parties. DoDI 4000.19, Encl. 3, para 1.e.(3).

(2) *Support Agreement (or Order)*. The support agreement must specify the need and provides the funding information. The Federal agency's support agreement form shall be used to document the specific support that will be received from that agency. However, note that in the event that the Federal agency does not have a standard form, districts are encouraged to recommend that the servicing agency use ENG Form 4914-R or DD Form 1144. Regardless of the format used, the support agreement must include the items outlined in paragraph 5.a.(2)(i) – (vi) of this policy. (See DoD FMR Vol 11A, Ch. 3 para 0305). A certification regarding the proper use of cited funds, as stated in paragraph 5.a.(3), also must be included in, or attached to, the agreement.

(3) *Approval Authority*. When USACE is the requesting agency, any new master agreements and/or support agreements must be signed at a level no lower than NWD's SES/GO.

CENWD-ZA

SUBJECT: NWD Commander's Policy #22-15, Processing Economy Act Orders within the U.S. Army Corps of Engineers (USACE) Northwestern Division (NWD)

b. DETERMINATION AND FINDINGS. The D&F must include the items outlined in paragraph 5.b.(1) – (5) of this policy, and the D&F must be signed by NWD's SES/GO.

7. Requirements for Orders Between DoD Activities (Intra-agency Support): The regulatory requirements for Economy Act orders are different when the order is with another DoD agency. Although not required, it is recommended that a written *master agreement*, as outlined in para 6.a.(1) of this policy, be used for recurring work in order to describe the roles and responsibilities of each activity. A *support agreement (or order)* is always required. DD Form 1144 must be used as the support agreement documentation when the work will be recurring and is provided in-house. It is recommended that DD Form 1144 also be used when the work is non-recurring or the work will be performed via contract. As long as a DD Form 1144 is used as the *support agreement*, no further determinations are required.⁷ The DD Form 1144 serves as the certification that the requirements listed in paragraph 5.b.(1) – (5) have been met and serves as the Economy Act D&F. (See DoDI 4000.19, Encl 3, para 2.b.(4); DoD FMR 7000.14-R, Vol. 11A, Ch.3, para 030303). District Commanders may sign as the approval authority for the master agreement (if one is used), the support agreement, and Economy Act D&F (if DD Form 1144 is not used). A Certification of Availability for Purpose, as outlined in para. 5.a.(3) of this memorandum, is also required.

8. Economy Act Package, Routing, and Concurrence. A district contracting officer and district office of counsel must concur with the D&F package prior to submission of the D&F package to NWD. Upon concurrence of the D&F package, a control number consisting of the three-digit district identifier, two-digit fiscal year, and three-digit sequential numbering shall be assigned to the package (e.g. NWP-16-001). The D&F package shall then be submitted electronically, attention to NWD's District Support Planner, CENWD-PDD, with a courtesy copy to CENWD-RB (Secretary), and must include all supporting documents that are required and outlined by this policy (refer to Enclosure 1 for D&F package requirements). The subject line of the e-mail shall state "EAO" and include the control number and title of the action (e.g. EAO NWP-16-001 USGS Total Dissolved Gas (TDG) Monitoring in the Willamette River Basin). NWD staff concurrence will be obtained at the NWD level prior to NWD SES/GO signature.

9. Filing and Payment Procedures. A separate file for Economy Act orders and applicable documents should be kept at the responsible district office. A copy of the executed D&F shall be furnished to the servicing agency as an attachment to the order. Districts must follow the payment procedures contained in DoD FMR, Vol. 11A, Ch.3, para 030502, following issuance of the Economy Act order.

10. Enclosure and Referenced Documents. Enclosure 1 outlines the general procedures and approval authorities that are articulated by this policy memorandum. D&F templates for the districts' use are provided at Enclosures 2 and 3. Best Procurement Approach

⁷ A full Economy Act D&F is required if a form other than DD Form 1144 is used.

CENWD-ZA

SUBJECT: NWD Commander's Policy #22-15, Processing Economy Act Orders within the U.S. Army Corps of Engineers (USACE) Northwestern Division (NWD)

Determination templates are provided at Enclosures 4 and 5. Reference documents and forms are located at NWD Contracting SharePoint Site:

<https://team.usace.army.mil/sites/NWD/NSF/CECT/default.aspx>.

11. Point of Contact. My point of contact for this memorandum is the NWD Regional Contracting Chief.



SCOTT A. SPELLMON
BG, USA
Commanding

5 Encls

1. Procedure Chart
2. D&F Template, Contract
3. D&F Template, In-House
4. BPAD Template, Assisted
5. BPAD Template, Direct

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		ECONOMY ACT - Interagency Support (Orders with Non-DoD Agencies)	
		Includes Contract Action	No Contract Action involved
Statutory Authority - Economy Act - 31 U.S.C. 1535	ECONOMY ACT - Intra-agency Support (Orders with a non-USACE DoD Activity)	Only to be used when more specific statutory authority does not exist.	Only to be used when more specific statutory authority does not exist.
Best Procurement Approach Determination required?	No.	Yes - see FAR 17.502-1(a)(1) & (2) for requirement details.	No.
Written Agreement Required?	Yes, see below.	Yes, when the order is through an <i>assisted</i> acquisition. Not required for <i>direct</i> acquisitions, as the requesting agency administers the order (See FAR 17.502-1(b)(1) & (2)).	Yes, see below.
Form of Agreement	<i>Master</i> - Memorandum of Agreement (MOA) (recommended) <i>Support Agreement (SA)</i> - DD Form 1144	<i>Master</i> - MOA or FMS Form 6-10 7600A (refer to FAR 17.502- 1(b)(1)(i) for content specifics) <i>SA</i> - Up to the other federal agency, but DD Form 1144, ENG Form 4914-R, and FMS 7600B are acceptable.	<i>Master</i> - MOA (refer to DoDI 4000.19, Encl 3, Fig 1 - Sample MOA template) <i>SA</i> - Up to the other federal agency, but DD Form 1144, ENG Form 4914-R, and FMS 7600B are acceptable.
Approval Authority for Agreement	District Commander.	NWD SES/GO.	NWD SES/GO.
D&F required?	No, as long as DD Form 1144 is utilized.	Yes, completed by USACE.	Yes, completed by USACE.
Contents of D&F	N/A	See para 5. b. (1) - (6) of the NWD Memo for what the D&F must at a minimum contain	See para 5. b. (1) - (5) of the NWD Memo for what the D&F must at a minimum contain
Approval Authority of D&F	N/A	NWD SES/GO.*	NWD SES/GO.
FAR 17.703 Certification Required?	No.	Yes, if the action is above the SAT and the action is via an <i>assisted</i> acquisition. Note: the certification is provided by the Servicing Agency.	No.
D&F Package Requirements	Package approved at the District level.	Master Agmt, SA, Funds Certification, D&F, Best Procurement Approach Determination, Request for Service Contract Approval (RSCA), and FAR 17.703 Cert (if above the SAT)	Master Agmt, SA, Funds Certification, and D&F

* When the servicing agency is not covered by the FAR, D&F must be approved by the Senior Procurement Executive.

**Determination and Findings (D&F) for an Interagency Acquisition
Under the Economy Act FAR 17.502-2**

[insert either Assisted or Direct] Acquisition

Title of Effort: *[Insert title of the statement of work or requirement.]*

Requesting Agency: *[Insert name of the requirements office.]*

Requirements POC: *[Insert name, position title, email and telephone number.]*

Servicing Agency: *[Insert name of the contracting activity/agency and a statement that it is a Federal activity that complies with or does not comply with the FAR.]*

Description of Effort: *[Insert a brief description of the type of supplies/services to be acquired.]*

Total Estimated Cost: *[Insert the estimated dollar amount of the total order, the estimated dollar amount of the contracted portion (if not the entire order) and the type of funds to include the year.]*

FINDINGS

I have reviewed the requirements for *[insert description of supply or service to be procured]*. In accordance with the Economy Act, the Department of the Army intends to conduct an interagency acquisition with *[insert name of servicing agency]*, which will contract for these *[insert either supplies or services]* on Army's behalf:

1. The use of an interagency acquisition is in the best interest of the Government. In accordance with FAR 17.502-1, a *Determination of Best Procurement Approach* was approved on *[insert date]* and is attached.
2. The *[insert either supplies or services]* cannot be obtained as conveniently or economically by contracting directly with a private source. *[Explain how you made this finding. Why is it more convenient or economical to have the non-DoD agency provide the supplies/services? Provide analysis that you used to reach your conclusion.]*
3. *[Insert one of the following statements][for an Assisted Acquisition]An Interagency Agreement has been prepared in accordance with FAR 17.502-1(b)(1)(i) and is attached. [for an Direct Acquisition]An Interagency Agreement is not required in accordance with FAR 17.502-1(b)(2).*
4. *[Indicate that one of the following circumstances applies and include an explanation as to how the circumstance applies]* The acquisition will appropriately be made under an existing contract of the servicing agency, entered into before placement of the order, to meet the requirement of the servicing agency for the same or similar supplies or services. (or) 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) The servicing agency is specifically authorized by law or regulation to purchase such supplies or services on behalf of other agencies.

5. Funding is available to pay for the support. *[type and year of funds is already indicated above under "Total Estimated Cost"]* The Funds Certifying Official's written concurrence is provided below, signifying that the funds cited on the Economy Act order are properly chargeable for the purposes cited in the order.
6. The servicing agency is able to provide the support.
7. The transaction does not conflict with any other agency's authority or responsibility. *[confirm this is true prior to making this statement.]*
8. A copy of the approved D&F will be provided to the non-DoD agency along with the Economy Act order.

Concurrence:

[Insert Name]
Contracting Officer
U.S. Army Corps of Engineers
[Insert District]

Date

[Insert Name]
District Office of Counsel
U.S. Army Corps of Engineers
[Insert District]

Date

[Insert Name]
Funds Certifying Official
U.S. Army Corps of Engineers
[Insert District]

Date

DETERMINATION

Given the findings outlined above, in accordance with 31 U.S.C. 1535 and FAR Subpart 17.502-2, I hereby determine that it is in the best interest of the Government to place an order for [insert requirement] with [insert name of agency] under the authority of the Economy Act.

[Insert Approving Official Name, which must be the appropriate NWD SES Member¹]
Director, [insert either Programs or Regional Business]
U.S. Army Corps of Engineers
Northwestern Division

Date

¹ [Note that in those limited situations where the servicing agency is not covered by the FAR, approval of the D&F must be approved by the Senior Procurement Executive for the Army.]

**Determination and Findings (D&F) for an Interagency Transaction
Under the Economy Act FAR 17.502-2**

In-House

- Title of Effort:** *[Insert title of the statement of work or requirement.]*
- Requesting Agency:** *[Insert name of the requirements office.]*
- Requirements POC:** *[Insert name, position title, email and telephone number.]*
- Servicing Agency:** *[Insert name of the contracting activity/agency and a statement that it is a Federal activity that complies with or does not comply with the FAR.]*
- Description of Effort:** *[Insert a brief description of the type of supplies/services to be acquired.]*
- Total Estimated Cost:** *[Insert the estimated dollar amount of the total order and the type of funds to include the year.]*

FINDINGS

I have reviewed the requirements for *[insert description of supply or service to be procured]*. In accordance with the Economy Act, the Department of the Army intends to conduct an interagency transaction with *[insert name of servicing agency]*:

1. The use of an interagency transaction is in the best interest of the Government.
2. The *[insert either supplies or services]* cannot be obtained as conveniently or economically by contracting directly with a private source. *[Explain how you made this finding. Why is it more convenient or economical to have the non-DoD agency provide the supplies/services? Provide analysis that you used to reach your conclusion.]*
3. An *Interagency Agreement* has been prepared in accordance with DoDI 4000.19 and is attached.
4. Funding is available to pay for the support. *[type and year of funds is already indicated above under "Total Estimated Cost"]* The Funds Certifying Official's written concurrence is provided below, signifying that the funds cited on the Economy Act order are properly chargeable for the purposes cited in the order.
5. The servicing agency is able to provide the support. *[Explain how the non-DoD agency is able to provide the support and how it will meet your requirement needs. Include the ability of the non-DoD agency to meet your specific delivery schedule/performance needs. Also be sure to indicate that the non-DoD agency will be completing the work in-house (i.e. will not be contracting out any portion of the work).]*
6. The transaction does not conflict with any other agency's authority or responsibility. *[confirm this is true prior to making this statement.]*

7. A copy of the approved D&F will be provided to the non-DoD agency along with the Economy Act order.

Concurrence:

[Insert Name]
Contracting Officer
U.S. Army Corps of Engineers
[Insert District]

Date

[Insert Name]
District Office of Counsel
U.S. Army Corps of Engineers
[Insert District]

Date

[Insert Name]
Funds Certifying Official
U.S. Army Corps of Engineers
[Insert District]

Date

DETERMINATION

Given the findings outlined above, in accordance with 31 U.S.C. 1535 and FAR Subpart 17.502-2, I hereby determine that it is in the best interest of the Government to place an order for [insert requirement] with [insert name of agency] under the authority of the Economy Act.

[Insert Approving Official Name, which must be the appropriate NWD SES Member¹]
Director, [insert either Programs or Regional Business]
U.S. Army Corps of Engineers
Northwestern Division

Date

¹ [Note that in those limited situations where the servicing agency is not covered by the FAR, approval of the D&F must be approved by the Senior Procurement Executive for the Army.]

Determination of Best Procurement Approach

Assisted Acquisition

- Title of Effort:** *[Insert title of the statement of work or requirement.]*
- Requesting Agency:** *[Insert name of the requirements office.]*
- Requirements POC:** *[Insert name, position title, email and telephone number.]*
- Servicing Agency:** *[Insert name of the contracting activity/agency.]*
- Description of Effort:** *[Insert a brief description of the type of supplies/services to be acquired.]*
- Total Estimated Cost:** *[Insert the estimated dollar amount of the total order, the estimated dollar amount of the contracted portion (if not the entire order) and the type of funds to include the year.]*

FINDINGS

Using *[insert name of agency]* acquisition services and contract for the acquisition of *[insert title of acquisition]* represents the best procurement approach for, and is in the best interest of, the Department of the Army based on the following:

1. *[Insert requesting agency]* schedule, performance and delivery requirements will be met. *[Explain how the Servicing Agency will satisfy the requesting agency's schedule, performance and delivery requirements.]*
2. The Servicing Agency's authority, experience and expertise are appropriate for this acquisition. *[Explain why/how.]*
3. The Servicing Agency's customer satisfaction is at an acceptable level. *[Determine that the Servicing Agency's past performance/customer satisfaction is at an acceptable level and explain.]*
4. This acquisition approach is cost effective because: *[Explain the cost effectiveness of this acquisition approach (taking into account discounts and servicing agency's fee).]*
5. Market research was conducted and other procurement approaches were considered. *[Insert a summary of market research findings including an analysis of the other procurement approaches considered – in particular, why an existing contract, or a new Army contract will not meet your needs. Attach market research.]*
6. The *[tasks to be accomplished]* OR *[supplies to be provided]* are within the scope of the contract to be used.
7. Using the acquisition services of the servicing agency will result in the use of funds in accordance with appropriation limitations and laws, regulations and policies applicable to the Army and DoD.

8. Appropriate contract administration, including oversight, will be accomplished by the Servicing Agency and will comply with Army and DoD regulations and policies. Roles of each Agency will be spelled out in the required Interagency Agreement.
9. Unique terms, conditions, and requirements will be provided to the assisting agency for incorporation into the order or contract as appropriate to comply with all applicable DoD or Army-unique statutes, regulations, directives, and other requirements.
10. All approvals and authorizations required by Army and/or DoD policies for acquiring the supplies or services have been obtained or will be obtained before award.
11. Data will be collected and reported on the use of assisted acquisition for analysis in accordance with the reporting requirements in DFARS Subpart [204.6](#) Contract Reporting.

[Include item "12" below if the portion of the assisted acquisition being contracted out exceeds the Simplified Acquisition Threshold and the non-DoD agency has certified in accordance with FAR 17.703(a). A list of non-DoD agency certifications is available at http://www.acq.osd.mil/dpap/cpic/cp/interagency_acquisition.html and a copy of the certification shall be included as an attachment. If the agency has obtained a waiver, replace the language in item "12" below with "The non-DoD agency has obtained a waiver in accordance with FAR 17.703(e) for the certification required by FAR 17.703(a)." and include a copy of the waiver as an attachment.]

12. The Servicing Agency has certified that it will comply with defense procurement requirements to include applicable DoD financial management regulations in accordance with FAR 17.703(a) and Section 801 of the [National Defense Authorization Act \(NDAA\)](#) for Fiscal Year 2008.

Determination of Best Procurement Approach Assisted Acquisition

Title of Effort:

Prepared by:

Typed name:

Telephone:

Title:

Date:

Signature: _____

I reviewed the determination of Best Procurement Approach and find it adequate for approval.

Typed name:

Telephone:

Title:

Date:

Signature: _____

(Contracting official IAW AFARS 5117.502-1(a)(ii))

I reviewed the determination of Best Procurement Approach and find it legally sufficient.

Typed name:

Telephone:

Title:

Date:

Signature: _____

(Office of Counsel)

Determination of Best Procurement Approach for Assisted Acquisition

Based upon the foregoing findings, I determine that the use of the acquisition services and contract of [insert name of agency] for the acquisition of [insert requirement] represents the best procurement approach for, and is in the best interest of, the Department of the Army.

Signature: _____ Date:

Title:

(Signature of the authorized representative of the Requiring Activity, O-6 or GS-15)

Determination of Best Procurement Approach

Direct Acquisition

- Title of Effort:** *[Insert title of the statement of work or requirement.]*
- Contract Vehicle:** *[Insert the Contract Number and name of the Servicing Agency that administers the contract.]*
- Requesting Agency:** *[Insert name of the requirements office.]*
- Requirements POC:** *[Insert name, position title, email and telephone number.]*
- Description of Effort:** *[Insert a brief description of the type of supplies/services to be acquired.]*
- Total Estimated Cost:** *[Insert the estimated dollar amount of the total order, the estimated dollar amount of the contracted portion (if not the entire order) and the type of funds to include the year.]*

FINDINGS

Using *[insert name of agency]*'s contract for the acquisition of *[insert title of acquisition]* represents the best procurement approach for, and is in the best interest of, the Department of the Army based on the following:

1. The suitability of the contract vehicle. The *[tasks to be accomplished]* OR *[supplies to be provided]* are within the scope of the contract to be used. *[Explain how they are within scope]* The contract vehicle is the most suitable means of meeting *[Insert requesting agency]*'s schedule, performance and delivery requirements. *[Explain how the requesting agency's schedule, performance and delivery requirements will be met.]*
2. The value of using the contract vehicle. This acquisition approach is cost effective because: *[Explain the cost effectiveness of this acquisition approach (taking into account administrative cost savings from using an already existing contract; tower prices/discounts; greater number of vendors; reasonableness of the acquisition vehicle access fee).]*
3. The Requesting Agency's expertise in placing orders and administering them against the selected contract vehicle is appropriate for this acquisition. *[Explain why/how the contracting office/officers expertise is appropriate for placing orders against the contract and administering them throughout the acquisition lifecycle.]*
4. The type of funds have been reviewed and will result in the use of funds in accordance with appropriation limitations and laws, regulations and policies applicable to the Army and DoD.
5. Unique terms, conditions, and requirements will be incorporated into the order as appropriate to comply with all applicable DoD or Army-unique statutes, regulations, directives, and other requirements.

[Include item "6" below if the portion of the direct acquisition being contracted out exceeds the Simplified Acquisition Threshold and the non-DoD agency has certified in accordance

with FAR 17.703(a). A list of non-DoD agency certifications is available at http://www.acq.osd.mil/dpap/cpic/cp/interagency_acquisition.html and a copy of the certification shall be included as an attachment. If the agency has obtained a waiver, replace the language in item “6” below with “The Servicing Agency has obtained a waiver in accordance with FAR 17.703(e) for the certification required by FAR 17.703(a).” and include a copy of the waiver as an attachment.]

6. The Servicing Agency has certified that it will comply with defense procurement requirements to include applicable DoD financial management regulations in accordance with FAR 17.703(a) and Section 801 of the [National Defense Authorization Act \(NDAA\)](#) for Fiscal Year 2008.

Determination of Best Procurement Approach Direct Acquisition

Title of Effort:

Prepared by:

Typed name:

Telephone:

Title:

Date:

Signature: _____

I reviewed the determination of Best Procurement Approach and find it adequate for approval.

Typed name:

Telephone:

Title:

Date:

Signature: _____

(Contracting official IAW AFARS 5117.502-1(a)(ii))

I reviewed the determination of Best Procurement Approach and find it legally sufficient.

Typed name:

Telephone:

Title:

Date:

Signature: _____

(Office of Counsel)

Determination of Best Procurement Approach for Direct Acquisition

Based upon the foregoing findings, I determine that the use of [insert name of agency]'s contract, [insert the contract number], for the acquisition of [insert requirement] represents the best procurement approach for, and is in the best interest of, the Department of the Army.

Signature: _____ Date:

Title:

(Signature of the authorized representative of the Requiring Activity, O-6 or GS-15)