

PARTNERSHIPS WITH OTHER FEDERAL AGENCIES: THE ECONOMY ACT



PROSPECT Session #1
Philadelphia, PA
May 1 - 4, 2023



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**US Army Corps
of Engineers®**



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Authority

The Economy Act of 1932, as amended, 31 U.S.C. § 1535

- Authorizes agencies to enter into agreements to obtain supplies or services (including construction) from another FEDERAL AGENCY

Determining need and availability:

- What Federal Agencies are located adjacent to or near your Corps lakes?
- What are their areas of expertise that the Corps might want to utilize?

NOTE: Economy Act Agreements (EAA) are only used when exchanging funds with another Federal agency. You do not need an EAA to work with another Federal agency where funds are not exchanged (i.e. sharing information and expertise, attending joint meetings, co-hosting special events, etc.)



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Examples of Successful Economy Act Agreements



- Lucky Peak (NWW)/BOR to improve recreation facilities by bringing power to them
- Portland District/BLM – prescribed burning
- MVP Lock 5 and USFS – improved habitat through use of dredging
- Libby Dam (NWS) and USFS – cultural resources support
- W Kerr Scott and NPS – parking lot improvements for OVNHT
- Lake Okeechobee and FWS – iguana control
- Nashville District and APHIS – feral pig management
- Abiquiu Lake and BLM – ecosystem restoration/invasive species removal
- Blue Marsh Lake and APHIS- turkey and black vulture, feral duck and geese, Canada geese removal



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Lake Okeechobee, Jacksonville District, SAD

Invasive Reptile Control



- MOA/Interagency Agreement with USDA APHIS Wildlife services for invasive reptile control
- Five year contract - \$50,000 per year
- Removal and control of iguanas and other invasive reptiles that burrow into dikes and levees, as well as USACE field offices
- Over 1000 removed in first year



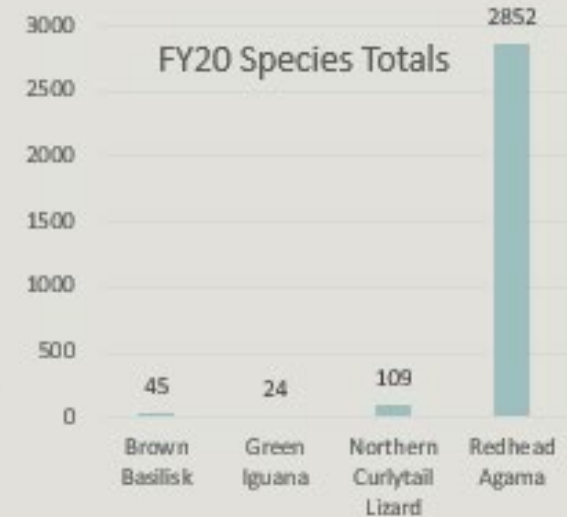
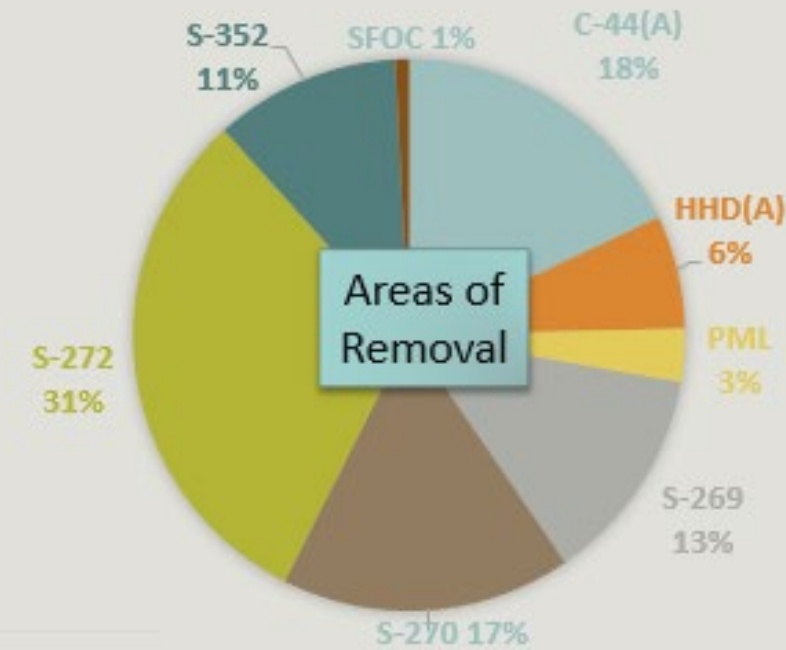
FY20 Data - Totals

Totals per Species for FY20- Total – 3030 Individuals Removed

- Iguanas – 24
- Agamas – 2852
- Curly-tails – 109
- Basilisks - 45

Days in Field – 157
 Avg Workday – 9.7 Hrs.
 Increase of 800 more individuals removed than FY19 total.

Highest daily removal occurred on Oct. 1st





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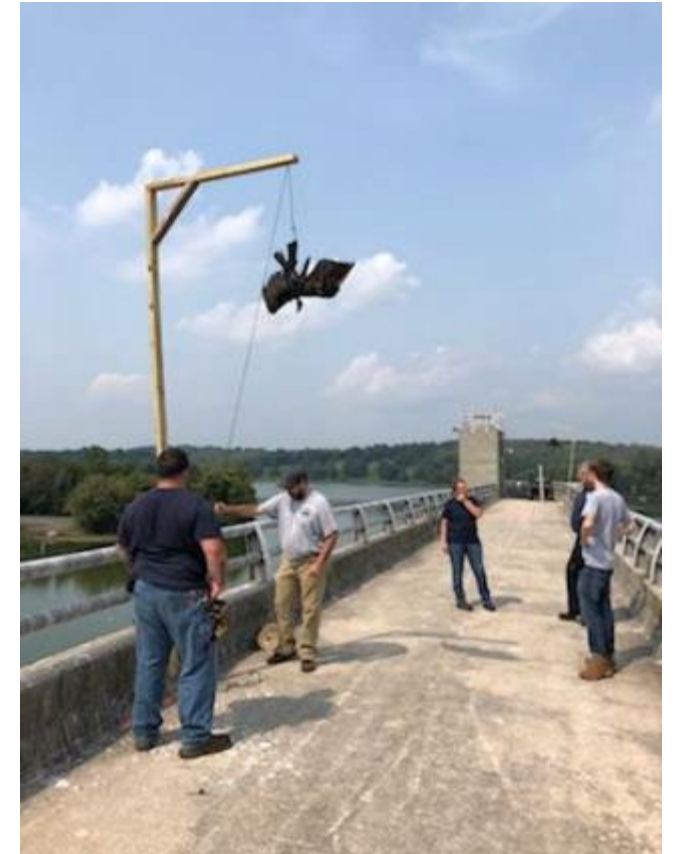
Blue Marsh Lake, Philadelphia District, NAD

Feral Duck/Geese/Vulture Control

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- IAA with USDA APHIS Wildlife services for targeted species removal
- Installed four effigies. Took about two weeks for a dozen black/turkey vultures to disappear.
- Received a permit from USDA to harass vultures. Working on a USFWS permit to allow lethal means in the future
- Paid the USDA using the GPC





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Cordell Hull Lake, Nashville District, LRD

Feral Swine Control



- MOA with USDA APHIS Wildlife services for feral swine control at several Tennessee reservoirs
- Response to ineffective swine hunting as a control method (saw an increase in illegal stocking)
- USACE staff conducts site assessments, APHIS sharp-shooters conduct swine removal from helicopters and ground-trapping
- FY 19: 2,678 hogs removed. FY 18: 3,209 hogs removed. All known populations removed from Sumner Co.





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Abiquiu Lake, Albuquerque District, SPA Invasive Species Removal



- Interagency Agreement with BLM for removal of Russian olive, Siberian elm, and salt cedar in the Arroyo Jaspe Project area
- Remove, treat with herbicide, and burn minimum of 10 acres, up to 20 acres of vegetation
- USACE pays costs through MIPR and conducts nesting surveys before start of migratory bird season



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Portland District NWD and Bureau of Land Management Prescribed Burning



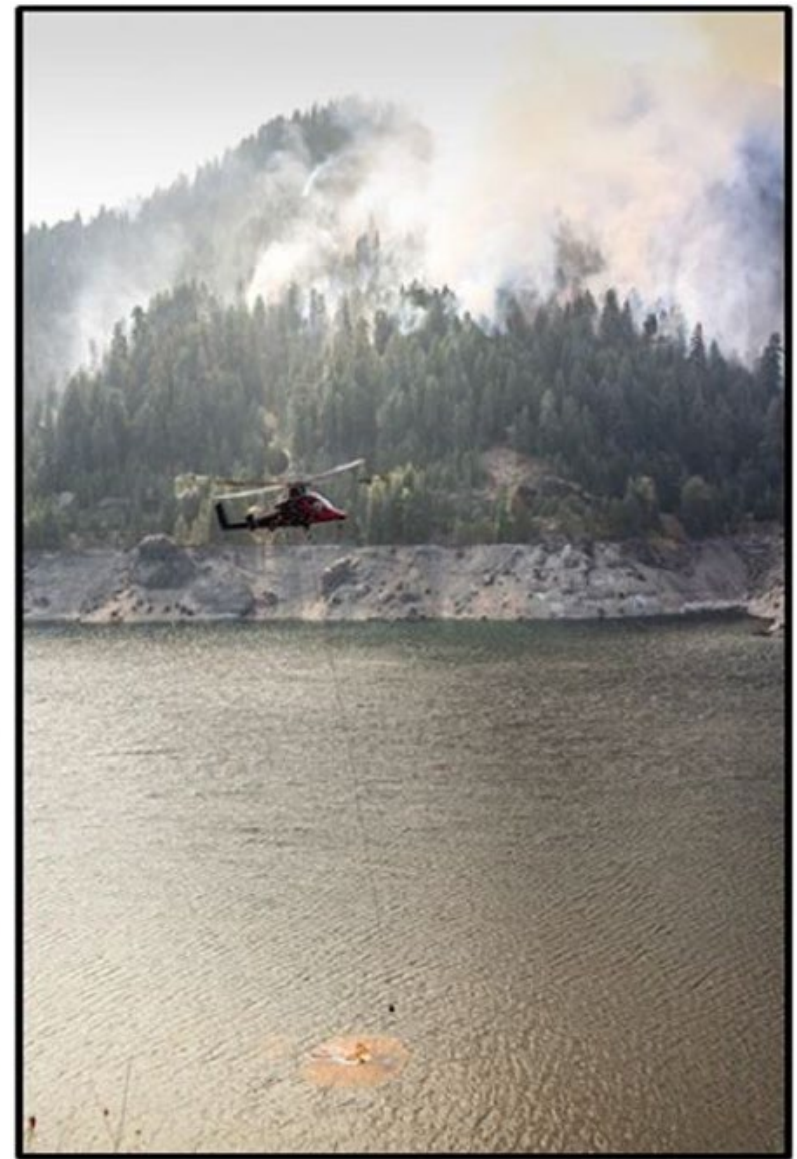
- Winter: MOA/Interagency Agreement with BLM. Economy Act funds transfer (Division SES signature)
- Spring: Group planning meeting (Regional air quality permit, approval of annual burn plan, public notification/outreach to neighbors)
- Late Summer: Site walk through 1-2 weeks before burns
- Fall: After action meeting



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Active Engagement Yields Benefits!

- Wildfire coordination
- Recreation enhancements
- Species recovery/habitat restoration





When Can You Use The Economy Act?



An Economy Act order can be used when:

- 1) funds are available
- 2) the ordering agency determines that it is in the best interest of the government
- 3) the ordering agency decides that ordered goods or services cannot be provided as conveniently or cheaply by contract with commercial enterprise.



Economy Act Terminology



- Treasury Form FS 7600A - is a binding agreement covering General Terms & Conditions (GT&C) under which support agreements/orders (using 7600B forms) can be established. Equivalent to an MOA.
- G-Invoicing – Government-Invoicing is a Treasury owned system that all Federal agencies must use to process intra-agency and interagency agreements.
- Memorandum of Agreement (MOA) is a narrative form "binding agreement" covering the GT&C under which support agreements/orders can be established. These are being phased out for working with DoD and other federal agencies, but can still be used as a supplement.
- DoD has mandated the use of G-Invoicing to establish new GT&C agreements and any accompanying support agreements/orders that extend to 30 September 2023 or later. Activities may no longer use DD 1144s for GT&C agreements for support agreements.



Economy Act Key Points



- Determination and Findings (D&F) document must be prepared by the ordering agency.
- Performing agency must be able to provide the goods or services in-house or by contract, and parties should verify under Part 8 of the FAR that the responsibility for this good or service is not assigned to another agency of the federal government.
- Authority for the ordering agency to do the work in question must be independently authorized.
- The Economy Act cannot be used for partnerships with non-federal entities and is only used with federal agencies when another more specific transfer authority is not available.
- Payment by GPC may be authorized for purchases within the credit card limit



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Paperwork Needed

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- General Terms & Conditions Agreement (GT&C)/Master Agreement
 - FS 7600a must be used. Phasing out MOAs
- Interagency Support Agreement/Order
 - FS 7600b
- Memo of Determinations and Findings (D&F)
- All paperwork must be entered into Treasury Department G-Invoicing system before reimbursable orders can be accepted



Contract vs. In-house Economy Act Orders

- Not all Economy Act orders include a contract action.
 - i.e. The servicing agency provides the support in-house.
- Economy Act orders including a contract action (aka: *interagency acquisitions*).
 - Support will either be completed by:
 - Assisted Acquisition – The servicing agency performs acquisition activities on the requesting agency's behalf, such as awarding and administering a contract, task order, or delivery order (this is more common)
or
 - Direct Acquisition – The requesting agency places an order *directly* against the servicing agency's indefinite-delivery contract.

Why does it matter?

- It matters because the authorities that apply and the documentation required are different
 - if there is a contract action involved vs.
 - if it is In-house.

Contract Economy Act Order Requirements

- (1) Written Interagency Master Agreement/General Terms & Conditions GT&C Agreement (FS 7600a: equivalent to an MOA)
 - Specifies the authority for the agreement
 - General, fiscal, procurement, other terms by which the parties agree to be bound
 - Must include the range of services, roles and responsibilities for acquisition planning, contract execution, period of the agreement, and the administration and management of the contracts

- (2) Support Agreement/Order (FS 7600b)
 - Funding document used to describe the supplies or services needed.
 - Must include clear, detailed description of the supplies or services (often SOW); delivery requirements or period of performance; funds citation; payment provision; authority (Economy Act); additional ordering procedures

- (3) Certification of Availability for Purpose
 - A statement by the funds certifying official indicating that the funds cited on the order are properly chargeable for the purposes cited in the order.
 - May be on or attached to the order or on G-Invoicing.



Contract Requirements (Cont.)

(4) Determination & Findings (D&F)

- Purpose is to show the Order is in best interest of government
- Template available from NWD

(5) Best Procurement Approach Determination

- Show that the use of an interagency acquisition represents the “best procurement approach”

Additional requirements if more than \$150,000

(6) Non-DoD Certification – AFARS 5117.7802

- Demonstrate that utilizing a non-DoD contract is in the best interests of DoD. Separate and distinct from the Economy Act D&F.

(7) FAR17.703 Certification from Non-DoD Agency

- Ensure non-DoD agency compliance with Federal & DoD procurement requirements



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In-House Economy Act Order Requirements

- (1) Written Interagency Master Agreement/General Terms & Conditions GT&C Agreement (FS 7600a: equivalent to MOA)
 - Sets forth the general terms and conditions governing the relationships between the parties.
- (2) Support Agreement/Order
 - Required to use FS 7600b in G-Invoicing system.
- (3) Certification of Availability for Purpose
- (4) Determination & Findings (D&F)



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Economy Act Orders With Another DoD Agency (Intra-agency Support)



- (1) Written Interagency Master Agreement (FS 7600a)
 - Not required, but recommended

- (2) FS 7600b (Support Agreement/Order)
 - Required



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Approval Level

- Agreements that cover more than one MSC: SES at HQUSACE
- Agreements with multiple districts in an MSC: MSC Commander
- Agreements within one District: District Commander if MSC Commander has delegated authority in writing to DE



Staff Involved



- **Requestor:** Project manager or employee requesting the services of another Federal agency. Responsible for preparation, negotiation, and execution of the Economy Act Order
- **Budget Analyst:** Requestor's budget section assists with PR&C development, Order obligation, invoice admin, and closeout
- **Office of Counsel:** reviews documents for proper procedure/ adherence to policy and regulations
- **Contracting:** Reviews and signs Economy Act Order documents. Principal review of independent government estimate, market research, labor hours/skill mix, business case analysis
- **Resource Management:** Funds Certifying Officer is responsible for certifying funds are available and properly chargeable
- **Division Chief/SES/DE:** Signs Best Procurement Approach Determination

UNITED STATES GOVERNMENT
GENERAL TERMS & CONDITIONS (GT&C)
FS Form 7600A



Agreement Between Federal Program Agencies for Intragovernmental Reimbursable, Buy/Sell Activity. In Accordance with TFM Volume 1, Part 2, Chapter 4700, Appendix 8.

Required fields for the FS Form 7600A are denoted with an (*)
Additional fields required when an Agency transitions to G-Invoicing are denoted by a (G)

https://www.fiscal.treasury.gov/fs-services/gov/acctg/g_invoice/g_invoice_home.htm

NEW OR MODIFIED GT&C

General Terms and Conditions (GT&C) Number	°GT&C Number: <input type="text"/>	
	Requesting Agency (Buyer)	Servicing Agency (Seller)
	* Agency Agreement Tracking Number	* Agency Agreement Tracking Number
	° Modification Number: <input type="text"/>	
	° Status: <input type="text"/>	

AGENCY INFORMATION

	Requesting Agency (Buyer)	Servicing Agency (Seller)
1.	* Agency Name	
	* Group Name	
	° Group Description	
	° Document Inheritance Indicator	
	* Agency Location Code (ALC)	
	ALC Description	
	Subordinate Group	
	Cost Center	
	Business Unit	
	Department ID	

GT&C INFORMATION

2.	* GT&C Title		
3.	° Order Originating Partner Indicator		
4.	* Agreement Period	Original Base/Current Modification	New/Proposed Modification
		Start Date (yyyy/mm/dd):	Start Date (yyyy/mm/dd):
		End Date (yyyy/mm/dd):	End Date (yyyy/mm/dd):
5.	Termination Days		
6.	* Agreement Type		
7.	* Advance Payment Indicator	Are Advance Payments allowed for this GT&C? <input type="radio"/> Yes <input type="radio"/> No	
		*If Yes, the Servicing Agency Advance Payment Authority Title and Citation are required upon creation of an Order against this GT&C.	

UNITED STATES GOVERNMENT ORDER FORM
FS FORM 7600B



Agreement Between Federal Program Agencies for Intragovernmental Reimbursable, Buy/Sell Activity. In Accordance with TFM Volume 1, Part 2, Chapter 4700, Appendix 8.

Required fields for the FS Form 7600B are denoted with an (*)
Additional fields required when an Agency transitions to G-Invoicing are denoted by a (G)

<https://www.fiscal.treasury.gov/g-invoice/>

NEW OR MODIFIED ORDER

1.	Order Number	° Order Number: <input type="text"/>	
		Requesting Agency (Buyer)	Servicing Agency (Seller)
		* Order Tracking Number	* Order Tracking Number
		° Modification Number: <input type="text"/>	
		° Order Status: <input type="text"/>	
2.	° General Terms & Conditions (GT&C) Number (Associated with this Order):		
3.	* Order Date (yyyy-mm-dd): <input type="text"/>		

PARTNER INFORMATION

4.	* Assisted Acquisition Indicator		
5.	* Period of Performance	Original Base/Current Modification	New/Proposed Modification
		Start Date (yyyy-mm-dd):	Start Date (yyyy-mm-dd):
		End Date (yyyy-mm-dd):	End Date (yyyy-mm-dd):
		Requesting Agency (Buyer)	Servicing Agency (Seller)
6.	* Agency Location Code (ALC)		
7.	* Agency Name		
8.	* Group Name		
9.	° Group Description		
10.	Cost Center		
11.	Business Unit		
12.	Department ID		
13.	Unique Entity Identifier (UEI)		
14.	Funding Office Code (Buyer Only)		
15.	Funding Agency Code (Buyer Only)		
16.	Comments		

Department of
Treasury
FS Form 7600A
and 7600B
US Government
Interagency
Agreement



Determination and Findings

Economy Act Order With Contract Action

[Use this template if any portion of the work will be provided via contract, unless considered merely incidental. Use the "In-House" D&F Template if contracting is only incidental to the purpose of the transaction.]

SUBJECT: *[Insert Subject here.]*

1. References:

a. Memorandum, USACE NWD, CENWD-DE, 13 December 2013, subject: NWD Interim Policy Memorandum #07-12, Processing Economy Act Orders within the U.S. Army Corps of Engineers (USACE) Northwestern Division (NWD).

b. Federal Acquisition Regulation (FAR), Subpart 17.5, Interagency Acquisitions.

c. Department of Defense (DoD) Financial Management Regulation (FMR), 7000.14-R, Vol. 11A, Chapter 3, March 2012, subject: Economy Act Orders.

d. *[Only include this reference if your action is over the Simplified Acquisition Threshold (SAT):* Memorandum, Assistant Secretary of the Army, Acquisition, Logistics and Technology (ASA(AL&T), July 12, 2005, subject: Proper Use of Non-Department of Defense (Non-DoD) Contracts.]

e. *[Only include this reference if your action is over the SAT: FAR Subpart 17.7, Interagency Acquisitions: Acquisitions by Non-Defense Agencies on Behalf of the Department of Defense.]*

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 when more specific statutory authority does not exist.

3. Purpose. This Determination and Findings (D&F) documents that the use of an Economy Act order to obtain [insert supplies or service obtaining] from [insert non-DoD federal agency] is in the best interests of the Government.

4. Requirement Information:

D&F Templates from NWD for Contract/ In-House Economy Act Orders

Determination and Findings

Economy Act Order In-House

[Use this template if all of the work will be provided in-house. If any of the work will be contracted out, beyond a mere incidental portion, use the "Contract Action" D&F Template.]

SUBJECT: *[Insert Subject here.]*

1. References:

a. Memorandum, USACE NWD, CENWD-DE, 13 December 2013, subject: NWD Interim Policy Memorandum #07-12, Processing Economy Act Orders within the U.S. Army Corps of Engineers (USACE) Northwestern Division (NWD).

b. Department of Defense Instruction (DoDI) 4000.19, April 25, 2013, subject: Support Agreements.

c. Department of Defense (DoD) Financial Management Regulation (FMR), 7000.14-R, Vol. 11A, Chapter 3, March 2012, subject: Economy Act Orders.

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 when more specific statutory authority does not exist.

3. Purpose. This Determination and Findings (D&F) documents that the use of an Economy Act order to obtain [insert supplies or service obtaining] from [insert non-DoD federal agency] is in the best interests of the Government.

4. Requirement Information:

a. Description of services/supplies: *[Describe the supplies or services needed, to include the delivery schedule/period of performance and price.]*

b. Servicing Agency: *[Insert the name of the non-DoD agency that will be providing the support.]*

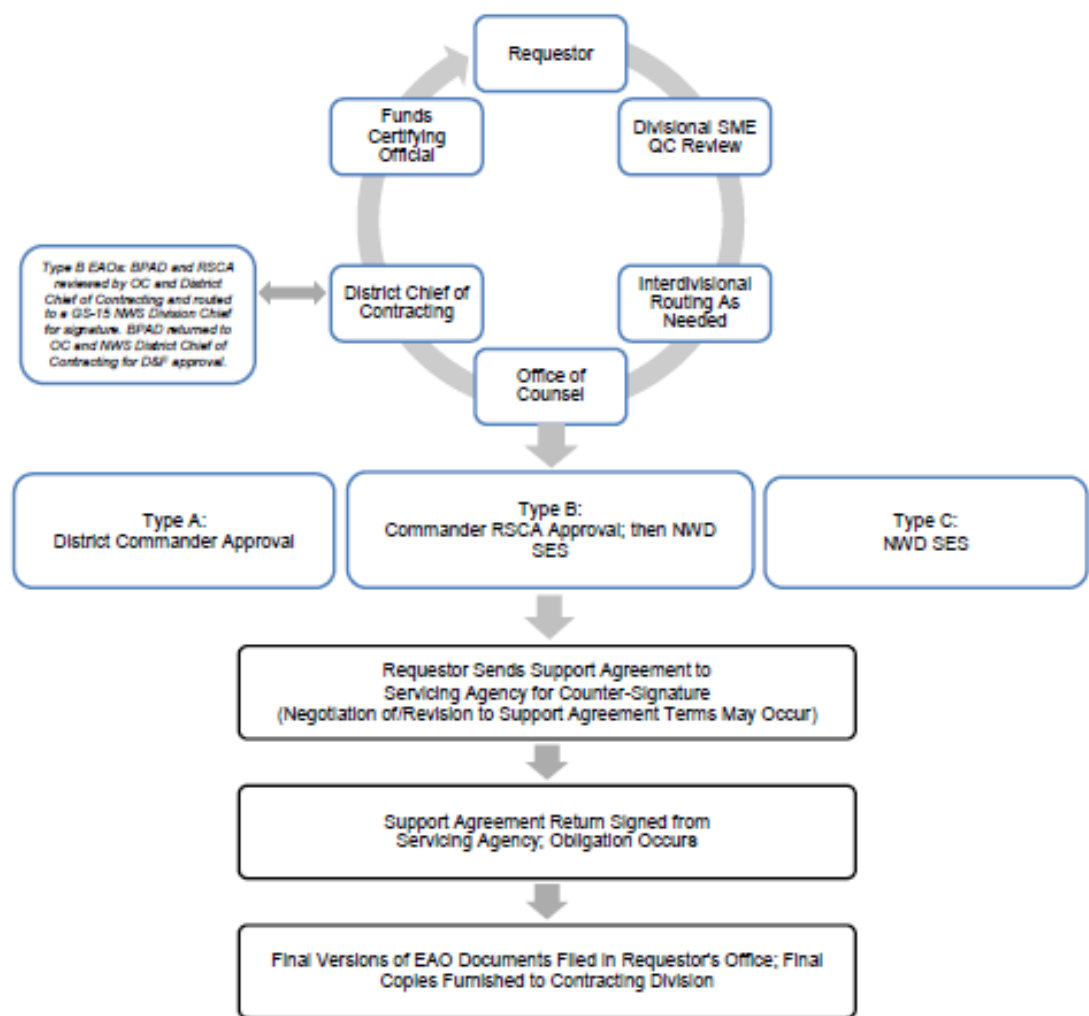
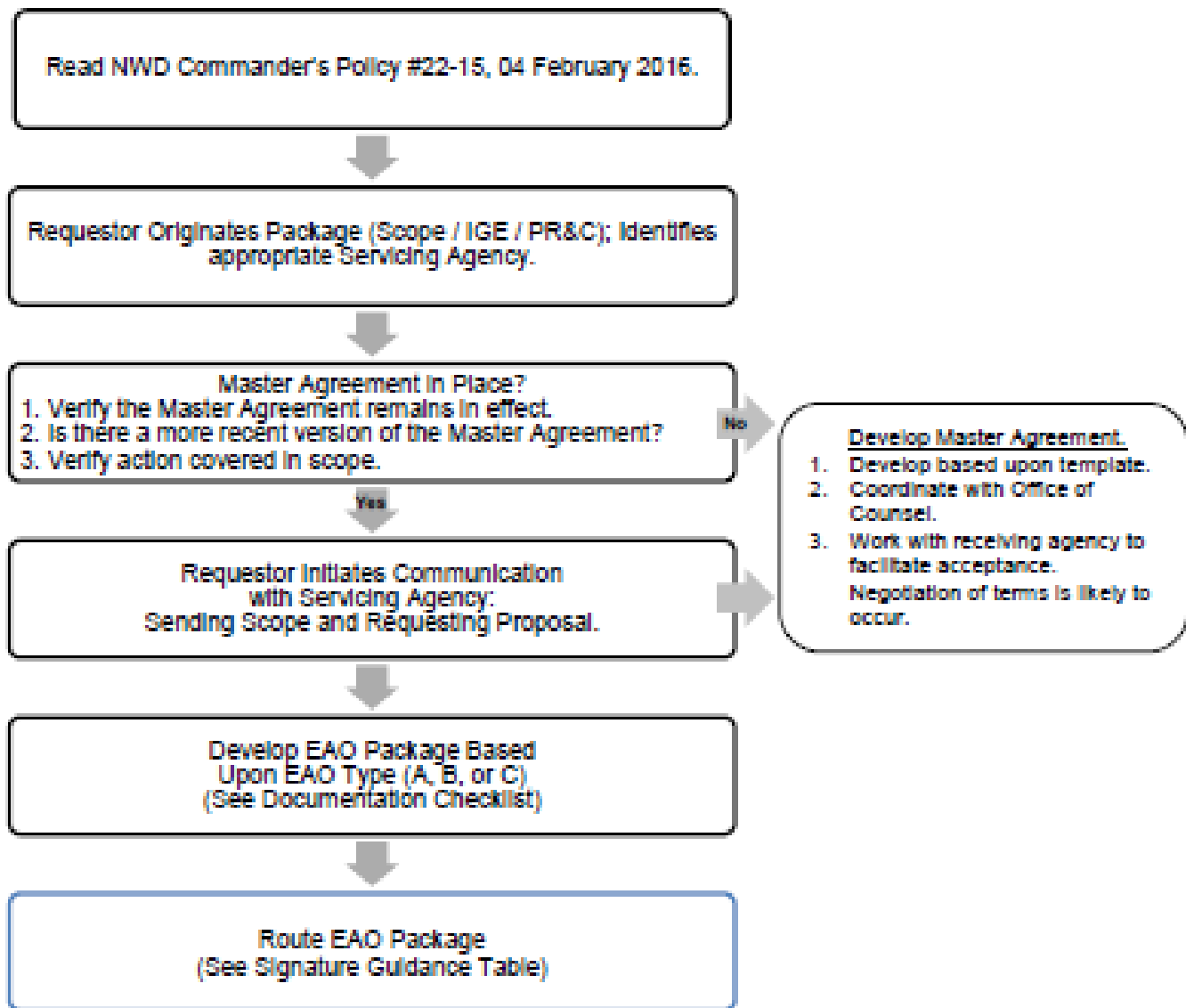
c. Requesting Agency: *[Insert the name of the USACE district needing the support.]*

5. The proposed use of an interagency transaction is in the best interest of the Government considering the following factors:

a. Funding is available to pay for the support. *[Either indicate what type of funds are being*



NWS Economy Act Order Flowchart For USACE as Requesting Agency



8.1: Economy Act Order Documentation Checklist



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CORE QUESTIONS:

1. Is there more specific statutory authority¹ than the Economy Act Order with which to order this work? Yes No

If you answered Yes, then you must utilize the other statutory authority and may not utilize an Economy Act Order. If you answered No, move to question 2. If you are unsure, check with the Office of Counsel. The Requestor and Office of Counsel will more than likely need to discuss any authority question with the Servicing Agency.

2. Will this work be completed by a DoD or Non-DoD agency?

If you answered DoD, then column A documentation applies. If you answered Non-DoD, then move to question 3.

3. Is the Servicing Agency (i.e., agency you are doing the Economy Act Order with) carrying out any type of contract action to complete this work (Will the Servicing Agency rely on any resources other than its own employees or on-hand? For example, will the Servicing Agency contract out asbestos abatement or other specific portion(s) of the service)? Yes No

If you answered Yes, then column B documentation applies. If you answered No, then column C documentation applies.

<u>A</u> DoD	<u>B</u> Non-DoD Contracting	<u>C</u> Non-DoD In-House
<input type="checkbox"/> Master Agreement <input type="checkbox"/> Support Agreement, containing the Scope of Work <input type="checkbox"/> PR&C <input type="checkbox"/> Servicing Agency Proposal (with line-item cost breakdown) <input type="checkbox"/> Technical Assessment <input type="checkbox"/> Determination & Findings (if DD 1144 is not utilized for Support Agreement)	<input type="checkbox"/> Master Agreement <input type="checkbox"/> Support Agreement, containing the Scope of Work <input type="checkbox"/> PR&C <input type="checkbox"/> Independent Government Estimate <input type="checkbox"/> Servicing Agency Proposal (with line-item cost breakdown) <input type="checkbox"/> Technical Assessment <input type="checkbox"/> Determination & Findings <input type="checkbox"/> Best Procurement Approach Determination <input type="checkbox"/> Request for Service Contract Approval (RSCA) for SES Approval <i>If over Simplified Acquisition Threshold (SAT):</i> <input type="checkbox"/> Non-DoD Certification per FAR 17.703(a) or Waiver per FAR 17.703(e)	<input type="checkbox"/> Master Agreement <input type="checkbox"/> Support Agreement, containing the Scope of Work <input type="checkbox"/> PR&C <input type="checkbox"/> Servicing Agency Proposal (with line-item cost breakdown) <input type="checkbox"/> Technical Assessment <input type="checkbox"/> Determination & Findings



8.2: Signature Guidance Table



	Requestor	Requestor's Supervisor	Requestor's Division Chief	Office of Counsel	Contracting Officer	Funds Certifying Official	PPMD Chief	NWS Commander	NWD SES
Master Agreement	-	-	-	R	R	-	-		S
Support Agreement (Order with a non-DoD Agency)	-	-	-	R	R	R	-	-	S
Support Agreement (Order with a DoD Agency)	-	-	-	R	R	R	R	S	-
Independent Government Estimate Under the SAT	S	S	-	-	-	-	-	-	-
Independent Government Estimate Over the SAT	S	R/S	S	-	-	-	-	-	-
Technical Analysis	S	S	-	-	R	-	-	-	-
Determination and Findings	-	-	-	S	S	S	-	-	S
Best Procurement Approach	-	-	-	S	S	-	S	-	R
Request for Service Contract Approval Under \$100K	-	-	S	R	-	-	-	-	-
Request for Service Contract Approval Over \$100K	-	-	-	R	-	-	R	S	S

- Review and Signature Required = S
- Review Required = R
- SAT is the Simplified Acquisition Threshold as defined by FAR 2.101. The SAT is currently \$250,000.
- Internal processes outside of this SOP may require additional reviewers, such as Project Managers or Section Chiefs.



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Existing Economy Act Agreements

- [MVK Economy Act D&F for TVA painting work, May 2014](#)
- [MVS Wappapello and APHIS □ Feral hog management, 2014](#)
- [NWO: Omaha District and NPS - Environmental remediation, technical assistance and homeland defense/security activities, July 2003](#)
- [MVP: Lock 5 and US Forest Service - Environmental habitat improvement through the use of dredging](#)
- [NWW Dworshak and BLM - Forest Management MOA, March 2014](#)
- [NWW Dworshak and BLM - Forest Management D&F](#)
- [NWW Dworshak and FWS - National Fish Hatchery D&F, Sep 2013](#)
- [NWW: Lucky Peak and BOR - Recreational improvements to bring power to recreation area, October 2009](#)
- [NWP: Rogue River and US Forest Service - Forest Health Services, April 2003](#)
- [NWP: Portland District and US Geological Survey - Mercury exposure risk assessment for purple martins at Willamette Valley Projects](#)
- [NWP: Portland District and Bureau of Land Management- Prescribed burning](#)
- [NWS: Albeni Falls and US Forest Service- Cultural Resource Management, February 2017](#)
- [NWS: Libby Dam and US Forest Service- Cultural Resource Management, February 2018](#)
- [NWS: Libby Dam and USGS- Habitat Suitability Modeling for Kootenai River White Sturgeon, March 2017](#)
- [NWS: Seattle District and Bureau of Reclamation - Facility Vulnerability Assessments at Five NWS Operating Projects, Aug 2006](#)
- [NWW: Walla Walla District and USFS - Prescribed burning, October 2012](#)
- [SAJ: Lake Okeechobee and USDA APHIS - Invasive Reptile Control, March 2018](#)
- [SAW: W Kerr Scott and National Park Service for Overmountain Victory Trail, 2011](#)
- [SPA: Abiquiu Lake and BLM - Arroyo Jaspe Ecosystem Restoration Project IAA and MIPR](#)
- [USACE: NOAA - Social science products and services, Dec 2009](#)
- [HQUSACE and Tennessee Valley Authority - Technical and professional services for environmental and water resource programs](#)



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Patience

- Some districts / divisions have specific guidance on how to accomplish this process – CHECK WITH YOUR SUPPORT STAFF (OC/RM/CT)
- This can be a slow process due to routing and review requirements
 - Do not get frustrated
 - It is worth the effort if the job needs to be done and expertise only exists or is more economical using the Federal Government



Recap Questions

Which of the following statements is true about the Economy Act?

- a. It can only be used for partnerships with non-federal entities.
- b. It can only be used with federal agencies when another more specific transfer authority is not available.
- c. It allows for the transfer of funds to Cooperating Associations
- d. It makes partnerships easy with the private sector.



Recap Questions

What paperwork is required as part of an Economy Act agreement?

- a. Treasury Form FS 7600A
- b. MOU
- c. Treasury Form FS 7600B
- d. Both A and C