

Partnerships with other Federal Agencies: The Economy Act

Partnerships in NRM
PROSPECT Course



"The views, opinions and findings contained in this report are those of the authors(s) and should not be construed as an official Department of the Army position, policy or decision, unless so designated by other official documentation."



US Army Corps
of Engineers®



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?



US Army Corps
of Engineers®



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 – habitat assessments and improvements on COE lands
- USACE and TVA– technical assistance for water resource management, infrastructure, environmental compliance
- **W Kerr Scott and NPS** – parking lot improvements for OVNHT
- **Lake Okeechobee and FWS** – iguana control



US Army Corps
of Engineers®



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



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

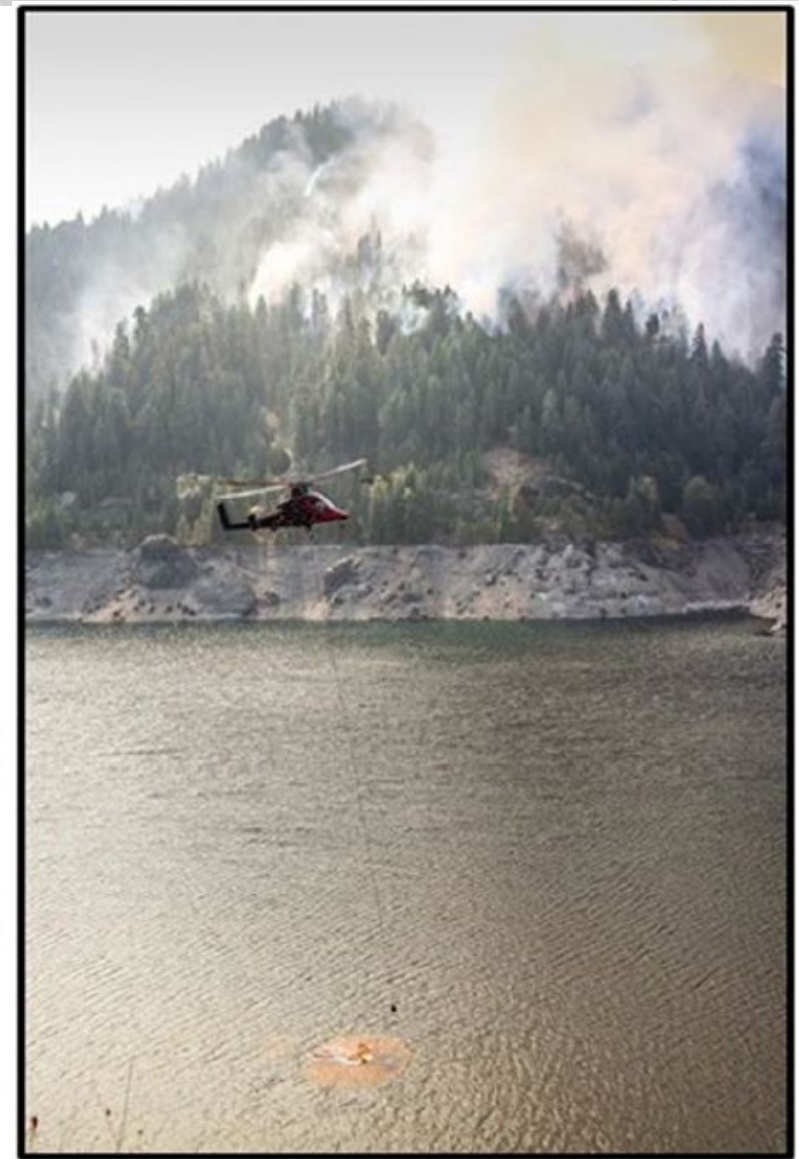


US Army Corps
of Engineers®



Active Engagement Yields Benefits!

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



US Army Corps
of Engineers®



U.S. ARMY

Non-Economy Act Transactions

- The Economy Act only applies when more specific statutory authority does not exist
- Examples of Non-Economy Act Orders:
 - Federal Supplies Schedules – authority is 40 U.S.C. 501
 - Government-wide Acquisition Contracts (GWACSs) – authority is 40 U.S.C. 11302(e)
- Bottom line: If you have more specific authority for acquiring supplies/services from another federal agency, do not use the Economy Act.



US Army Corps
of Engineers®



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.



US Army Corps
of Engineers®



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.



US Army Corps
of Engineers®



Contract Economy Act Order Requirements

(1) Written Interagency Master Agreement (typically an MOA or FS 7600a)

- General, fiscal, procurement, other terms by which the parties agree to be bound
- Must include the roles and responsibilities for acquisition planning, contract execution, 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 the MIPR.



US Army Corps
of Engineers®



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



US Army Corps
of Engineers®



In-House Economy Act Order Requirements

- (1) Written Interagency Master Agreement (MOA or FM 7600a)
 - Sets forth the general terms and conditions governing the relationships between the parties.
- (2) Support Agreement/Order
 - Typically use other agency's form. But may suggest FMS 7600b if they do not have one.
- (3) Certification of Availability for Purpose
- (4) Determination & Findings (D&F)



US Army Corps
of Engineers®



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

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

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

- (3) MIPR



US Army Corps
of Engineers®



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.
- Some agencies have their own transfer authorities that do not include de-obligation requirements and D&Fs, such as Section 632 of the Foreign Assistance Act, which the Corps may accept under the Chief's Economy Act.



US Army Corps
of Engineers®



Paperwork Needed

- Interagency Support Agreement
 - FS 7600b
- Memo of Determinations and Findings (D&F)
- Copy of agreement used (MOA/FS 7600a interagency agreement)
- All paperwork must be entered into Treasury Department G-Invoicing system, as of 1 Oct 2019



US Army Corps
of Engineers®



MEMORANDUM OF AGREEMENT
BETWEEN
THE [ORDERING ACTIVITY]
AND
THE DEPARTMENT OF THE ARMY
**[U.S. ARMY CORPS OF ENGINEERS may also be appropriate depending on the level of
approval authority and/or other relevant circumstances]**
FOR
[INSERT SUBJECT]
[INSERT AGREEMENT NUMBER]

ARTICLE I - PURPOSE AND AUTHORITY

This Memorandum of Agreement ("MOA") is entered into by and between the U.S. Department of the Army ("DA") and the [ORDERING ACTIVITY] (collectively "the Parties") for the purpose of establishing a mutual framework governing the respective responsibilities of the Parties for the provision of DA **[insert general description of the type of DA assistance; e.g. construction management, environmental restoration or design assistance]** goods and services. This MOA is entered into pursuant to the Economy Act (31 U.S.C. § 1535) **[When necessary, also insert specific statutory authority for the ORDERING ACTIVITY to execute the program/work].**

ARTICLE II - SCOPE

Goods and services which the DA may provide under this MOA include **[insert detailed description of scope of DA goods or services, including brief description of Ordering Agency program/work if appropriate]**, and such other related goods or services as may be agreed upon in the future.

Nothing in this MOA shall be construed to require the [ORDERING ACTIVITY] to use the DA or to require the DA to provide any goods or services to the [ORDERING ACTIVITY], except as may be set forth in Support Agreements ("SAs").

ARTICLE III - INTERAGENCY COMMUNICATIONS

To provide for consistent and effective communication between the DA and the [ORDERING ACTIVITY], each Party shall appoint a Principal Representative to serve as its central point of contact on matters relating to this MOA. Additional representatives may also be appointed to serve as points of contact on SAs.

ARTICLE IV - SUPPORT AGREEMENTS

In response to requests from the [ORDERING ACTIVITY] for DA assistance under this MOA, the DA and the [ORDERING ACTIVITY] shall conclude mutually agreed upon written SAs. Goods or services shall be provided under this MOA only after an appropriate SA has been



US Army Corps
of Engineers®





Agreement Between Federal Program Agencies for Intragovernmental Reimbursable, Buy/Sell Activity. In Accordance with TFM Volume 1, Part 2, Chapter 4700, Appendix 6, Section 9.

https://www.fiscal.treasury.gov/fservices/gov/acctg/g_invoice/g_invoice_home.htm

G-Invoicing Required Fields have an (*)

NEW OR MODIFIED GT&C																	
*General Terms and Conditions (GT&C) Number	GT&C Number: <input type="text"/> Modification Number: <input type="text"/>																
AGENCY INFORMATION																	
1.	<table border="1"> <thead> <tr> <th>Requesting Agency (Buyer)</th> <th>Servicing Agency (Seller)</th> </tr> </thead> <tbody> <tr><td>*Agency Identifier (AID)</td><td><input type="text"/></td></tr> <tr><td>*Agency Location Code (ALC)</td><td><input type="text"/></td></tr> <tr><td>*Agency Name</td><td><input type="text"/></td></tr> <tr><td>*Agency Address</td><td><input type="text"/></td></tr> <tr><td>Cost Center</td><td><input type="text"/></td></tr> <tr><td>Business Unit</td><td><input type="text"/></td></tr> <tr><td>Department ID</td><td><input type="text"/></td></tr> </tbody> </table>	Requesting Agency (Buyer)	Servicing Agency (Seller)	*Agency Identifier (AID)	<input type="text"/>	*Agency Location Code (ALC)	<input type="text"/>	*Agency Name	<input type="text"/>	*Agency Address	<input type="text"/>	Cost Center	<input type="text"/>	Business Unit	<input type="text"/>	Department ID	<input type="text"/>
Requesting Agency (Buyer)	Servicing Agency (Seller)																
*Agency Identifier (AID)	<input type="text"/>																
*Agency Location Code (ALC)	<input type="text"/>																
*Agency Name	<input type="text"/>																
*Agency Address	<input type="text"/>																
Cost Center	<input type="text"/>																
Business Unit	<input type="text"/>																
Department ID	<input type="text"/>																
GT&C INFORMATION																	
2.	GT&C Title <input type="text"/>																
3.	Agency Agreement Tracking Number <input type="text"/>																
4.	*Agreement Period Start Date (mm/dd/yyyy): <input type="text"/> End Date (mm/dd/yyyy): <input type="text"/>																
5.	Termination Days <input type="text"/>																
6.	*Agreement Type <input type="radio"/> Single Order <input type="radio"/> Multiple Order																
7.	*Advance Payment Indicator Are Advance Payments allowed for this GT&C? <input type="radio"/> Yes <input type="radio"/> No *If "Yes", the Requesting Agency Advance Payment Authority Title and Citation are required upon creation of an Order against this GT&C.																
8.	*Assisted Acquisition Indicator Will this GT&C accommodate Assisted Acquisitions? <input type="radio"/> Yes <input type="radio"/> No *If "Yes", the Servicing Agency provides acquisition support in awarding and managing contracts on behalf of the Requesting Agency's requirements for products or services. Lines 17 & 18 below for additional detail.																
ESTIMATED AGREEMENT AMOUNT																	
9.	Total Direct Cost Amount \$0.00																
	Total Overhead Fees and Charges Amount \$0.00																
	*Total Estimated Amount \$0.00																
	Enforce Total Remaining Amount Should G-Invoicing enforce the total value of orders to remain below the Total Amount on the GT&C? <input type="radio"/> Yes <input type="radio"/> No If "Yes", G-Invoicing will not allow Order total to exceed the GT&C total.																

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



IAA Number GT&C # Order # Amendment # / Mod # Servicing Agency's Agreement Tracking Number (Optional)

PRIMARY ORGANIZATION / OFFICE INFORMATION						
24.	Requesting Agency	Servicing Agency				
	Primary Organization / Office Name	<input type="text"/>				
	Responsible Organization / Office Address	<input type="text"/>				
ORDER REQUIREMENTS INFORMATION						
25. Order Action (Check One)						
<input type="checkbox"/> New						
<input type="checkbox"/> Modification (Mod) - List affected Order blocks being changed and explain the changes being made. For Example: for a performance period mod, state the new performance period for this Order in Block 27. Fill out the Funding Modification Summary by Line (Block 26) if the mod involves adding, deleting, or changing Funding for an Order Line.						
<input type="checkbox"/> Cancellation - Provide a brief explanation for Order cancellation and fill in the Performance Period End Date for the effective cancellation date.						
26. Funding Modification Summary by Line		Line #	Line #	Line #	Total of All Other Lines (attach funding details)	Total
Original Line Funding		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	\$0.00
Cumulative Funding Changes From Prior Mods [addition (+) or reduction (-)]		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	\$0.00
Funding Change for This Mod		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	\$0.00
TOTAL Modified Obligation		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total Advance Amount (-)		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	\$0.00
Net Modified Amount Due		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
27. Performance Period		Start Date <input type="text"/>		End Date <input type="text"/>		
		MM-DD-YYYY		MM-DD-YYYY		
For a performance period mod, insert the start and end dates that reflect the new performance period.						

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:



Staff Involved

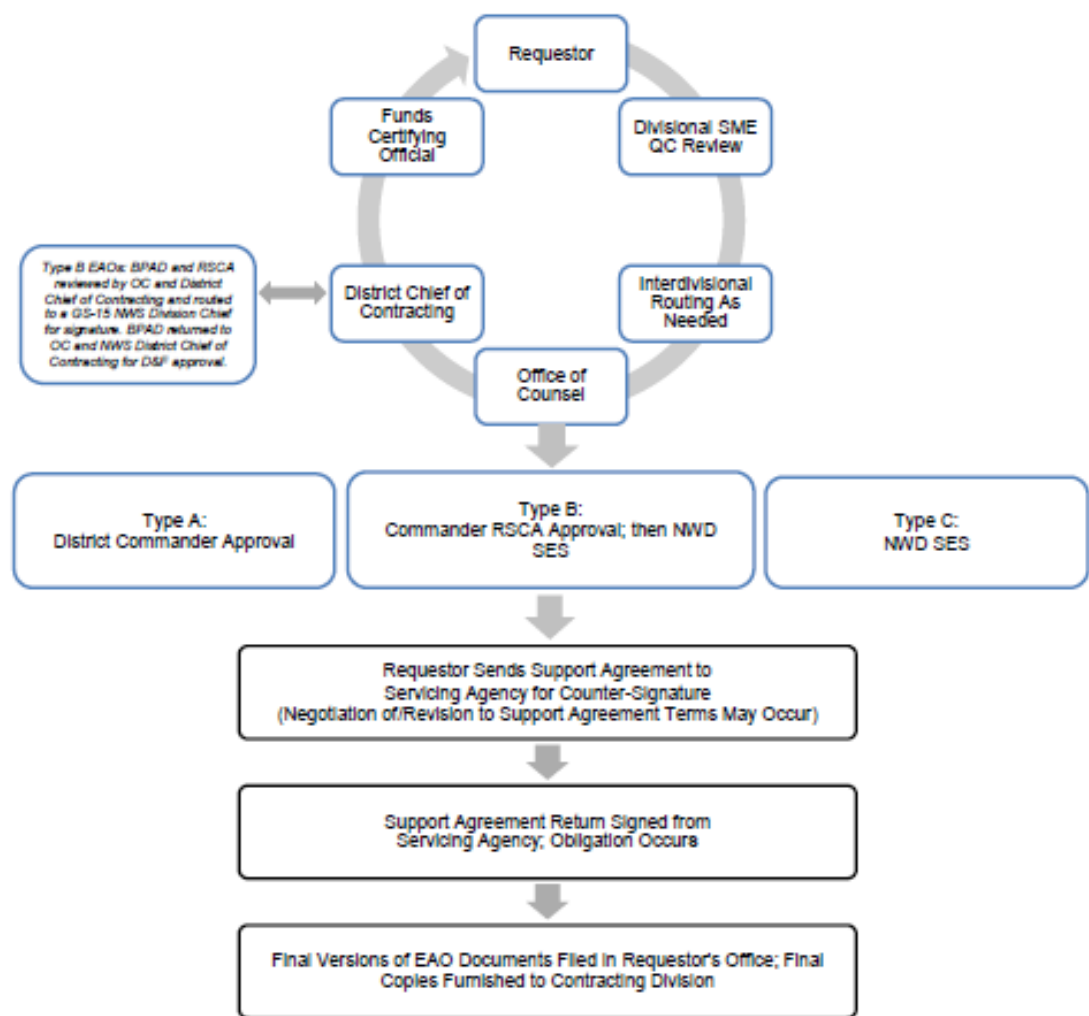
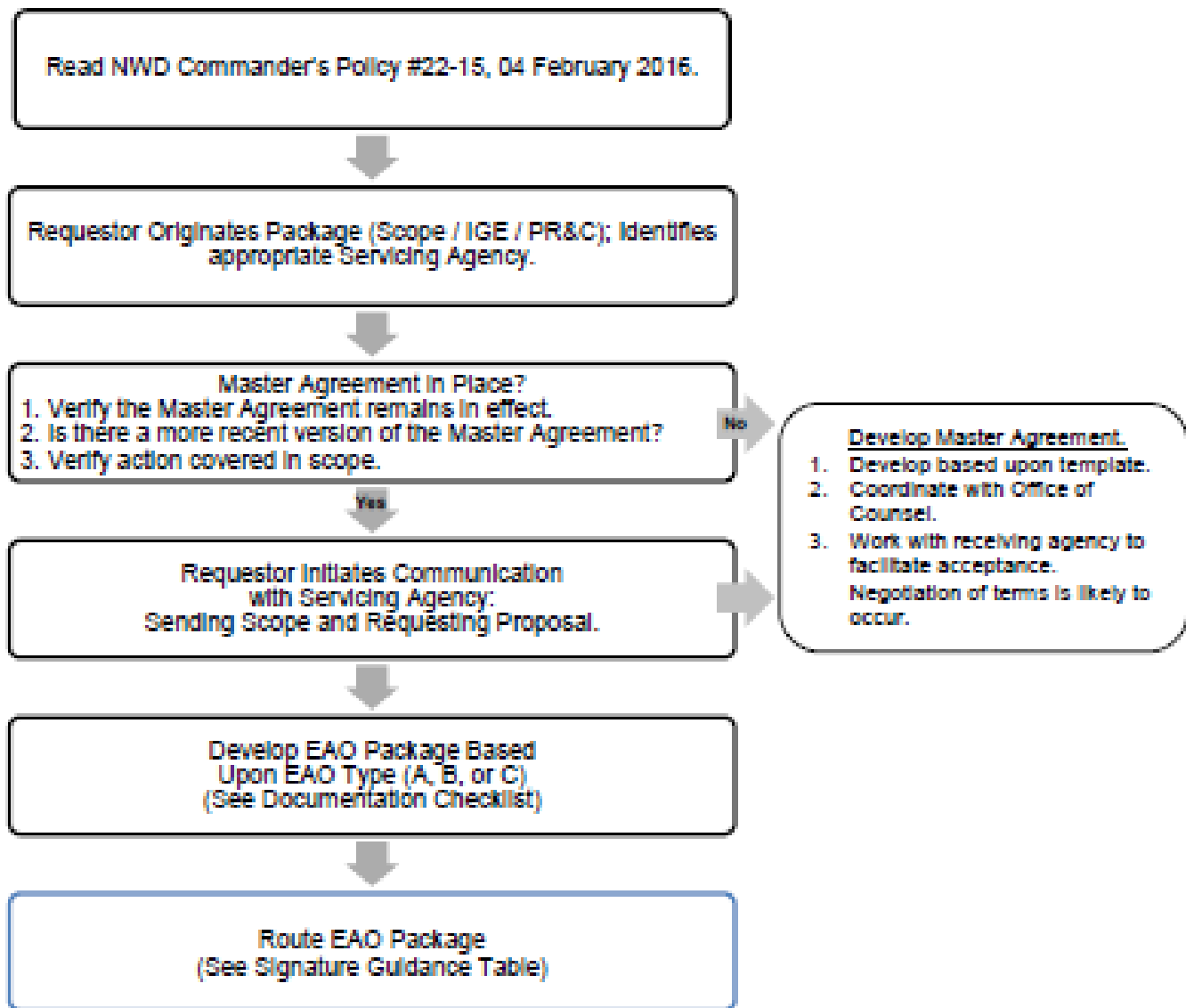
- **Requestor:** Project manager or employee requesting the services of another Federal agency. Responsible for preparation, negotiation, and execution of the Economy Act Order (SOW, IGE, ID of agency)
- **Budget Analyst:** Requestor's budget section assists with PR&C development, Order obligation, invoice 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



US Army Corps
of Engineers®



NWS Economy Act Order Flowchart For USACE as Requesting Agency



8.1: Economy Act Order Documentation Checklist

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



US Army Corps
of Engineers®



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.



Economy Act Forms



US Army Corps
of Engineers ®

Natural Resources Management Gateway

to the future . . .

Home Visitors Lake Discovery Recreation Env Compliance Env Stewardship Partners
News/Events People Forums Learning GETS Tools New Postings Submit Index/Search ?

Economy Act Sample Templates

- [FS Form 7600a US Government General Terms & Conditions- Agreement between Federal Program Agencies for Intragovernmental Reimbursable, Buy/Sell Activity \(May 2019\)](#)
- [FS Form 7600a Instructions \(March 2019\)](#)
- [FS Form 7600b US Government Interagency Agreement \(IAA\) June 2017](#)
- [NWD Economy Act D&F Templates](#)
- [NWD Economy Act Determination of Best Procurement Approach templates](#)
- [NWS Economy Act Order Documentation Checklist](#)
- [Department of the Treasury Financial Management Services FMS Form 6-10 7600A, Interagency Agreement \(IAA\) - Agreement between Federal Agencies, General Terms and Conditions](#)
- [DD 1144 Interservice Support Agreement](#) - for support between DOD agencies
- [ENG Form 4914-R Interagency Support Agreement](#) - for support with non-DOD agencies
- [DOD MOA template for Economy Act, 2016](#)
- [DOD Model MOU Template, 2016](#)

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



US Army Corps
of Engineers®

