PARTNERSHIPS WITH OTHER FEDERAL AGENCIES: THE

ECONOMY ACT

7 2 1 0 2 1 7 0 2 0 1 2 1 7 2 1 1 2 0

Partnerships in NRM PROSPECT Course









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?



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
- 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
- Nashville District and APHIS feral pig management
- Abiquiu Lake and BLM ecosystem restoration/invasive species removal



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









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.







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



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

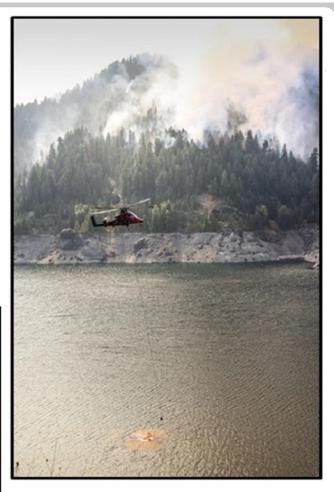


Active Engagement Yields Benefits!

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









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.



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 since 30 June 2021.
- Memorandum of Agreement (MOA) is a narrative form "binding agreement" covering the GT&C under which support agreements/orders can be established. These will be phased out for working with DoD and other federal agencies.
- DoD has mandated the use of G-Invoicing to establish new GT&C agreements and any accompanying support agreements/orders that extend to 30 June 2021 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.
- 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.



Paperwork Needed



- 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)
- Copy of agreement used (FS 7600a interagency agreement)
- 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
 - <u>Direct Acquisition</u> The requesting agency places an order directly against the servicing agency's indefinitedelivery 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



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)



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



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



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 appropriatel, 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



Print Form

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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/fsservices/gov/acctg/g_invoice/g_invoice_home.htm

		NEW OR MODIFIED GT&C				
General Terms and Conditions (GT&C) Number		GT&C Number:				
		Requesting Agency (Buyer)	Servicing Agency (Seller)			
		* Agency Agreement Tracking Number	* Agency Agreement Tracking Number			
		[©] Modification Number:				
		© Status:				
		AGENCY INFORMATION				
		Requesting Agency (Buyer)	Servicing Agency (Seller)			
1.	* Agency Name					
	* Group Name					
	^G Group Description					
	G 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.	^G Order Originating Partner Indicator		•			
4.	2	Original Base/Current Modification	New/Proposed Modification			
	* Agreement Period	Start Date (yyyy/mm/dd):	Start Date (yyyy/mm/dd):			
	9	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? Yes No "If Yes, the Requesting Agency Advance Payment Authority Title and Citation are required upon creation of an Order against this GT&C.				

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

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Page 1 of

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.

NEW OR MODIFIED ORDER

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/

1.	Order Number	^G Order Number:						
		Requesting Agency (Buyer)	Servicing Agency (Seller)					
		* Order Tracking Number	* Order Tracking Number					
		^o Modification Number:						
		^G Order Status:						
2.		GT&C) Number (Associated with this Order):						
3.	*Order Date (yyyy-mm-dd):							
	PARTNER INFORMATION							
4.	*Assisted Acquisition Indicator							
	*Period of Performance	Original Base/Current Modification	New/Proposed Modification					
5.		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.	^G 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							

FS Form 7600A Department of the Treasury | Bureau of the Fiscal Service

Revised March 2021

FS Form 7600B Department of the Treasury | Bureau of the Fiscal Service

Revised April 2021

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.]

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.
- 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
- 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
- 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:

NWS Economy Act Order Flowchart For USACE as Requesting Agency

Read NWD Commander's Policy #22-15, 04 February 2016.



Requestor Originates Package (Scope / IGE / PR&C); Identifies appropriate Servicing Agency.



Master Agreement in Place?

- Verify the Master Agreement remains in effect.
- 2. Is there a more recent version of the Master Agreement?
- Verify action covered in scope.



Requestor Initiates Communication with Servicing Agency: Sending Scope and Requesting Proposal.



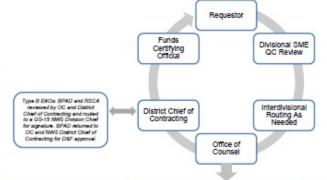
Develop EAO Package Based Upon EAO Type (A, B, or C) (See Documentation Checklist)



Route EAO Package (See Signature Guidance Table)

Develop Master Agreement.

- 1. Develop based upon template.
- Coordinate with Office of Counsel.
- Work with receiving agency to facilitate acceptance.
 Negotiation of terms is likely to



Type A: District Commander Approval Type B: Commander RSCA Approval; then NWD SES

Type C: NWD SES

Requestor Sends Support Agreement to Servicing Agency for Counter-Signature (Negotiation of/Revision to Support Agreement Terms May Occur)

> Support Agreement Return Signed from Servicing Agency; Obligation Occurs

Final Versions of EAO Documents Filed in Requestor's Office; Final Copies Furnished to Contracting Division

25

8.1: Economy Act Order Documentation Checklist

U.S. ARMY

CORE QUESTIONS:

1. Is there more specific statuto							
work? Yes □ No □	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.						
Economy Act Order. If you a Office of Counsel. The Requ							
2. Will this work be completed it	Will this work be completed by a □ DoD or □ Non-DoD agency?						
If you answered DoD, then c move to question 3.	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.							
A DoD	Non-DoD Contracting	C Non-DoD In-House					
Master Agreement Support Agreement, containing the Scope of Work	□ Master Agreement □ Support Agreement, containing the Scope of Work □ PR&C	 □ Master Agreement □ Support Agreement, containing the Scope of Work 					



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	220	_	1174 201 1000	s
Support Agreement (Order with a non- DoD Agency)	-	-	-	R	R	R		-	S
Support Agreement (Order with a DoD Agency)	12.1	-	_	R	R	R	R	s	_
Independent Government Estimate Under the SAT	s	s	-	-	-,			-	
Independent Government Estimate Over the SAT	s	R/S	s	-	_	(<u>-</u> 20		-	-
Technical Analysis	s	s	-	-	R	-		-	
Determination and Findings	2	-	4	s	S	s		12	S
Best Procurement Approach	-	-	-	s	S	-	S	-	R
Request for Service Contract Approval Under \$100K	-	_	s	R	_	_	_	2	2
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.





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

Economy Act Forms



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





