

## Interagency Acquisitions, Interagency Transactions, and Interagency Agreements



### Guiding Principles

- This chapter provides guidance on interagency acquisitions, interagency transactions and interagency agreements
- In addition to interagency acquisitions authorized by the Economy Act, Federal Acquisition Regulation (FAR) 17.5 is revised to broaden the scope of coverage to address all Interagency Acquisitions to include orders over \$500,000 issued against Federal Supply Schedules.
- Determination of best procurement approach is required for an assisted acquisition or a direct acquisition. The analysis is different for these two determinations.
- An assisted acquisition requires a written interagency agreement to include any agency unique terms, conditions, statutes, regulations directives, etc. The agreement shall include roles and responsibilities for acquisition planning, contract execution, and administration and management of the contract or order(s).
- Funds out assisted acquisition or interagency transaction require the approval of the DOE Contracting Officer. Use STRIPES templates for Part A and Part B found in the requisition and clause sections of STRIPES. STRIPES will generate the interagency agreement number.
- Funds in assisted acquisition or interagency transaction require the approval of the DOE Contracting Officer.

## TABLE OF CONTENTS

### **A. Purpose**

### **B. Applicability.**

### **C. Exclusions.**

### **D. Overview of Interagency Acquisitions, Interagency Transactions and Interagency Agreements.**

1. Interagency Acquisitions.
  - a. Acquisition planning.
  - b. General.
  - c. Types of Interagency Acquisitions.
    - i. Direct acquisition.
    - ii. Assisted acquisition.
  - d. Fees.
  - e. Statutory Changes to Interagency Acquisitions.
  - f. Business Case Analysis.
2. Interagency Transactions.
3. Interagency Agreements.
  - a. General.
  - b. Interagency acquisitions.
  - c. Interagency transactions.
  - d. Creation and format for interagency agreement in STRIPES.
    - i. Funds out.
    - ii. Funds in.
  - e. Optional form.
  - f. Statutory Authorities for Interagency Agreements.
    - i. Economy Act.
    - ii. Federal Supply Schedule Program.
    - iii. Governmentwide acquisition contracts.
    - iv. Franchise funds.

### **E. The Process When DOE is the Requesting Agency Including Funds Out.**

1. Identifying the requirement.
2. Initiating the requisition.
3. Processing the requisition for an interagency acquisition or interagency transaction.
  - a. Interagency Acquisitions – Direct Acquisitions.
    - i. Direct acquisition.
    - ii. Additional guidance for direct acquisition.
      - (1) Contract vehicles under other programs.
      - (2) Federal Supply Schedules (FSS) Direct Ordering.
      - (3) Governmentwide Acquisition Contracts (GWAC) Direct Ordering

- b. Interagency Acquisitions – Assisted Acquisitions – Funds Out.
- c. Interagency Transactions – Funds Out.

**F. The Process When DOE is the Servicing Agency for Funds In.**

- 1. General.
- 2. Funds in interagency assisted acquisition.
- 3. Funds in interagency transaction.

**G. Interagency Agreements.**

- 1. General information.
  - a. Part A.
  - b. Part B.
- 2. Interagency agreement format and samples.
  - a. STRIPES IA funds out templates for interagency assisted acquisitions and interagency transactions.
    - i. Part A, Funds Out, General terms and conditions
    - ii. Part B, Funds Out, Requirements and funding information.
  - b. IA funds in for interagency assisted acquisitions and interagency transactions.
  - c. Other samples and checklist for interagency assisted acquisitions.
- 3. Preparing the interagency agreement when DOE is the Requesting Agency (funds out).
  - a. DOE Requisitioner.
  - b. DOE Contracting Officer.
- 4. Reviewing the interagency agreement when DOE is the Servicing Agency (funds in).

**H. References.**

**I. Points of Contact.**

**J. Attachments.**

**K. Acronyms.**

**A. Purpose.**

1. This chapter provides an overview and guidance on interagency acquisitions, interagency transactions, and interagency agreements. It provides an explanation of each type of interagency action and the process to execute the action appropriately. Acquisition planning will determine whether the requirement will be fulfilled by one of the following actions:

- a. A Department of Energy (DOE) existing or new contract vehicle;
- b. An interagency acquisition using another agency's contract vehicle either as a direct acquisition or an assisted acquisition; or
- c. An interagency business transaction, referred to in this chapter as an interagency transaction, using another agency's internal resources or activities to fulfill the requirement.

2. When acquisition planning determines it is appropriate to support or fulfill the requirement through an interagency acquisition or interagency transaction, then one of the three actions will be used to execute the requirement. The action will be a interagency direct acquisition (herein referred to as a direct acquisition), an interagency assisted acquisition, or an interagency transaction. This chapter describes --

- a. The process when DOE is the requesting agency to include funds out;
- b. The process when DOE is the servicing agency for funds in; and
- c. How to prepare an interagency agreement for an interagency assisted acquisition or an interagency transaction to establish –
  - i. The general terms and conditions;
  - ii. Other unique terms and conditions; and
  - iii. Requirements and funding information.

3. This chapter provides guidance to the DOE and National Nuclear Security Administration (NNSA) Contracting Activities to –

- a. Help in the preparation, review, documentation, and management of an interagency acquisition (direct or assisted), interagency transaction, and an interagency agreement; and
- b. Assist DOE as the requesting agency or as the servicing agency to manage the shared fiduciary responsibilities for these interagency acquisitions or interagency transactions with another Federal agency.

## **B. Applicability.**

This chapter applies to all DOE and NNSA contracting activities. It provides DOE and NNSA Contracting Officers [herein referred to as DOE Contracting Officers (CO)] guidance on the following--

1. Interagency acquisitions for the primary purpose of obtaining supplies or services through either an interagency assisted acquisition or a direct acquisition conducted through indefinite-delivery contracts to include task- and delivery-orders;
2. Interagency transactions that use another agency's internal resources and is a reimbursable activity; and
3. Interagency agreements that are required for an interagency assisted acquisition or an interagency transaction.

## **C. Exclusions.**

DOE's Work for Others program is excluded from this DOE Acquisition Guide Chapter. DEAR 970.1707-3 states that DOE's internal review and approval procedural requirements for individual work for others agreements are set forth in DOE Order 481.1C (as supplemented by DOE Manual 481.1-1A for agreements with non-Federal entities), its successor, and such other guidance as may be issued by DOE.

Power Marketing Administration's activities performed under its power marketing authority, policies, and procedures are excluded from this DOE Acquisition Guide Chapter.

## **D. Overview of Interagency Acquisitions, Interagency Transactions and Interagency Agreements.**

### **1. Interagency Acquisitions.**

a. **Acquisition planning.** Acquisition planning determines how a requirement will be procured. FAR Subpart 7.1 – Acquisition Plans and DOE Acquisition Guide Chapter 7.1 - Acquisition Planning, provide policy, procedures and guidance. Acquisition planning requires market research to identify potential sources for the requirement. This research includes General Services Administration's (GSA) Federal Supply Schedules (FSS), Governmentwide Acquisition Contracts (GWAC), Agency-wide multiple-award contracts, established blanket purchase agreements or basic ordering agreements, governmentwide database of contracts, etc. The pre-award file should document this research and summarize the results. The dollar value of the action will determine the extent of and how this research is documented during acquisition planning.

Whether the procurement is for a funds out or a funds in requirement, acquisition planning needs to be performed. If it is a funds out requirement, DOE performs the initial acquisition planning; later DOE may be involved in the servicing agency's acquisition planning for the DOE

requirement. If it is a funds in requirement, the requesting agency performs the initial acquisition planning; then DOE should request a copy of the requesting agency's acquisition plan to support DOE's acquisition planning.

b. **General.** Interagency acquisitions offer important benefits to DOE, including economies and efficiencies and the ability to leverage resources. Interagency acquisitions will result in a FAR contract action, either as a direct or an assisted acquisition. FAR Subpart 17.5 - Interagency Acquisitions applies to all interagency acquisitions under any authority, except for orders of \$500,000 or less issued against FSS. An assisted acquisition requires an interagency agreement. **Note:** *Interagency acquisitions are commonly conducted through indefinite delivery contracts (IDCs) or indefinite delivery vehicles (IDVs), such as task- and delivery- order contracts. Those IDCs or IDVs used most frequently in support of interagency acquisitions are FSS, GWACs, and multi-agency contracts (MACs).*

c. **Types of Interagency Acquisitions.** An interagency acquisition means a procedure by which an agency needing supplies or services (the requesting agency) obtains them from another agency (the servicing agency). These supplies or services may be accomplished either by issuing an order directly against another agency's contract, or by requesting the acquisition assistance of another agency. This interagency relationship involves two Federal agencies that enter into a relationship for the purpose of contracting under an "**assisted**" or "**direct**" acquisition, described as follows:

i. A "**direct acquisition**" is a type of interagency acquisition where the requesting agency places an order directly against the servicing agency's IDC. The servicing agency manages the IDC but does not participate in the placement or administration of an order.

ii. An "**assisted acquisition**" is a type of interagency acquisition where the servicing agency and requesting agency enter into a written interagency agreement pursuant to which the servicing agency performs acquisition activities on the requesting agency's behalf, such as the awarding of a contract, task order, or delivery order.

d. **Fees.** The servicing agency may charge a "fee for service" which may be a percentage of the contract value or itemized charges from a menu of services. Direct acquisitions allow for the requesting agency to order against existing contract vehicles created for government-wide use. Direct orders will have vehicle access fees, sometimes referred to as the industrial funding fee. Industrial funding fees may be incorporated into the contractor's rates under GSA's FSS and Executive Agency GWACs.

e. **Statutory Changes to Interagency Acquisitions.** FAR Subpart 17.5 - Interagency Acquisitions implements Section 865 of the Duncan Hunter National Defense Authorization Act (NDAA) for Fiscal Year 2009, (Pub.L. 110-417). The statute changes FAR Subpart 17.5 - Interagency Acquisitions by:

- i. Broadening the scope of coverage to address all interagency acquisitions (with limited exceptions), rather than just those conducted under the Economy Act, in recognition

that an increasing number of interagency acquisitions are conducted under other authorities.

- ii. Requiring agencies to support the decision to use an interagency acquisition with a determination that such action is the “best procurement approach.”
- iii. Directing that assisted acquisitions be accompanied by written agreements between the requesting agency and the servicing agency documenting the roles and responsibilities of the respective parties, including the planning, execution, and administration of the contract.
- iv. Requiring the development of a business case to support the creation of a multi-agency or agency specific acquisition vehicle. See D.1.e. for expanded business case analysis requirements for a covered multi-agency contract or multi-agency blanket purchase agreement (BPA) and for a covered agency-specific contract or agency-specific BPA.
- v. Requiring the Senior Procurement Executive for each executive agency to submit an annual report on interagency acquisitions to the Director of the Office of Management and Budget, in accordance with Section 865 (c) of Pub. L. 110-417.

**f. Business Case Analysis.**

- i. Office of Federal Procurement Policy’s (OFPP) memorandum, dated September 29, 2011, *Development, Review and Approval of Business Cases for Certain Interagency and Agency-Specific Acquisitions*, outlines required elements of business case analysis as well as a process for developing, reviewing, and approving business cases to support the establishment and renewal of GWACs, certain multi-agency contracts, certain agency-specific contracts, or agency-specific BPAs. A copy of this OFPP memorandum is available in Section J - attachment 2a of this chapter or at: [http://www.whitehouse.gov/omb/procurement\\_index\\_interagency\\_acq/](http://www.whitehouse.gov/omb/procurement_index_interagency_acq/).
- ii. A Federal Agency is required to develop a business case and share the draft business case with other agencies and to consider other agency feedback for certain multi-agency and agency-specific acquisition vehicles. The business case analysis applies to certain multi-agency contract or multi-agency BPA and for certain agency-specific contract or agency-specific BPA, when one of these types of actions would create a significant usage or significant overlap between the scope of the proposed acquisition and the scope of existing contracts or agreements established under the Federal Strategic Sourcing Initiative (FSSI), GSA SmartBUY Program, or an existing GWAC. Specifically, a business case is required for --
  - (1) Multi-agency contracts, as defined in FAR 2.101, or a multi-agency BPA created under the FSS Program, where –
    - (a) Usage by another agency (i.e., interagency usage) is expected to be significant, (i.e. when obligations by customers outside of the awarding

agency are anticipated to exceed 25% of total obligations over the life of the contract vehicle); or

- (b) Interagency usage is not expected to be significant, but where a significant overlap (i.e., obligations for the supplies and/or services are anticipated to exceed 25% of total obligations over the life of the proposed acquisition) would be created between the scope of the proposed acquisition and the scope of existing contracts or agreements established under the FSSI, GSA’s SmartBUY Program or an existing GWAC; or

- (2) Agency-specific vehicles when the vehicle will create a significant overlap of existing contracts (i.e., obligations for the supplies and/or services are anticipated to exceed 25% of total obligations over the life of the proposed acquisition) would be created between the scope of the proposed acquisition and the scope of existing contracts or agreements established under the FSSI, GSA’s SmartBUY Program or an existing GWAC. Agency-specific vehicles are either indefinite-delivery, indefinite quantity contracts, or BPAs intended for the use of your contracting activity, DOE, or another Federal Agency.

iii. When the contracting activity is planning a multi-agency contract or multi-agency BPA or an agency-specific contract or agency-specific BPA, which will create a significant usage or significant overlap of existing contracts (as described above) and will be equal to or greater than the thresholds and within the time periods described below, then a business case analysis is required.

<u>Fiscal Year</u>	<u>Dollar Threshold</u>	<u>Anticipated Solicitation Release Date</u>
2012	\$250 million	January 1, 2012
2013	\$100 million	October 1, 2012
2014	\$ 50 million	October 1, 2013

iv. The business case analysis content shall –

- (1) Consider strategies for the effective participation of small businesses during acquisition planning;
- (2) Detail the administration of such contract, including an analysis of all direct and indirect costs to the Government of awarding and administering such contract;
- (3) Describe the impact such contract will have on the ability of the Government to leverage its purchasing power, e.g., will it have a negative effect because it dilutes other existing contracts;
- (4) Include an analysis concluding that there is a need for establishing the contract; and



(5) Document roles and responsibilities in the administration of the contract.

v. MAX Information system.

(1) In order to post a business case or be given an opportunity as a federal stakeholder to comment on another Federal Agency's business case, the contracting office will need at least one person to register for a MAX account. To sign up for alerts about another Federal Agency's business case, at the MAX business case page go to <https://max.omb.gov/community/x/b5G8IQ> by clicking the **Watchers** button in the upper-right hand corner of the page.

(2) The MAX Information System is used to support OMB's Federal management and budget processes. MAX is a comprehensive collaboration, information sharing, document management, and knowledge management capability that allows registered users to easily create, edit, and share content on web pages using a simplified markup language. To register with MAX, complete the information requested at <https://max.omb.gov/maxportal/registrationForm.action>. Information about available MAX training can be found at <https://max.omb.gov/maxportal/>. The MAX technical support team and helpdesk can be reached at MAXSupport@omb.eop.gov or 202-395-6860.

vi. Business case – developing, reviewing and approving.

(1) Follow the OFPP guidance and business case template on the four-step process to develop, review and approve the business case. Step 1 – Prepare a preliminary business case. Step 2 – Post preliminary business case on MAX. Step 3 – Make a determination. Step 4 – Cancel or finalize the business case. Go to page 3 of the OFPP guidance which is Section J - attachment 2a to this chapter or on the web at: [http://www.whitehouse.gov/omb/procurement\\_index\\_interagency\\_acq/](http://www.whitehouse.gov/omb/procurement_index_interagency_acq/). Also, to further assist agencies, OFPP developed a set of frequently asked questions (FAQs) regarding the new process outlined in the memorandum. The FAQs are intended to reinforce certain important points (e.g., the ultimate discretion to proceed with a proposed acquisition remains with the servicing agency) and provide additional information on several issues that were raised during the development of the guidance. The FAQs are in Section J - attachment 2b, or on the web at <https://max.omb.gov/community/x/b5G8IQ>.

(2) Before proceeding to Step 2 – Post preliminary business case on MAX, the Head of the Contracting Activity (HCA) shall review and approve the preliminary business case prior to posting it on MAX.

(3) After reviewing and documenting the feedback, if the decision is to finalize the business case, forward the business case, to include HCA recommendation and contracting activity legal counsel concurrence, and related acquisition documents to either of the following: for DOE procurements to the Office of Contract Management

(MA-62) or for NNSA procurements to the Director, Office of Acquisition and Supply Management (NA-APM-10), in accordance with Acquisition Chapter 71.1 and local review procedures. Ensure that you have provided a notice to these offices that this action will be coming for review and approval. The business case shall be approved by the applicable Senior Procurement Executive and kept in the contract file. Whether the business case has been approved or canceled, the contracting activity shall indicate this status on MAX.

## 2. **Interagency Transactions.**

An interagency transaction is an intra-governmental transaction when the servicing agency uses internal resources to support the requesting agency requirement and is a reimbursable activity that requires an interagency agreement.

## 3. **Interagency Agreements.**

a. **General.** The servicing agency and requesting agency enter into an interagency agreement pursuant to the servicing agency performing activities or contracting on behalf of the requesting agency. An interagency agreement must state the specific statutory authority that authorizes the agreement. In accordance with the applicable statutory authority and implementing regulation(s), the head of the requesting agency, or designee, determines and documents in writing that it is in the Government's best interest to do so.

An interagency agreement is required for an interagency assisted acquisition and an interagency transaction. The interagency agreement is very similar to an indefinite-delivery/indefinite-quantity contract vehicle, except it is between two agencies – one is the requesting agency and the other is the servicing agency. The interagency agreement serves as a master agreement with at least one or more orders or actions being issued against the agreement.

Whether the requesting agency's requirement results in an interagency assisted acquisition or an interagency transaction, a written interagency agreement will be required to establish general terms, conditions, fees, administration, management, ordering requirements, and funding information. For interagency assisted acquisitions, these assisted acquisitions will result in awarding a contract, task order, or delivery order. For interagency transactions, these transactions will result in the servicing agency using their internal resources to perform the activity for the requesting agency.

To the extent feasible, electronic media should be used -- (1) in creating and executing the interagency agreement; (2) to notify DOE's Energy Finance and Accounting Service Center or DOE's other Chief Financial Officer Field Offices, as applicable, of the obligation of funds; and (3) by the servicing agency to submit reports. The requirement for a signature on the part of the servicing agency approving official to evidence acceptance may be met using facsimile or electronic systems.

b. **Interagency acquisitions.** For interagency acquisitions, FAR Subpart 17.5 and

the Office of Federal Procurement Policy (OFPP) guidance, “Interagency Acquisitions,” provide guidance to DOE COs on how to conduct an interagency acquisition and how to structure and format an interagency agreement for assisted acquisitions. See next paragraph for the White House website address to access OFPP guidance.

All DOE COs must ensure that any direct acquisition or assisted acquisition procurement action in excess of \$500,000 is supported with a determination of best procurement approach as prescribed at FAR 17.502-1 and supplemented by the OFPP guidance. The OFPP guidance addresses “best procurement approach” as a “best interest determination.” A copy of this OFPP guidance is in Section J - attachment 1 of this guide chapter and is available at: [http://georgewbush-whitehouse.archives.gov/omb/procurement/index\\_interagency\\_acq.html](http://georgewbush-whitehouse.archives.gov/omb/procurement/index_interagency_acq.html).

To create the interagency agreement, the Strategic Integrated Procurement Enterprise System (STRIPES) has two interagency agreement (IA) templates one for Part A, General Terms and Conditions, and another for Part B, Requirements and Funding Information. Use STRIPES IA templates to prepare an interagency agreement for an interagency assisted acquisition. It is based on the elements enumerated in Appendix 2 of the OFPP guidance. For a sample, Appendix 3 of the OFPP guidance provides a model agreement. See paragraph D.3.d. below for guidance to create and format the interagency agreement.

The Senior Procurement Executive(s) shall submit an annual report on interagency acquisitions to the Director of OMB in accordance with Section 865(c) of Pub.L. 110-417 and FAR 17.504 – Reporting requirements. OMB will provide the details of the annual report. If information is required from the Contracting Activities, a request will be issued.

c. **Interagency transactions.** Interagency transactions are executed in accordance with the Treasury Financial Manual, Intragovernmental Business Rules, Appendix 10 and DOE’s Financial Management Handbook. Consult with either DOE’s Energy Finance and Accounting Service Center or DOE’s other Chief Financial Officer Field Offices, as applicable, to assist in the preparation and execution of an interagency transaction. To find a copy of these references, go to section H - References for website addresses.

d. **Creation and format for interagency agreement in STRIPES.** Creation and format of an interagency agreement will depend on whether the requirement is for DOE’s requirement as a requesting agency (funds out), or for another agency’s requirement when DOE is the servicing agency (funds in).

i. **Funds out.**

(1) Funds out assisted acquisition or interagency transaction ***must be created in STRIPES*** and requires the approval of the DOE CO. Use STRIPES funds out templates for Part A and Part B found in the requisition and clause sections of STRIPES. When DOE is the requesting agency, there will be an interagency agreement identified by a STRIPES created number. Use the STRIPES interagency agreement number to identify the interagency agreement. There will be ***no*** DOE order number or DOE contract number.

(2) Section G.1 provides general information on preparing an interagency agreement. Section G.2 provides funds out information. Section J attachment 3 has samples of these IA funds out templates.

(3) See STRIPES, User Guide 9, Creating an Interagency Agreement, for details. The user guide is being revised to reflect these changes. When the guide is ready, the STRIPES Training Team will send a notice to the user community. This guide will describe the process for creating an interagency agreement in STRIPES. The guide will explain the specific processing requirement for a funds out assisted acquisition or a funds out interagency transaction.

ii. **Funds in.**

(1) Funds in assisted acquisition or interagency transaction require the approval of the DOE Contracting Officer. When DOE is the servicing agency, the interagency agreement and number is not created in STRIPES. The requesting agency will prepare the interagency agreement and provide the interagency agreement number. If the other agency's requirement will result in the award of a DOE contract, delivery/task order, or purchase order, the requirement will be processed like any other contract, delivery/task order, or purchase order. In the text section of the DOE procurement document, enter the other agency's interagency agreement number in the header text and maintain a copy of the agreement in the contract file.

(2) Section G.1 describes what general information is in an interagency agreement. The requesting agency prepares the agreement. Before accepting the agreement, the DOE CO ensures the agreement is complete and accurate, see Section G.4.

e. **Optional form.** There is an optional Financial Management Service (FMS) form available for a standard Interagency Agreement (IAA). The form numbers are FMS 7600A and FMS 7600B. At this time, an adobe PDF fillable form is available for use at <http://www.fms.treas.gov/finstandard/forms.html>. The form is optional. If there is any change in the forms use, DOE will issue guidance and update this chapter regarding DOE's implementation and use of the FMS IAA form. For funds out, in the event the other agency insists on using the standard form FMS 7600A and FMS 7600B, the form should be completed outside of STRIPES, then scanned and included as an attachment to the STRIPES award.

f. **Statutory Authorities for Interagency Agreements.** Statutory authority for conducting an interagency acquisition or an interagency transaction can occur under different statutory authorities. The interagency agreement must state the applicable statutory authority. Some of the authorities include, but are not limited to:

i. **Economy Act.** The Economy Act of 1932, 31 U.S.C. 1535, provides general authority for interagency acquisitions or interagency transactions that are available to agencies when more specific statutory authority does not exist.

ii. **Federal Supply Schedule Program.** The Federal Property and Administrative Services Act of 1949, 40 U.S.C. 501, as amended by the Office of Federal Procurement Policy

Act of 1974, underlying the Federal Supply Schedules (FSS), also known as the GSA Schedules or Multiple Award Schedules (MAS), is the primary statutory authority for FSS program. GSA has statutory authority to enter into contracts for government-wide use. GSA is the indefinite-delivery vehicle (IDV) Owner of the FSS contracts. Each schedule in FSS has specific supplies or specialized services that IDV Users can acquire through direct orders.

iii. **Governmentwide acquisition contracts.** The Information Technology Management Reform Act of 1996, 40 U.S.C. 11302(e), also known as the Clinger-Cohen Act, authorizes governmentwide acquisition contracts (GWACs). A GWAC is a multiple-award contract issued by one agency, which may be used by other agencies, to place direct or assisted orders to procure information technology products and services. Each GWAC is operated by an executive agent designated by the Office of Management and Budget (OMB) pursuant to Section 5112 (e) of the Clinger-Cohen Act. OMB has designated six agencies as executive agents for GWACs: GSA, National Institutes of Health, National Aeronautics and Space Administration, Environmental Protection Agency, Department of Defense, and Department of Commerce.

iv. **Franchise funds.** The Government Management Reform Act of 1994 and other authorities created franchise funds and authorized interagency transactions. Franchise Funds under 31 U.S.C. 501 are not contracting vehicles; however, such funds play a prominent role in interagency actions. A franchise fund is a type of intragovernmental revolving fund designed to compete with similar funds of other agencies to provide common administrative services, e.g., accounting, financial management, information resources management, personnel, contracting, payroll, security, and training. The agency with the franchise fund is authorized to charge fees for services and retain funds to create an operating reserve.

## **E. The Process When DOE is the Requesting Agency Including Funds Out.**

### **1. Identifying the requirement.**

When DOE is the requesting agency, the project manager (or equivalent) in collaboration with the DOE CO, is the designated planner to identify the requirement and commence acquisition planning. The use of an interagency acquisition is an additional consideration but not a substitute for acquisition planning (see D.1.a above). The DOE CO must work with the requiring program official during the acquisition planning stage in order to determine the best contract vehicle that will satisfy their needs and comply with applicable laws, regulations, policies and procedures. When considering all the alternatives, selecting another agency's contract or going to another agency to award a new contract shall not be used to circumvent DOE policies and procedures (e.g. small business, competition and performance-based acquisition).

DOE Program Officials are prohibited from entering into an interagency acquisition or interagency transaction in any dollar amount without the approval and signature of a DOE CO on the interagency agreement.

When it has been decided to use a franchise fund organization assisted order to provide support for the DOE requirement which may include procurement support services, the franchise fund organization shall not be used to obtain acquisition management services unless approved by the HCA, with notice to the Senior Procurement Executive. As in the case of other non-DOE interagency transactions, franchise fund organizations may not be used to circumvent DOE policies or regulations. If circumstances permit and the proper approval has been granted, an assisted order may be placed using a franchise fund organization. All services to be provided by a franchise fund organization must be obtained through an interagency agreement, comprised of a fully outlined and detailed Part A and Part B.

## **2. Initiating the requisition.**

The requisitioner prepares the requisition for an interagency acquisition or an interagency transaction in STRIPES or an approved system. In STRIPES, the requisition type must be “Requisition Package.” The requisition document includes the following:

- a. Approved requisition.
- b. An independent government cost estimate for the total project.
- c. A description of the supply, or if it is a service, a statement of work along with delivery or performance schedule (or references thereto).
- d. Identification and information for any special requirements, management, administration, technical representative, reporting requirements for scientific and technical information (Guide Chapter 35.1), acceptance and completion as needed.
- e. Information to support determination of best procurement approach:
  - i. For an assisted acquisition, refer to FAR 17.502-1(a)(1).
  - ii. For a direct acquisition, refer to FAR 17.502-1(a)(2).
- f. For Economy Act Authority, provide a justification to support the statutory and regulatory requirements.
  - i. For a FAR acquisition, provide the information to support the determinations and findings (D&F) required by FAR 17.502-2.
  - ii. For an interagency transaction, provide the information to support this authority. At a minimum, this information should document the required goods or services to include if — (1) amounts are available; (2) the order is in the best interest of the United States Government; (3) the agency to fill the order is able to provide or get by contract the ordered goods or services; and (4) the ordered goods or services

cannot be provided by contract as conveniently or cheaply by a commercial enterprise.

g. If the requirement is either an interagency assisted acquisition or an interagency transaction, a completed IA part B in STRIPES (prepared with the assistance of the Servicing Agency) and the DOE CO, is needed. For additional guidance to prepare this part, see Section G on preparing an interagency agreement in this chapter.

### 3. Processing the requisition for an interagency acquisition or interagency transaction.

#### a. Interagency Acquisitions – Direct Acquisitions.

- i. For a **direct acquisition**, there is no interagency agreement. The **DOE CO** shall:
  - (1) Review the requisition and related documents.
  - (2) Based on the results of DOE’s acquisition planning, when it has been determined to execute the requisition as a direct acquisition, prepare and approve the determination of best procurement approach in accordance with FAR 17.502-1(a)(2) for the procurement file. At a minimum, this determination must ensure that the action is in the best interests of the government, taking into account suitability, value, and expertise to properly place and to effectively administer the order. For additional information which may be useful in supporting the determination, see Section H – References for the OFPP guidance, go to page 4 of the OFPP document.
  - (3) Ensure the file documents the statutory authority for the direct acquisition.
    - (a) FSS or GWAC authorities will mostly like be one of the authorities for the direct acquisition. See paragraph E.3.a.ii in this section for additional guidance for direct acquisition for FSS or GWAC.
    - (b) If there is no other statutory authority for the direct acquisition, it may be authorized under the Economy Act. If applicable, prepare the D&F required in accordance with FAR 17.502-2.
  - (4) If the requirement is limiting sources (FAR 8.405-6) or is an exception to fair opportunity (FAR 16.505(b)(2)(i)) and the requirement is waived in accordance with FAR 16.505(b)(2)(ii)(B), prepare the justification to document these circumstances, seek approval at the appropriate dollar threshold, and post the documentation as required.
  - (5) Place the order as follows:
    - (a) In accordance with the FAR, specifically FAR 17.503 and all other applicable FAR parts, e.g., FAR Subparts 7.5, 8.4, or 16.5;

- (b) In accordance with the identified contract ordering procedures; and
  - (c) Add any special or unique DOE terms and conditions to include scientific and technical information reporting requirements (Guide Chapter 35.1).
- (6) Provide management and administration of the order to include designating a Contracting Officer's Representative (COR), and evaluating and reporting contractor performance information in accordance with FAR Subpart 42.15 and related DOE Acquisition Guide Chapters 42.15 and 42.16.
- ii. Additional guidance for direct acquisition.

(1) **Contract vehicles under other programs.** An agency may presume that direct acquisitions made by qualified individuals are in the best interests of the government if the vehicle was established under the Federal Strategic Sourcing Initiative (FSSI), the SmartBuy Program, the Federal Supply Schedules Program (for orders of \$500,000 or less), or is a GWAC operating pursuant to Executive Agency designations granted by OMB under the Clinger-Cohen Act. However, documentation in the contract file should still establish that the acquisition vehicle is suitable for the agency's needs. This information could be documented as part of the agency's acquisition planning documents. A formal Determination and Finding (D&F) is not required for the programs described above.

(2) **Federal Supply Schedules (FSS) Direct Ordering.** When placing a direct order in excess of \$500,000 under FSS, the DOE CO must comply with the procedures in FAR Part 8.4 – Federal Supply Schedules, DOE Acquisition Guide Chapter 8.4 - Federal Supply Schedule, and the policies in this chapter. All task or delivery orders issued under FSS shall be signed by the DOE CO. Only the DOE CO may place an order against the FSS for supplies or services listed on the vendor's schedule contract. The DOE CO shall not include services or supplies (referred to as "open market") outside the scope of the Schedule contract in the order, until they have complied with the applicable regulations for competition under the FAR. The GSA has additional instructions and information for use of the schedules at [www.gsa.gov](http://www.gsa.gov).

(a) To ensure that FSS orders are issued properly, the DOE CO shall:

(i) Ensure and document that the use of FSS is in conformance with DOE policy and regulation (i.e., socio-economic goals, price reasonableness, etc.).

(ii) Review the schedule contract's statement of work (SOW) and other applicable contractual documents and validate that the supplies or services requested are within the scope of that schedule. Document the review and, if the order is in excess of \$500,000, the best procurement approach determination in writing as part of the agency's planning document. A formal D&F format is not required. Supplies or services that are outside of the



vendor's negotiated schedule are "open market" items and cannot be purchased using the FSS procedures; instead, they can only be included on the order after complying with the applicable procurement laws and regulations, including those requiring the use of competitive procedures.

(iii) Review the ordering procedures posted on the schedule website. Seek and document advice from the cognizant GSA CO on proper use of the FSS whenever an issue is in doubt.

(iv) Review follow-on task orders to ensure that they remain within the scope of the schedule.

(v) Comply with the specific requirements of the FSS, including those for competitive tasking, consistent with the scope of work, and use of the instruments for a specific and not overly broad or undefined purpose.

(vi) Ensure that the FSS contract labor categories are the proper equivalent (mapped) for the labor categories required by the Request For Quote (RFQ). "Mapped" is a term that describes the offeror's proposed rates and labor categories derived from an applicable GSA Schedule. Always seek a price reduction from the vendor.

(vii) Designate a DOE COR, as applicable, and verify that the COR is qualified under DOE Order 361.1B - Acquisition Career Management Program.

(viii) Document a price reasonableness determination. It must reflect the exact mix of labor and other elements needed to perform the work or item being procured.

(ix) Report timely and accurate data in connection with the order in Federal Awardee Performance and Integrity Information System (FAPIS), as applicable, and Federal Procurement Data System (FPDS).

(x) Perform contract administration duties to include quality assurance planning, contract surveillance, voucher examination, and past performance data collection and reporting.

**(3) Governmentwide Acquisition Contracts (GWAC) Direct Ordering.**

(a) When placing a GWAC order, the DOE CO must comply with the procedures in FAR Subpart 16.5 – Indefinite-Delivery Contracts, DOE Acquisition Guide Chapter 16.5 - Multiple-Award Contracts and Governmentwide Acquisition Contracts Including Delivery Orders and Task Orders, and the policies in this chapter. All GWAC task or delivery orders shall be signed by the DOE CO.

(b) The DOE CO is reminded to take the actions listed below when placing a direct order:

- (i) Obtain a copy of the SOW and other applicable contractual documents and validate that the services requested are within the scope of that GWAC. Document the review and, if the order is in excess of \$500,000, document the best procurement approach determination in writing as part of the agency's planning document. A formal D&F format is not required.
- (ii) Review the ordering procedures posted on the agency's website and complete any mandatory training. Follow the instructions for attaining a delegation when it is required.
- (iii) Place only orders that comply with all DOE regulations, policies and procedures. The DOE CO must pay particular attention to complying with performance-based and socioeconomic policies, and the procedures prescribed in the GWAC for providing a fair opportunity to all GWAC contractors.
- (iv) Designate a DOE COR and verify that the COR is qualified under DOE Order 361.1B - Acquisition Career Management Program.
- (v) Document the price reasonableness determination. It must reflect the exact mix of labor and other elements needed to perform the work or item being procured.
- (vi) Report timely and accurate data in connection with the order in FAPIIS, as applicable, and FPDS.
- (vii) Perform contract administration duties to include quality assurance planning, contract surveillance, voucher examination, and past performance data collection and reporting.

**b. Interagency Acquisitions - Assisted Acquisitions – Funds Out.**

i. For **funds out interagency assisted acquisition**, the DOE CO shall:

- (1) Review the requisition, related documents, and draft IA Part B.
- (2) Based on the results of DOE's acquisition planning, when it has been determined to execute the requisition as an interagency assisted acquisition, prepare and approve the determination of best procurement approach in accordance with FAR 17.502-1(a)(1) and provide a copy to the servicing agency. OFPP guidance on interagency acquisitions, listed as a reference in Section H, provides additional information useful in supporting the determination. If this is an Economy Act order, prepare and approve the D&F in accordance with FAR 17.502-2.

(3) Ensure DOE provides any information needed to support a justification for other than full and open competition or any other D&F, except for those required by the Economy Act, as stated in E.3.b.i.(2) above, to the Servicing Agency's CO.

(4) Formally request a proposal from the servicing agency, if an acceptable one was not enclosed with the requisition. As needed, the DOE CO coordinates any new proposal or revisions with the program office and pricing staff, to develop a negotiation position and seeks support from the program office, finance office, or local legal counsel as required during the negotiation process. Request that before the servicing agency finalizes its acquisition plan, contract type, the statement of work, statement of objectives, performance work statement or specifications, as applicable that DOE be given an opportunity to concur.

(5) Use STRIPES IA templates to create the interagency agreement. STRIPES will create the interagency agreement number. (See paragraph D.3.d.i. for additional information). Assist in the preparation of the written interagency agreement, in coordination with the requisitioner and the servicing agency, in accordance with FAR 17.502-1(b) and of any special contract terms and conditions that may be needed in order for the servicing agency's contract action to comply with any condition or limitation applicable to the DOE program's funds, or unique DOE terms and conditions to include scientific and technical information reporting requirements (DOE Acquisition Guide Chapter 35.1). Ensure the agreement addresses contract management and administration responsibilities to include designating a COR. For additional guidance to prepare the agreement, see Section G of this chapter.

(6) Negotiations with the servicing agency are documented in the file. The file should also document verification steps taken to assure adequate contract administration (including allowability of contractor costs) in cases where the servicing agency is not subject to the FAR.

**c. Interagency Transactions – Funds Out.**

i. For a **funds out interagency transaction**, the **DOE CO** shall:

- (1) Review the requisition, related documents, and the draft IA Part B.
- (2) Prepare and approve any other document necessary to support the statutory authority. If the Economy Act is the authority, at a minimum, this document should state the required goods or services to include if: amounts are available; the order is in the best interest of the United States Government; the agency to fill the order is able to provide or get by contract the ordered goods or services; and the ordered goods or services cannot be provided by contract as conveniently or cheaply by a commercial enterprise. The preference is to follow the FAR D&F format at FAR 1.7.

- (3) Formally request a proposal from the servicing agency, if an acceptable one was not enclosed with the requisition. As needed, coordinate any new proposal or revisions with the program office and pricing staff, and when developing a negotiation position, seek support from the program office, finance office, or legal counsel as required during the negotiation process.
- (4) Assist in the preparation of the written interagency agreement, in coordination with the requisitioner and the servicing agency and of any special conditions that may be needed in the interagency transaction for the servicing agency to comply with any condition or limitation applicable to the DOE program's funds. Ensure the agreement addresses any management and administration responsibilities. For additional guidance to prepare the agreement, see Section G on preparing an interagency agreement in this chapter.
- (5) Document the negotiations with the servicing agency in the file. The file should also document verification steps taken to assure adequate interagency transaction administration.

## **F. The Process When DOE is the Servicing Agency for Funds In.**

### **1. General.**

a. DOE is not required to accept a requesting agency's funds in request. Do not accept a funds in request if accepting the request –

i. Will prevent DOE from fulfilling its mission; or

ii. The requesting agency does not provide all appropriate supporting information, such as acquisition planning, market research, determination of best procurement approach, statement of work, an independent government cost estimate, servicing agency's unique terms, conditions, clauses, and information for a justification for other than full and open competition, etc.

b. When DOE accepts a funds in assisted acquisition request, the DOE CO shall process the request in accordance with DOE procurement policies and procedures, which includes complying with the Competition in Contracting Act.

2. For **funds in interagency assisted acquisition**, the **DOE CO** shall:

a. Review the requesting agency's documents to include a copy of their acquisition plan and the draft IA Part B. DOE shall not accept the requesting agency's action when DOE is being used to circumvent the requesting agency's policies and procedures, e.g. small business, competition, performance-based acquisitions, and other requesting agency's unique terms, conditions, clauses. Review the requesting agency's written determination of best procurement

approach showing the concurrence of the requesting agency's responsible contracting office prepared in accordance with FAR 17.502-1(a)(1) and place a copy in the contract file.

b. Ensure the requesting agency provides a copy of any other document or information necessary to support the statutory authority for the funds in assisted acquisition. If applicable, the requesting agency prepares and approves an Economy Act D&F.

c. Ensure the DOE program office provides a proposal to the requesting agency. As needed, the DOE CO coordinates any new proposal or revisions with the program office and pricing staff to develop a negotiation position and seek support from the program office, finance office, or legal counsel as required during the negotiation process.

d. Prepare an acquisition plan as required. Provide the Requesting Agency an opportunity to concur on the contract type, the acquisition plan, the statement of work, statement of objectives, performance work statement or specifications, as applicable, before finalizing. If an order will be issued against an existing DOE contract, then execute the order in accordance with the contract and document the file.

e. Assist in the preparation of the written interagency agreement, in coordination with the program office and the requesting agency, in accordance with FAR 17.502-1(b). If the requesting agency provides any special contract terms and conditions ensure these are included in the procurement. The interagency agreement and interagency agreement number **is not** created in STRIPES. Ensure the agreement addresses contract management and administration responsibilities to include designating a COR. This should be a DOE employee with the requesting agency providing a liaison to represent them. For additional guidance to prepare the interagency agreement, see Section G on reviewing an interagency agreement in this chapter. The requesting agency's interagency agreement will include all the necessary information.

f. Prepare, approve, and post a justification for other than full and open competition in accordance with FAR Part 6 and DOE Acquisition Guide Chapter 6.1 competition requirements, or if applicable, exceptions to competition described in FAR 8.405 or 16.505, to include any justification for item peculiar to one manufacturer (brand name specifications).

g. When the requesting agency's requirement results in the award of a DOE contract, a delivery/task order, or a purchase order, the action will be processed like any other procurement action in STRIPES. In the text section of the contract, purchase order, or the delivery/task order, enter the requesting agency's interagency agreement number in the header information and maintain a copy of the agreement in the contract/order file. Negotiations with the requesting agency are documented in the file. The file should also document verification steps taken to assure adequate contract administration.

3. For a **funds in interagency transaction**, the **DOE CO** shall:

a. Review the requesting agency's documents and draft interagency agreement Part B.

b. Ensure the requesting agency provides a copy of any other document necessary to support the statutory authority for the funds. If applicable, the requesting agency prepares and approves an Economy Act D&F. At a minimum, this document should state the required goods or services to include if — amounts are available; the order is in the best interest of the United States Government; the agency to fill the order is able to provide or get by contract the ordered goods or services; and the ordered goods or services cannot be provided by contract as conveniently or cheaply by a commercial enterprise.

c. Ensure the DOE program office provides a proposal to the requesting agency. As needed, the DOE CO coordinates any new proposal or revisions with the program office and pricing staff, to develop a negotiation position, seeks support from the program office, finance office, or legal counsel as required during the negotiation process.

d. Assist in the preparation of the written interagency agreement, in coordination with the program office and the requesting agency. The interagency agreement and interagency agreement number **is not** created in STRIPES. The requesting agency's interagency agreement will include all the necessary information. Ensure the agreement addresses transaction management and administration responsibilities to include designating a DOE and requesting agency points of contact. For additional guidance on the required information in the agreement, see the Section G on preparing an interagency agreement in this chapter.

f. Document the negotiations with the requesting agency in the file to include the requesting agency's interagency agreement number.

## **G. Interagency Agreements**

### **1. General information.**

An interagency agreement is required for funds out or funds in assisted acquisitions or interagency transactions. An interagency agreement has two parts, Part A, General Terms and Conditions, and Part B, Requirements and Funding Information. There will be only one Part A. Depending on the interagency agreement, there can be one or more Part Bs under a single Part A. For samples of these parts, see Section J - Attachments in this chapter. Note: for funds out interagency agreements, see paragraph D.3.d.i. regarding mandatory STRIPES templates.

a. **Part A** describes the *general terms and conditions* that will govern the relationship between the requesting agency and the servicing agency. It includes the responsibilities and respective roles that each party must carry out to ensure the effective management and use of an interagency agreement. **For DOE, the CO is the authorizing official.**

b. **Part B:**

i. Includes *financial information* required to authorize the transfer and obligation of funds for both the acquisition and the assistance provided by the Servicing agency.

- ii. It provides *specific information on the Requesting agency's requirements* sufficient to demonstrate a “bona fide” need.
- iii. There can be one or many Part Bs under a single Part A. Part B becomes effective when it is signed by the authorizing officials of both agencies. When creating Part B, not all the information may be known, therefore, it may be necessary to complete sections in Part B as Part A is being created. Part B must always state that, the terms and conditions in Part A are incorporated by reference or attached to Part B. **For DOE, the CO is the authorizing official.**
- iv. Part B must accompany each transfer of funds. If a requirement is being supported with incremental funding, then an addendum to Part B will be required each time funds are transferred. However, a new requirement, even within the scope of Part A, will need a new Part B.
- v. Billing instructions. The DOE CO, with the participation of the DOE or NNSA Program Office and Budget Office, must ensure that the funding information includes standard billing instructions to ensure timely and accurate accounting for intra-governmental exchanges of funds. These instructions must be sufficient to facilitate exchange transactions and reporting between agencies and should comply with the billing requirements of the Department of Treasury, Financial Management Service (FMS). For the detailed requirement for billing instructions see the Department of the Treasury, Financial Management Service, Financial Manual, Volume 1, Part 2— Chapter 4700, Agency Reporting Requirements for the Financial Report of the United States Government (Transmittal Letter (T/L) 663), revised by Bulletin No. 2011-08, or its successor version, Appendix 10 Intragovernmental Business Rules at <http://www.fms.treas.gov/tfm/vol1/tl.html>. In summary these requirements include:
  - (1) The primary system to settle intra-governmental exchange transactions is the Intra-Governmental Payment and Collection (IPAC) System, see Treasury Financial Manual, Part 6 -- Chapter 4000, Section 4015. DOE should use the IPAC System, whenever possible for processing payments to reimburse the servicing agency. All interagency agreements should include instructions to use the IPAC system for exchange transactions. If IPAC is not an available billing method, a mutually agreeable alternative should be negotiated before acceptance of interagency agreement and documented in Part B of the interagency agreement whether IPAC or an alternative method will be used. If an alternate method is used, the alternate method should be reviewed regularly to ensure the billing method is changed to IPAC when IPAC is available.
  - (2) For funds out, the interagency agreement should identify the DOE funding codes and obligating document number (also referred to as the IA number) and should instruct the other agency to include the DOE obligating document number on all documentation related to the agreement. The DOE billing address for the interagency agreement is U.S. Department of Energy, P.O. Box 500,

Germantown, MD 20875-0500. For funds in, use the requesting agency funding information.

(3) For funds out, when using IPAC, DOE obligating document number (otherwise may be referred to as common agreement number or interagency agreement number) should be included as the purchase order number or obligating document number of the IPAC.

(4) The DOE obligating number shall serve as the common agreement number required by Department of the Treasury, Financial Management Service, Treasury Financial Manual Volume 1, Part 2 (Transmittal Letter (T/L) 663), revised by Bulletin No. 2011-08, or its successor version, Appendix 10 Intragovernmental Business Rules. See Section H - References for additional information.

(5) The interagency agreement should specify information for all agencies' party to the interagency agreement. If help is needed to complete this information, contact the local Finance office. The information includes:

- Agency Location Code (ALC),
- Treasury Account Symbol (TAS),
- Business Event Type Code (BETC),
- Business Partner Network (BPN) number, usually the Data Universal Numbering System (DUNS) number,
- Line of Accounting (LOA), and
- Contracting and accounting points of contact.

## 2. Interagency agreement format and samples.

a. **STRIPES IA funds out templates for interagency assisted acquisitions and interagency transactions.** There are 2 versions of STRIPES IA templates Part A and Part B which are tailored to DOE for both interagency assisted acquisitions and interagency transactions. Select the applicable STRIPES IA template version and follow the editing instructions for completion. For samples of these parts, see Section J – Attachment 3 in this chapter. Using the STRIPES IA templates will significantly streamline the development and execution of the interagency agreement. In STRIPES, the IA form (Guide chapter Section J - attachment 3) can be used as a cover page to summarize and transmit the interagency agreement. The IA Part A template will be pre-populated with DOE model language to the maximum extent practicable; however there are many fields that will need to be completed with the details relating to the particular requirement. IA Part B template provides prescriptions for the Program Office or requisitioner to prepare and attach Part B to the requisition. For DOE, the CO is the authorizing official for interagency agreements.

i. **Part A, Funds Out, General terms and conditions** – Guide chapter Section J - attachment 3 is a copy of the STRIPES IA funds out template for Part A. If necessary for an interagency assisted acquisition, when drafting Part A, you may refer to the



OFPP guidance. In the OFPP guidance, there is a checklist (Attachment 1, Appendix 1) and sample Part A (Attachment 1, Appendix 4).

ii. **Part B, Funds Out, Requirements and funding information** – Guide chapter Section J - attachment 3 is a copy of the rtf file that is in STRIPES which is created in the Requisition Package Document. When drafting IA funds out Part B, the requisitioner has to create a Requisition, then on the Main General page, click on the “Load PPT” and another page will open up. Once Part B is selected, one should go to the Templates folder, open it up and then generate Part B in a manner similar to the clauses. If this requisition is not going to be used to fund the interagency agreement, then the rtf can be saved to the computer and then added as an attachment in the interagency agreement document.

b. **IA funds in for interagency assisted acquisitions and interagency transactions.** Funds in assisted acquisition or interagency transaction require the approval of the DOE CO. When DOE is the servicing agency, the interagency agreement and number is not created in STRIPES. The requesting agency will prepare the interagency agreement and provide the interagency agreement number. If the other agency’s requirement will result in the award of a DOE contract, delivery/task order, or purchase order, the requirement will be processed like any other contract, delivery/task order, or purchase order. In the text section of the DOE procurement document, enter the other agency’s interagency agreement number in the header information and maintain a copy of the agreement in the contract file.

c. **Other samples and checklist for interagency assisted acquisitions.** When preparing the interagency agreement parts for an interagency assisted acquisition, you may refer to the OFPP guidance. This OFPP guidance provides a checklist (Appendix 1) and a sample Part A and B (Appendix 4). A copy of this guidance is at Section J - attachment 1. There are samples completely filled-in with suggested language and an extensive checklist for use by both agencies to assist in writing the agreement. This model can be found in OFPP Interagency Acquisitions guidance appendices at [http://georgewbush-whitehouse.archives.gov/omb/procurement/index\\_interagency\\_acq.html](http://georgewbush-whitehouse.archives.gov/omb/procurement/index_interagency_acq.html).

- The four appendices to the OFPP Interagency Acquisitions guidance are:
  - Appendix 1 – Checklist of Roles and Responsibilities in Assisted Acquisitions
  - Appendix 2 – Elements of a Model Interagency Agreement for an Assisted Acquisition
  - Appendix 3 – Model Interagency Agreement for an Assisted Acquisition
  - Appendix 4 – Example of a Completed Interagency Agreement for an Assisted Acquisition

### 3. **Preparing the interagency agreement when DOE is the Requesting Agency (funds out).**

When DOE is the requesting agency, Part A and Part B will be prepared by DOE. The DOE CO prepares Part A, in coordination with the requisitioner and the servicing agency. The requisitioner prepares Part B, in coordination with the DOE CO and the servicing agency. For an interagency agreement, Part A will be created in support of the initial requisition. If there are

subsequent requisitions for an established interagency agreement, there will be a separate Part B for each requisition. It is important that the requisition reference the original IA number, i.e., STRIPES IA number.

**a. DOE Requisitioner.**

i. As described in initiating the requisition Section E, the requisitioner prepares the requisition and related documentation to include Part B. In STRIPES, IA Part B is accessed by choosing “Load PPT” from within the “Requisition Package.” This includes preparing Part B with the assistance of the Servicing Agency and the CO, as needed. Part B is a supporting document to the Requisition. Part B must include detailed information on the supplies or services being ordered, performance/delivery schedules, to include required scientific and technical deliverables along with basic guidelines regarding the submission of electronic Scientific and Technical Information (STI) (Guide Chapter 35.1), and when necessary, the enumerated responsibilities of the servicing agency to ensure compliance with all contractual requirements. (STI submission is via the DOE Energy Link (E-Link) system ([www.osti.gov/elink](http://www.osti.gov/elink)). Reference DOE O 241.1B, "Scientific and Technical Information Management" (or future version) for definition of STI, submission requirements, and establishing an STI Point-of-Contact/Technical Information Officer. Contact the Office of Scientific and Technical Information at 865-576-1188 for additional information.)

ii. Part B must include specific, definite and clear requirements information that demonstrates a “bona fide” need in the fiscal year that the funds are available for obligation. The level of detail will vary based on the breadth of acquisition assistance to be provided (e.g., the period over which assistance will be provided or the number of offices requiring assistance) as well as the complexity and dollar value of the requirement. DOE incurs a fiscal obligation when Part B is accepted by the servicing agency.

**b. DOE Contracting Officer.**

i. The DOE CO, with the participation of the DOE or NNSA Program Office, as the preparer of Part B, and applicable Budget Office, must ensure that Part B includes the DOE requesting agency information. Part B becomes effective when it is signed by authorizing officials from both agencies. When STRIPES is used, the DOE interagency agreement transmission constitutes the signature by DOE as the requesting agency. The FedConnect response to the DOE interagency agreement transmission constitutes signature by the other agency as the servicing agency. If FedConnect is not used, then the previous method of a hand signature is required. The hand-signed document must be scanned and uploaded into STRIPES as part of the official IA file. For DOE, the CO is the authorizing official.

(1) Part A, General Terms and Conditions:

(a) *Completion of Part A.* When DOE is the Requesting Agency for an interagency agreement, the DOE CO will complete STRIPES IA Part A, General Terms and Conditions. It will be necessary for the DOE CO to coordinate with the Program Office and the Servicing Agency for completion of IA Part A. When intellectual

property rights are involved, it will be necessary to consult with the local DOE Patent Counsel.

(b) *Maintaining Part A.* Periodic review the performance under the IA to determine if expectations are being met (e.g., is each agency carrying out its respective responsibilities in a timely manner?). Document the summary of this assessment for the IA file. If the agreement period is longer than one year to include any amendments, the terms and conditions should be reviewed annually. Unless otherwise approved by the contracting activity's procurement director, the agreement period cannot exceed five years. If the agreement period is approved to exceed five years during the effective period of the IA, the agreement period will need to be amended to reflect this change. Be sure to document the file that the procurement director approved the agreement period if it exceeds five years.

(2) Part B, Requirements and Funding Information:

(a) *Completion of Part B.* When the Program Office prepares and submits the requisition, the Program Office will prepare Part B with the assistance of the Servicing Agency and the DOE CO, as needed. Part B will be an attachment to the requisition. The DOE CO and the DOE Budget Office will review IA Part B, "Requirements and Funding Information", for accuracy and completeness.

(b) *Maintaining Part B.* When DOE is the Requesting Agency, the DOE Program Office will maintain Part B for DOE. Each procurement action executed in support of the IA must either include or incorporate by reference Part A of the IA and forward a copy of Part B to the applicable financial office.

ii. The DOE CO, with the participation of the DOE or NNSA program office, must ensure that the following items are considered--

(1) Conformance to all DOE regulations, policies and procedures , to include any applicable business clearance review in accordance with DOE HCA approval thresholds or NNSA approval of contract actions process;

(2) That supplies or services obtained are within the authority of the servicing agency;

(3) That services to be provided by the servicing agency are stated in Part A;

(4) That follow-on tasks or amendments will be reviewed by the DOE CO to ensure that they are within the scope of the interagency agreement;

(5) A description of any DOE unique terms, conditions or requirements, to include applicable intellectual property rights, are incorporated into the interagency agreement and/or servicing agency contract/order;

- (6) Designation of the servicing agency to perform contract administration that may include: a quality assurance plan, contract surveillance, voucher examination, past performance data collection and recording and reporting data into the Federal Procurement Data System (FPDS). Funds out will be reported into FPDS by the Servicing Agency when the procurement action is issued. For accurate reporting into FPDS of the origin of the funds, instruct the Servicing Agency to report the action citing the funding agency code and/or funding office code;
- (7) A statement of any pre-award and/or post award administrative functions that will be retained by DOE. As part of the post award administrative functions, if the DOE CO determines it appropriate to appoint a COR to monitor performance of the work performed under the interagency agreement, then the DOE CO shall appoint an individual qualified and certified under DOE O 361.1B. The COR, in coordination with the DOE CO, shall provide any information required by the servicing agency in order to support the award and administration of their contract or order; and
- (8) Compliance with the requirements of FAR Subparts 7.3 and 7.5.
- iii. The DOE CO should monitor Part Bs (tasks and funding) provided to the servicing agency to ensure that they are consistent with the scope of the agreement with the servicing agency and with the terms of the servicing agency's contract. Oversight is required by the DOE CO and the designated COR during the period of performance to ensure that the contractor, as well as the servicing agency, complies with all applicable regulations and policies. Review of contract deliverables and invoices should include items such as ensuring that services provided remain within the scope of work and that labor is provided by appropriate, and if applicable, approved labor categories. The DOE CO and designated COR and/or Program Official shall review DOE Acquisition Guide Chapter 32.1 - Reviewing and Approving Contract Invoices, for the purpose of understanding their responsibility in this process.

#### 4. **Reviewing the interagency agreement when DOE is the Servicing Agency (funds in).**

When DOE is the servicing agency, the requesting agency has the primary responsibility to prepare the agreement. The DOE CO should participate in the drafting of the terms and conditions established under Part A, as necessary. For an interagency assisted acquisition, a checklist (Attachment 1, Appendix 1) and sample Part A (Attachment 1, Appendix 4) are provided in OFPP guidance and should be referred to when drafting Part A. A sample Part B (Attachment 1, Appendix 4) is provided in OFPP guidance and should be referred to when reviewing Part B. A copy of this OFPP guidance is at Section J - attachment 1, of this guide chapter.

- a. For Part A of the IA, the **DOE CO**:
- i. Should ensure that Part A is clear and complete and includes the following:
- (1) The signature of the requesting agency official authorized to approve the IA,
  - (2) A termination provision for the IA,

- (3) Identification of the contractor and contract number (when applicable),
  - (4) A statement of work and the estimated cost,
  - (5) Provisions for inspection and acceptance of the contractor's work,
  - (6) Intellectual property provisions, if applicable,
  - (7) Unique terms and conditions required by the requesting agency, if applicable,
  - (8) Unique or specific security requirements, and
  - (9) A positive affirmation that the requesting agency is not circumventing their own policy, procedures, and/or regulations in contracting with DOE.
- ii. Should request a copy of the following documents from the requesting agency:
- (1) Requesting agency's D&F for Economy Act actions and the best procurement approach determination for assisted acquisitions for the interagency agreement,
  - (2) Requesting agency's market research and/or acquisition plan, and
  - (3) Requesting agency's COR or technical representative designation.
- iii. Is responsible for compliance with all legal and regulatory requirements applicable to the procurement action, including--
- (1) Performing acquisition planning in accordance with DOE Acquisition Guide Chapter 7.1 - Acquisition Planning to include any applicable business clearance review in accordance with DOE HCA approval thresholds or NNSA approval of contract actions process;
  - (2) Ensuring proper statutory authority for the contractual action;
  - (3) Compliance with competition requirements of FAR Part 6;
  - (4) Compliance with requirements under small business set-asides in FAR Subpart 19.5;
  - (5) Performing contract administration duties such as preparing a quality assurance plan, voucher examination and past performance data collection and reporting as required by FAR 42.1502;
  - (6) Appointing a DOE COR when appropriate; and

(7) Ensuring timely and accurate data is reported in FPDS for the contract or the order. FUNDS IN will be reported into FPDS by the DOE CO when the procurement action is issued. For accurate reporting into FPDS of the origin of the funds, cite the Requesting Agency's funding agency code and/or funding office code.

b. For Part B of the IA, the DOE CO should ensure that Part B includes the following--

(i) Billing data with the names and mailing addresses of both agencies' accounting offices,

(ii) A citation of the requesting agency's funding and appropriation data and validation of statutory or regulatory use of the funds, including disclosure of any special restriction, and

(iii) A statement that the terms and conditions in Part A are incorporated by reference or attached to Part B.

(iv) That the reimbursable agreement provides full funding if the work is to be completed in the current fiscal year. For work that transcends fiscal years, full funding for the current fiscal year plus the first 3 months of the following fiscal year is required. This is in accordance with Chapter XIII of DOE's Financial Management Handbook (<http://www.mbe.doe.gov/policy/actindex/index.htm>).

**Note:** Work requested under an on-going contract must be within the scope of the contract. Reimbursable work must be authorized under on-going contracts by the issuance of a new task assignment, task order, or other work authorization by a DOE CO. The authority to authorize reimbursable work under on-going contracts may not be delegated to CORs. The contractor must develop a budget before the authorization to start work and subsequently track the costs associated with the reimbursable work separately.

c. STRIPES is not used to process an interagency agreement when DOE is the servicing agency; however, the interagency agreement becomes a supporting document if the work identified in the IA is accomplished via a DOE contract and must be included in the DOE contract file.

d. Maintaining Part B. When DOE is the Servicing Agency, the DOE CO will maintain Part B. Each procurement action executed in support of the IA must either include or incorporate by reference Part A of the IA and forward a copy of Part B to the applicable DOE financial office. The DOE CO should verify that the Requesting Agency's cognizant program office is also maintaining Part B and forwards a copy to their financial office.

## H. References

- Office of Federal Procurement Policy Guidance, Interagency Acquisitions, June 2008

See Section J - attachment 1 for a copy or go to website: [http://georgewbush-whitehouse.archives.gov/omb/procurement/index\\_interagency\\_acq.html](http://georgewbush-whitehouse.archives.gov/omb/procurement/index_interagency_acq.html)

- Office of Federal Procurement Policy memorandum, dated September 29, 2011, *Development, Review and Approval of Business Cases for Certain Interagency and Agency-Specific Acquisitions*. See Section J - attachment 2a for a copy or go to website: [http://www.whitehouse.gov/omb/procurement\\_index\\_interagency\\_acq/](http://www.whitehouse.gov/omb/procurement_index_interagency_acq/)
- Office of Federal Procurement Policy Frequently Asked Questions for Interagency and Agency-specific Business Cases. See Section J - attachment 2b for a copy or go to MAX at <https://max.omb.gov/community/x/b5G8IQ>.
- Treasury Financial Manual, Volume 1, Part 2—Chapter 4700, Agency Reporting Requirements for the Financial Report of the United States Government (Transmittal Letter (T/L) 663), revised by Bulletin No. 2011-08, or its successor version, Appendix 10 Intragovernmental Business Rules  
Website for Appendix 10: <http://www.fms.treas.gov/tfm/vol1/v1p2c470.pdf>

### **Federal Acquisition Regulation (FAR) Parts and Subparts**

- 6 Competition Requirements
- 7 Acquisition Planning
- 8 Required Sources of Supplies and Services
- 8.4 Federal Supply Schedules – 8.404 Use of Federal Supply Schedules
- 9.1 Responsible Prospective Contractors – 9.106 Preaward surveys
- 10 Market Research
- 16.5 Indefinite-delivery Contracts
- 17.5 Interagency Acquisitions
- 18.113 Interagency Acquisitions
- 35.017 Federally Funded Research and Development Centers
- 38 Federal Supply Schedule Contracting
- 41.206 Interagency Agreements
- 42 Contract Management

### **DOE Acquisition Guide (AG) Chapters**

- Chapter 6.1 Competition Requirements
- Chapter 7.1 Acquisition Planning
- Chapter 8.4 Federal Supply Schedule
- Chapter 16.5 Multiple-Award Contracts and Governmentwide Acquisitions Contracts Including Delivery Orders and Task Orders
- Chapter 32.1 Reviewing and Approving Contract Invoices
- Chapter 35.1 Scientific and Technical Reporting
- Chapter 42.15 Contractor Performance Information
- Chapter 42.16 Reporting Other Contractor Information into Federal Awardee Performance and Integrity Information System

- Chapter 71.1 Headquarters Review of Contract and Financial Assistance Actions

#### **DOE Directives**

- DOE Order 241.1A, Scientific and Technical Information Management (or current version)
- DOE Order 361.1B.1, Acquisition Career Development Program (or current version)

#### **DOE Accounting Handbook**

- Chapter 5 Accounting for Obligations
  - Chapter 13 Reimbursable Work, Revenues, and Other Collections
- Website for handbook chapters: <http://www.mbe.doe.gov/policy/actindex/index.htm>

#### **STRIPES Quick Guide**

- Creating an Interagency Agreement

#### **I. Points of Contact**

- For DOE, questions regarding this policy may be directed to the Office of Contract and Financial Assistance Policy, MA-611, at (202) 287-1330.
- For National Nuclear Security Administration (NNSA), questions regarding this policy may be directed to the Procurement and Assistance Support Section, on behalf of NA-APM-10 at (505) 845-4337.
- Questions on how to use the STRIPES system may be directed to the Energy IT Services (EITS) Service Desk at 301-903-2500 or email [EITSServiceDesk@hq.doe.gov](mailto:EITSServiceDesk@hq.doe.gov).

#### **J. Attachments**

1 – OFPP Guidance, Interagency Acquisitions, with attachments and appendices, June 2008

2 – OFPP memorandum and frequently asked questions, *Development, Review and Approval of Business Cases for Certain Interagency and Agency-Specific Acquisitions*, September 2011

- a. Memorandum *Development, Review and Approval of Business Cases for Certain Interagency and Agency-Specific Acquisitions*
- b. Frequently Asked Questions for Interagency and Agency-specific Business Cases

3 – STRIPES Funds Out Templates:

- a. Assisted Acquisition
- b. Interagency Transaction



**K. Acronyms**

ALC	Agency Location Code
BETC	Business Event Type Code
BPN	Business Partner Network
CO	Contracting Officer
COR	Contracting Officer's Representative
D&F	Determinations and Findings
DEAR	Department of Energy Acquisition Regulation
DOE	Department of Energy
DUNS	Data Universal Number System
FAPIIS	Federal Awardee Performance and Integrity Information System
FAR	Federal Acquisition Regulation
FMS	Financial Management Service
FPDS	Federal Procurement Data System
FSS	Federal Supply Schedule
FSSI	Federal Strategic Sourcing Initiative
GSA	General Services Administration
GWAC	Governmentwide Acquisition Contract
HCA	Head of the Contracting Activity
IA	Interagency Agreement STRIPES Forms Part A and Part B
IAA	Interagency Agreement FMS Forms 7600A and 7600B
IDC	Indefinite Delivery Contract
IDV	Indefinite Delivery Vehicle
IPAC	Intra-Governmental Payment and Collection System
LOA	Line of Accounting
MAC	Multi-agency Contract
NNSA	National Nuclear Security Administration
OFPP	Office of Federal Procurement Policy
OMB	Office of Management and Budget
RFQ	Request for Quote
SOW	Statement of Work
STI	Scientific and Technical Information
STRIPES	Strategic Integrated Procurement Enterprise System
T/L	Transmittal Letter
TAS	Treasury Account Symbol