



DEPARTMENT OF THE NAVY
COMMANDER, NAVY INSTALLATIONS COMMAND
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CNICINST 4200.2
N8

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CNIC INSTRUCTION 4200.2

From: Commander, Navy Installations Command

Subj: INTERAGENCY ACQUISITIONS OF SUPPLIES OR SERVICES

Ref: (a) Financial Management Regulations (FMR) Vol 11A, Ch 3
(b) Federal Acquisition Regulation (FAR) Subpart 17.5
(c) FMR Vol 11A, Ch 18
(d) ASN (FM&C) Memo of 31 Jan 07, Non-Economy Act Orders
with Non-DoD Agencies
(e) ASN (FM&C) Memo of 28 Feb 07, Administrative and
Internal Controls for Non-Economy Act Interagency
Agreements
(f) DoDI 4000.19, Interservice and Intragovernmental
Support, 9 Aug 95
(g) CNICINST 4000.1, Support Agreement (SA) Program, 20
Nov 07
(h) OUSD Memo of 31 Oct 08, Meeting DoD Requirements
Through Interagency Acquisition
(i) Defense Federal Acquisition Regulation Supplement
(DFARS) 217.5
(j) Navy/Marine Corps Acquisition Regulations (NMCARS),
5217.5
(k) SECNAV Memo of 20 Dec 04, Proper Use of Non-DoD
Contracts
(l) ASN(RD&A) Memo of 1 Dec 06, Acquisition of Services
(m) DoD FMR Vol 4, Ch 5

Encl: (1) Definitions
(2) Potential Problem Areas on Non-Economy Act
Interagency Agreements
(3) Interagency Agreement Format
(4) Backup Documentation Requirements
(5) Naval Supply Systems Command/Fleet and Industrial
Supply Centers (NAVSUP/FISC) Formats
(6) CNIC Internal Determination and Findings Format
(7) Delegations of Authority
(8) Required Statements on Funding Documents

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1. Purpose. This instruction establishes procedures and responsibilities for Interagency Acquisitions. It provides guidance to ensure that all acquisitions for supplies and services from a non-DoD federal agency are routed to and approved by appropriate Commander, Navy Installations Command (CNIC) personnel and further approved by Department of Navy (DoN) contracting officers. This instruction:
 - a. Provides approval forms for Interagency Acquisitions that comply with applicable Navy guidance.
 - b. Specifies approvals required prior to issuing a funding document.
 - c. Requires statements on funding documents to ensure applicable fiscal laws are met prior to funds obligation.
2. Applicability and Scope. This instruction applies to all CNIC Headquarters offices, Regions, and installations.
3. Definitions. Definitions are provided in enclosure (1).
4. Background. Acquisition of supplies and services from federal agencies outside of Department of Defense (DoD) can be accomplished two ways:
 - a. Economy Act Order (EAO). While within Navy, an EAO is usually issued via a NAVCOMPT Form 2275 Work Request document or NAVCOMPT Form 2276 Request for Contractual Procurement, outside of Navy, EAOs are typically issued on a DD Form 448, Military Interdepartmental Purchase Request (MIPR). Detailed guidance on EAOs can be found in reference (a).
 - b. Non-Economy Act Orders. Within Navy, a non-EAO is usually issued via a NAVCOMPT Form 2275 Project Order. (Note: the NAVCOMPT Form 2275 is a dual purpose form.) Otherwise a non-EAO is typically issued as a MIPR. In accordance with reference (b), where specific statutory authority does not exist the default is the Economy Act. In accordance with reference (c), non-EAOs must include the specific non-Economy Act statutory authority citation. Reference (d) governs the use of non-EAOs by the DoN. Reference (e) highlights potential problem areas identified by the DoD IG for non-Economy Act Interagency Agreements. These problem areas are extracted and provided as enclosure (2).

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5. Policy

a. Because CNIC does not have contract authority, wherever feasible, in-house (DoD/DoN) contracting offices shall be used. Per references (a) and (f), DoD activities may enter into support agreements with non-DoD agencies in accordance with reference (g). As it is difficult for the Navy to exercise contract management and oversight responsibilities when contracts are executed without a DoD/DoN contracting activity involved, non-DoD contracts should be used only when there are clear advantages such as timeliness, cost, and lack of in-house contracting capability. When making the determination to use a non-DoD contract, requesting officials (RO) must follow the guidance in references (c) and (d). To this end, ROs must work closely with CNIC Headquarters Comptroller or appropriate Regional Financial Manager, Counsel, and Contracting Chain. Reference (h) provides guidance on Interagency Agreements (IAs) and states that all assisted acquisitions regardless of amount must be supported by an Interagency Agreement (IA). Enclosure (3) provides the format.

b. Funding documents (orders) require some support documentation in most cases. It may be a Support Agreement (DD Form 1144), a Memorandum of Agreement (MOA), a Base Realignment and Closure (BRAC) Business Plan, Determination and Finding (D&F), Management and Oversight Process for the Acquisition of Services (MOPAS), Interagency Agreement (IA), or Interagency (non-DoD) Acquisition pre-approval. A chart of required backup documentation is provided as enclosure (4).

c. EAOs. References (a), (b), (i), and (j) specify that a D&F is required for EAOs. If the EAO will require contract action by a non-DoD agency, the D&F first must be routed for CNIC review and applicable contracting chain approval. Enclosure (5) provides the Naval Supply Systems Command/Fleet & Industrial Supply Centers (NAVSUP/FISC) formats. When Naval Facilities Engineering Command (NAVFAC) will be the contracting office, NAVFAC will complete the required formats. Enclosure (6) is a D&F for internal CNIC use to meet the requirement of a supporting D&F for EAOs when contract action is not required.

d. Non-EAOs. When issuing a non-EAO, the policies of this instruction and in references (a-m) must be complied with to ensure problem areas noted in enclosure (2) are avoided. Detailed guidance on non-EAOs can be found in reference (c).

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e. All orders resulting in a contract action require review by a DoD contracting officer. Per references (d) and (k), non-EAOs and orders to non-DoD agencies equal to or greater than the Simplified Acquisition Threshold (SAT), currently \$100K, require a more stringent review including pre-approval by a DoD contracting officer and CNIC or his designee (see paragraph g below). The SAT is based on the contract cumulative total, including award and options. To comply with this, enclosures (3) and (5) are to be completed in advance of issuing an order, unless the contracting office is NAVFAC (see paragraph 5.c above). Per reference (d), Non-EAOs greater than \$500K must be reviewed by a DoN warranted contracting officer prior to issuing an order.

f. Service contracts equal to or greater than \$100K must comply with the Management and Oversight Process for the Acquisition of Services (MOPAS) found in reference (1). Enclosure (5) includes the NAVSUP/FISC MOPAS template. CNIC approval is authorized by CNIC or his designee (see paragraph g below), but please note the template requires final approval through the CNIC contracting chain. The MOPAS threshold is based on the contract cumulative total including award and options. Reference (1) requires the completion of an Acquisition Strategy for acquisition of services, regardless of whether the acquisition is by contract or funding document, such as a purchase order, work order, MIPR, etc.

g. CNIC Designee-Delegation of Authority. Delegation of authority for CNIC review of Interagency requests equal to or greater than the SAT is provided in enclosure (7). Enclosure (7) also reflects delegated authority for the CNIC review for MOPAS and IA. This delegated authority does not negate the requirement for contracting chain approval where required.

6. Obligation and Payment Policy

a. Bona Fide Need. To ensure legal requirements of the Economy Act concerning bona fide need are met, all funding documents must include a specified period of performance. For severable services the period of performance cannot exceed 12 months. Funds must be returned to the requesting agency if the servicing agency has not provided the supplies or services or a contract is not in place prior to the funds expiration date.

b. Prohibition on Advance Payments. Reference (m) defines advance payments as "disbursements of funds from Treasury before performance has been certified by an authorized DoD receiving official." Historically, non-DoD agencies have invoiced for the

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entire effort prior to the delivery of supplies or services or award of a contract without clearly identifying the invoice as an advance payment. The resulting reconciliation between "actual expenditures for work performed" and the "advance payment" amount is often delayed. Frequently, recoupment of funds occurs after funds expiration, resulting in lost resources. Per references (a), (c), and (d), funds are not to be advanced to non-DoD federal entities or to be used to pay for advance billings without the receipt of supplies or services. Planning and design efforts should be funded with one funding request and the actual effort with a separate request to facilitate efforts with non-DoD entities. This will allow the non-DoD entity to collect reimbursement as work is completed. Per reference (d), a statement that advance payments are not authorized is mandatory on non-EAOs. Any existing advance payments retained by a non-DoD agency must be recouped.

7. Responsibilities

a. Requesting Official (RO). The RO will notify the Program Director of all requirements for services. The RO who identifies a non-EAO interagency requirement shall verify with the servicing agency if contracting will be involved and fulfill duties in accordance with references (c) and (d). The RO is responsible for preparing the backup documentation as required in enclosure (4), obtaining the proper signatures, and maintaining a copy of the documentation. The RO shall inform the comptroller as to how funds will be executed and notify the comptroller of any excess funds that can be recouped prior to the end of the fiscal year. The RO shall adhere to contract follow-up requirements as outlined in references (c) and (d).

b. Program Director (PD). The PD shall ensure the Acquisition Strategy for services is updated to reflect significant changes and submitted to the Decision Authority, IAW reference (1).

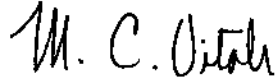
c. Counsel. CNIC Headquarters or Region Counsel, as appropriate, shall review backup documentation for legal sufficiency before final signature.

d. Comptroller. The CNIC Comptroller or Region Financial Managers (FM) will ensure that orders are not released without verifying proper backup documentation is in place. The Comptroller or Region FM shall ensure each order reflects a bona fide need, the period of performance specified, the appropriate funding available, and any unique terms and conditions are listed. The Comptroller or Region FM shall ensure the funding

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document includes the required statements as specified in Enclosure (8).

8. Effective Date and Implementation. This instruction is effective immediately.



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Definitions

Acquisition Strategy (AS). Developed by the program manager, the AS is the program manager's overall plan for satisfying the mission need in the most effective, economical and timely manner. It is to be in writing and prepared in accordance with FAR Subpart 7.1, Acquisition Plans.

Assisted Acquisitions. The servicing agency performs acquisition activities such as awarding a contract, task order, or delivery order on behalf of the requesting agency. Ex: Funds are sent to a non-DoD agency for contracting action on a non-DoD Contract.

Contracting Chain. CNIC does not have contracting authority. The CNIC contracting chain is either Naval Supply Systems Command/Fleet & Industrial Supply Centers (NAVSUP/FISC) or Naval Facilities Engineering Command (NAVFAC) as applicable.

Defense Federal Acquisition Regulation Supplement (DFARS). DFARS is a DoD-specific supplement to the Federal Acquisition Regulations (FAR).

Determination and Findings (D&F). A written approval by an authorized official that is required by statute or regulation as a prerequisite to taking certain actions. The D&F must show that the use of interagency support capabilities is in the best interest of the government and the required supplies or services cannot be obtained as conveniently or economically by contracting directly with a private source. The "determination" is a conclusion or decision supported by the "findings." The findings are statements of fact or rationale essential to support the determination.

Direct Acquisitions. A direct acquisition is where a non-DoD agency manages the non-DoD contract but does not participate in the placement of the contract award or order. Ex: a DoD/DoN contract office issues an order against a non-DoD contract.

Economy Act. The Act (31 USC 1535) authorizes an agency to place orders for supplies or services with another government agency if funds are available, the head of the ordering agency determines the order is in the best interest of the Government, the agency to fill the order is able to provide/contract the ordered supplies or services, and the head of the agency decides ordered supplies or services cannot be provide by contract as conveniently or economically by a commercial enterprise.

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Economy Act Orders (EAO). Funding documents (orders) issued under the Economy Act's authority are known as Economy Act Orders (EAOs). IAW the FAR, the Economy Act applies when more specific statutory authority does not exist, or exists but is not specified on the funding document. They do not extend the obligation life of the appropriation and work is expected to begin within a reasonable time after acceptance by the servicing activity. EAOs must be specific, definite and certain both as to the work and the terms of the order itself, include certification that the funds are properly chargeable for the purposes cited in the order, and serve a bona fide need existing in the fiscal year for which the appropriation is available for obligation. EAOs may not circumvent conditions or limitation imposed on the use of funds including extending the period of availability, be used to make acquisitions conflicting with another agency's authority/responsibility, or be issued if commencement of work is contingent on occurrence of a future event or authorizing action by the requestor. Additional guidance can be found in DoD FMR Vol 11A Ch 3.

Federal Acquisition Regulation (FAR). Codifies uniform policies for acquisition of supplies or services by executive agencies.

Interagency. Within the Federal Government, but outside DoD.

Interservice. Within DoD, but outside of the Department of Navy (DoN).

Intraservice. Within DoN.

Management and Oversight Process for the Acquisition of Services (Revised) (MOPAS 2). The Navy process for management and oversight as related to the acquisition of services. It is used to ensure that service acquisitions support Navy objectives, are based on clear, performance-based requirements, that required outcomes are identified and measurable, and are properly planned and administered to achieve the intended results.

NAVCOMPT Form 2275. This form may be used as either a work request or a project order, depending which block on the form is checked. As a work request (WR) it is used to fund work or service of a continuing nature and may be incrementally funded. As a project order (PO) it is used to fund work or material or manufacture of material in the same manner as a commercial contract, in that it is specific and identifies a definite end product. The PO must be fully funded when issued.

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Navy Marine Corps Acquisition Regulation Supplement (NMCARS). NMCARS is the Navy/Marine Corps-specific supplement to the FAR and DFARS.

Non-Economy Act Order. Some agencies have specific statutory authority other than the Economy Act to provide supplies and services. Funding documents (orders) issued to agencies with such authority are known as non-Economy Act orders. Specific statutory authority must be cited on the funding document or the order defaults to an EAO. Most commonly used non-Economy Act authorities are the GSA Acquisition Service Fund and Franchise Funds such as Department of Treasury's FedSource. Most non-DoD agencies do not have the accounting capability to accept these orders other than reimbursably. It is incumbent upon the Requesting Official to work with the servicing agency to determine if these funds will be contracted out or if the effort will be accomplished in-house by government employees of the servicing agency. Additional guidance can be found in the DoD FMR Vol 11A, Ch 18.

Requesting Agency. The agency requesting the supplies or services.

Severable Services. Severable services are continuing and recurring in nature and provide a benefit each time the service is performed, such as window washing, repair services, etc. Contracts for severable services may not exceed 12 months.

Servicing Agency. The agency providing the supplies or services.

Support Agreement. This is an agreement that codifies unique organizational relationships and/or support service arrangements between two or more organizations. Support Agreements are documented in an Inter/Intraservice Support Agreement (most commonly referred to as ISA or DD Form 1144), Memorandum of Agreement (MOA), or Memorandum of Understanding (MOU).

Enclosure (1)

**Potential Problem Areas on Non-Economy Act Interagency
Agreements**

- Bona fide need - Per 31 USC 1502(a), appropriations are available only for the bona fide need of an appropriation's period of availability. Appropriations are available for limited periods. The use of a franchise fund does not allow an activity to extend the life of an appropriation.
- Incorrect appropriation - The appropriation cited on the funding document must be the correct appropriation for the supplies or services to be procured. The DoD FMR defines the uses and sets specific timelines for appropriations. At no time can the life of an appropriation be extended via the use of a franchise fund.
- Internal controls - there are instances where funds are not placed on contract by the franchise fund entity until after the fiscal year ends. Financial and program managers must monitor each non-Economy Act funding document and recoup funds unless the request for goods was made during the period of availability and was for goods that, solely because of delivery, production lead-time, or unforeseen delays, could not be delivered within the period of availability.
- Quality control on funding documents - the majority of funding documents reviewed by the DoDIG lacked quality control. For instance, back-up documentation was lacking, a Statement of Work (SOW) was missing, dates were missing, the funds expiration date didn't relate to the cited appropriation, etc. The description of work effort on a funding document is often minimal - i.e., no definitive requirement was stated. A complete and definitive description must be included on all funding documents. In addition, follow-up monitoring with the non-DoD entity to ensure the contract is issued in a timely manner.
- Back-up documentation - if there are unforeseen delays, production lead-time issues, etc., documentation that describes the situation must be kept.

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Interagency Agreement Format
 Part A is the agreement; Part B is the funding document
Elements of a Model Interagency Agreement (IA)
for an Assisted Acquisition

Table A. Elements in "Part A" of the IA: General terms & conditions

Element	Description	Party Required to Provide Information for the IA	Reference in Model IA
1. Purpose	Explains that the purpose of Part A is to describe the general terms and conditions governing the provision of acquisition assistance. Clarifies that fiscal obligations are not created through the execution of Part A alone.	Servicing & Requesting Agency	A.1
2. Authority	Identifies the legal authority that the servicing agency will use to conduct interagency acquisitions.	Servicing Agency	A.2
3. Part A identifier	Identifier used on relevant documents, such as funding documents, to provide acquisition assistance.	Servicing Agency	A.3
4. Scope	Identifies the organizations that may request assistance under the IA, the organizations that may provide assistance, general types of services and/or products that the requesting agency may need (e.g., information technology (IT)), and restrictions, if any (e.g., dollar limitations).	Servicing & Requesting Agency	A.4
5. Period of agreement	Identifies period during which assistance may be provided.	Servicing & Requesting Agency	A.5

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Table A. Elements in "Part A" of the IA: General terms & conditions (con't.)

Element	Description	Party Required to Provide Information for the IA	Reference in Model IA
6. Roles & responsibilities	Establishes the responsibilities associated with conducting an interagency acquisition and the respective roles of the servicing agency and requesting agency in carrying out each responsibility.	Servicing & Requesting Agency	A.6
7. Billing & payment	Identifies billing and payment terms.	Servicing & Requesting Agency	A.7
8. Small business credit	Establishes that the requesting agency will receive socio-economic credit where applicable.	No information required from the parties	A.8
9. Contract termination, disputes, & protests	Describes each party's responsibilities associated with contract termination, disputes and protests.	Servicing & Requesting Agency	A.9
10. Review of Part A	Identifies the parties' commitment to review Part A at least annually for agreements that exceed one year.	No information required from the parties	A.10
11. Amendments	Describes the process for modifying the terms and conditions in Part A.	Servicing & Requesting Agency	A.11
12. Termination of IA	Describes each party's rights to terminate the IA.	Servicing & Requesting Agency	A.12
13. Interpretation of IA	Describes each party's responsibilities for addressing disputes regarding the interpretation of the IA.	Servicing & Requesting Agency	A.13
14. Signatures	Establishes that appropriate officials of each agency are held accountable to the agreed-upon terms and conditions.	Servicing & Requesting Agency	A.14

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Model Interagency Agreement for an Assisted Acquisition

Model Interagency Agreement PART A – General Terms & Conditions

A.1. Purpose

This Part of the IA (hereinafter "Part A") describes the terms and conditions that govern the provision of acquisition assistance between [**insert the name of agency with a requirement**], hereinafter "the Requesting Agency" and [**insert the name of agency that will provide acquisition services for the Requesting Agency**], hereinafter "the Servicing Agency."

No fiscal obligations are created through the execution of Part A. A fiscal obligation arises when the Requesting Agency demonstrates a bona fide need, provides the necessary requirements and funding information to the Servicing Agency and both parties execute a funding document using Part B of this IA or an alternate funding document.

A.2. Authority

The parties' authority to enter into this interagency agreement is (check applicable box):

- The Economy Act (31 U.S.C. 1535)
- Franchise Fund (e.g., 31 U.S.C. 501 note) or Revolving Fund (e.g., 40 U.S.C. 321)
Identify specific statutory authority _____
- Other (identify specific statutory authority or authorities)

A.3. Part A Identifier

Insert identifier to identify Part A on relevant documents, including requirements and funding information provided through Part B or alternate documents for specific acquisitions.

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A.4. Scope

a. Organizations authorized to request acquisition assistance

The following organizations in the Requesting Agency are authorized to obtain assistance from the Servicing Agency. **[insert list of organizations]** Note: The organization(s) identified in Section 1 of Part B must be listed in this section.

b. Organizations authorized to provide acquisition assistance

The organizations in the Servicing Agency are authorized to provide assistance to the Requesting Agency. **[insert list of organizations]** Note: The organization identified in Section 1 of Part B must be listed in this section.

c. Types of products or services that may be acquired

The following types of services or products may be acquired through interagency acquisition pursuant to this IA. Note: The need described in Section 6 of Part B must fall within the scope of products or services described below.

[insert description of services and/or products. The description for this section may be general in nature (e.g., information technology) and is not required to meet the definition of a bona fide need.]

d. Limitations

The following restrictions apply: **[describe any restrictions or indicate "None"]**

A.5. Period of Agreement

The terms and conditions described in Part A of the IA become effective when signed by authorized officials of both agencies and remain effective until **[insert date]**, unless amended in accordance with Section 11 or terminated in accordance with Section 12.

A.6. Roles & Responsibilities of Servicing Agency & Requesting Agency

The effective management and use of interagency contracts is a shared responsibility of the Requesting Agency and the Servicing Agency. The parties hereby agree to the following roles and responsibilities, which are derived from the Checklist in Appendix 1 of *Interagency Acquisitions*, guidance issued by the Office of Federal Procurement Policy.

[For each main responsibility in the acquisition lifecycle, define the respective roles of the requesting agency and servicing agency.]

A.7. Billing & Payment

The Requesting Agency will pay the Servicing Agency for costs of each contract or task/delivery order. Billings may include the amounts due under the contract or order plus any assisted service fees identified in Part B of this IA. **[insert description of billing and payment procedures]**

Reimbursable billings are delinquent when they are **[insert number]** or more calendar days old (from date of the billing). When billings remain delinquent over **[insert number]** calendar days and the Requesting Agency has not indicated a problem regarding services, the Servicing Agency may choose not to award any new contract/orders or modifications to existing contract/orders for the Requesting Agency (or the client within) and termination of existing services will be considered and negotiated with the Requesting Agency.

The Requesting Agency shall be responsible for interest owed under the Prompt Payment Act except that the Servicing Agency shall be responsible for interest owed to the contractor due to delays created by actions of the Servicing Agency.

A.8. Small Business Credit

Any contract actions executed by the Servicing Agency on behalf of the Requesting Agency will allocate the socio-economic credit to the Requesting Agency at the lowest FIPS 95-2 Agency/Bureau component as identified by the Requesting Agency. If the code is not provided, the Servicing Agency will allocate the credit to the highest Requesting Agency FIPS 95-2 Code.

A.9. Contract Termination, Disputes and Protests

If a contract or order awarded pursuant to this IA is terminated or cancelled or a dispute or protest arises from specifications, solicitation, award, performance or termination of a contract, appropriate action will be taken in accordance with the terms of the contract and applicable laws and regulations. The Requesting Agency shall be responsible for all costs associated with termination, disputes, and protests, including settlement costs, except that the Requesting Agency shall not be responsible to the Servicing Agency for costs associated with actions that stem from errors in performing the responsibilities assigned to the Servicing Agency. The Servicing Agency shall consult with the Requesting Agency before agreeing to a settlement or payments to ensure that the Servicing Agency has adequate time in which to raise or address any fiscal or budgetary concerns arising from the proposed payment or settlement.

A.10. Review of Part A

The parties agree to review jointly the terms and conditions in Part A at least annually if the period of this agreement, as identified in Section 5, exceeds one year. Appropriate changes will be made by amendment to this agreement executed in accordance with Section 11. The parties further agree to review performance under this IA to determine if expectations are being met and document a summary of their assessment. The responsible reviewing official at each agency shall sign and date the assessment.

[insert description of metrics (e.g., the quality of each party's responsiveness; the quality of each party's overall execution of assigned responsibilities) and methods agreed upon to gather performance information (e.g., surveys, interviews, record reviews)]

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A.11. Amendments

Any amendments to the terms and conditions in Part A shall be made in writing and signed by both the Servicing Agency and the Requesting Agency.

A.12. IA Termination

This IA may be terminated upon [insert number] calendar days written notice by either party. If this agreement is cancelled, any implementing contract/order may also be cancelled. If the IA is terminated, the agencies shall agree upon the terms of the termination, including costs attributable to each party and the disposition of awarded and pending actions.

If the Servicing Agency incurs costs due to the Requesting Agency's failure to give the requisite notice of its intent to terminate the IA, the Requesting Agency shall pay any actual costs incurred by the Servicing Agency as a result of the delay in notification, provided such costs are directly attributable to the failure to give notice.

A.13. Interpretation of IA

If the Servicing Agency and Requesting Agency are unable to agree about a material aspect of either Part A or Part B of the IA, the parties agree to engage in an effort to reach mutual agreement in the proper interpretation of this IA, including amendment of this IA, as necessary, by escalating the dispute within their respective organizations.

If a dispute related to funding remains unresolved for more than [insert number] calendar days after the parties have engaged in an escalation of the dispute, the parties agree to refer the matter to their respective Agency Chief Financial Officers with a recommendation that the parties submit the dispute to the CFO Council Intragovernmental Dispute Resolution Committee for review in accordance with Section VII of Attachment 1 to the Treasury Financial Manual, Volume 1, Bulletin No. 2007-03, Intragovernmental Transactions, Subject: Intragovernmental Business Rules, or subsequent guidance.

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A.14. Signatures

REQUESTING AGENCY OFFICIAL:

Signature: _____ Date: _____

Name: _____

Title: _____

Agency: _____

Address: _____

Phone: _____

E-mail & fax: _____

SERVICING AGENCY OFFICIAL:

Signature: _____ Date: _____

Name: _____

Title: _____

Agency: _____

Address: _____

Phone: _____

E-mail & fax: _____

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Backup Documentation Requirements

Form:	Source:	For All Orders:	For Acquisition of Services:		For Acquisition of Supplies:	ALL Assisted Acquisitions:
		Determination and Findings (D&F):	DoN Acquisition Strategy for Services:		Approval for Use of Non-DoD Contract (Supplies):	Interagency Agreements (IA) DoD Memo of 31 Oct 08
			Non-DoD Approval	MOPAS Approval		
Economy Act Orders (Issued under The Economy Act, 31 USC 1535):						
Within Navy/MC (Intraservice)	Contract Action (no DD Form 1144 (support agreement))	No	No	Yes, if >= \$100K**	No	No
	Contract Action (with DD 1144)	No	No	Yes, if >= \$100K**	No	No
	No Contract Action (no DD 1144)	No	No	No	No	No
	No Contract Action (with DD 1144)	No	No	No	No	No
Non-Navy, within DOD (Interservice)	Contract Action (no DD Form 1144)	External* (INA-BRAC only)	No	Yes, if >= \$100K**	No	No
	Contract Action (with DD 1144)	No	No	Yes, if >= \$100K**	No	No
	No Contract Action (no DD 1144)	Internal* (INA-BRAC only)	No	No	No	No
	No Contract Action (with DD 1144)	No	No	No	No	No
Non-DoD Agency (Interagency)	Contract Action (no supt agreement)	External*	Yes, if >= \$100K	Yes, if >= \$100K	Yes, if >= \$100K	Yes
	Contract Action (with supt agreement)	External*	Yes, if >= \$100K	Yes, if >= \$100K	Yes, if >= \$100K	Yes
	No Contract Action (no supt agreement)	Internal*	No	No	No	No
	No Contract Action (with supt agreement)	Internal*	No	No	No	No
Non-Economy Act Orders (Issued under specific statutory authority other than The Economy Act & must be cited on the funding document [includes POs])						
Within Navy/MC	Contract Action (no supt agreement)	No	No	Yes, if >= \$100K**	No	No
	Contract Action (with supt agreement)	No	No	Yes, if >= \$100K**	No	No
	No Contract Action (no supt agreement)	No	No	No	No	No
	No Contract Action (with supt agreement)	No	No	No	No	No
Non-Navy, within DOD	Contract Action (no supt agreement)	No	No	Yes, if >= \$100K**	No	No
	Contract Action (with supt agreement)	No	No	Yes, if >= \$100K**	No	No
	No Contract Action (no supt agreement)	No	No	No	No	No
	No Contract Action (with supt agreement)	No	No	No	No	No
Non-DoD Agency	Contract Action	No	Yes, if >= \$100K	Yes, if >= \$100K	Yes, if >= \$100K	Yes
	No Contract Action	No	No	No	No	No

IAW FAR 17.5 & FMR Vol 11A, Ch 3, each Interagency/non-DoD Economy Act Order must be supported by a D&F, making it an annual requirement.

*External D&F requires contracting office (NAVSUP/FISC or NAVFAC/FEC) signatures; Internal D&F requires signature of requesting official (CNIC N-Code) and Counsel.

**Other Navy/DoD agencies may have their own format; check with their contracting office for their requirements.

ALL contracts must be awarded by a warranted contracting officer; all interagency contracts must be vetted first through a DoD contracting officer; FISC/NAVFAC are CNIC's contracting chain.

Non-EAOs greater than the Simplified Acquisition Threshold (\$100K) should be reviewed by a DoN contract specialist to ensure compliance with ASN(FM&C) memo of 31 Jan 07.

Non-EAOs greater than \$500K require a DoN warranted contracting officer review prior to releasing the order to the non-DoD activity. IAW ASN(FM&C) memo of 31 Jan 07.

Assisted Acquisition: a contract awarded or a task or delivery order placed on behalf of the DoD by an official of the US outside of the DoD. per SECNAV memo 28 Dec 04

DoN OGC has determined that the BRAC Business Plan constitutes a support agreement and therefore no D&F is required.

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**Naval Supply Systems Command/Fleet & Industrial Supply Centers
(NAVSUP/FISC) Formats**

Determination and Finding (D&F)

Interagency Formats

- Supplies
- Management & Oversight Process for the Acquisition of Services (MOPAS)

On these formats, under Reporting Information, the requisition number may be obtained from the Gateway at <https://cnicgateway.cnic.navy.mil/HQ/N8/N8E/ADM/Web%20Part%20Pages/NonDoDRequests.aspx>

Formats can be accessed at the above link. Please delete unnecessary pages; ex: if the MOPAS (services)format is needed, delete the Supplies format.

Department of the Navy
Determination and Findings

Authority to Issue a Military Interdepartmental Purchase Request
Pursuant to the Economy Act

Based upon this Findings and Determination, I hereby make pursuant to the Economy Act (31 USC 1535) and FAR 17.502 the proposed Military Interdepartmental Purchase Request (MIPR to be issued as described below:

FINDINGS

1. The (NAME OF ACTIVITY) proposes to issue a MIPR to (NAME OF SERVICING AGENCY) for (SUPPLIES/SERVICES TO BE OBTAINED). This action does not conflict with any other agency's authority or responsibility. Period of Performance is (DATES). The value of the requirement is (FY/APPN/Amount).
2. Legal authority for this acquisition otherwise exists.
(NOTE: If computer resources are involved, a copy of the GSA delegation of procurement authority or an approved Warner Amendment exemption or a determination that the FIP is embedded or incidental must be attached.)
3. Consistent with FAR 6.002, this action is not being entered into with another agency for the purpose of avoiding competition. (NOTE: If the requirement is sole source, the necessary sole source justification information should be provided to the servicing agency for inclusion in its J&A/D&F.)
4. This action is in the best interest of the Government because _____. (Discussion must **address each of the following areas:**
 - a. Why ordered supplies/services cannot be provided as conveniently and cheaply by contracting directly with a private source;
 - b. Why the servicing agency has unique expertise/ability not available within DoD; and
 - c. Why supplies/services clearly are within the scope of the activities of the servicing agency and that agency normally contracts for those supplies/services for itself.)
5. This acquisition conforms to the requirements of FAR 7.3 - Contractor versus Government Performance. (if applicable)

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6. Discussions have been held between (Name & Org.) (Name of Agency) servicing agency and (Name & Org.) (Name of Agency) requesting agency, on (date), and the servicing agency advised that it will comply with all applicable laws and regulations and can perform all necessary contract administration.

7. No fees or charges in excess of the actual or estimated cost of contracting are being paid to the servicing agency.

DETERMINATION

Based on the information provided above, the supplies/services requested:

- a. Cannot be provided as conveniently and cheaply by contracting directly with a private source;
- b. Are clearly within the scope of the activities of the servicing agency and that agency normally contracts for those supplies/services itself, and
- c. The servicing agency has unique expertise or ability not available within DoD.

It is therefore in the Government's best interest to obtain the described supplies/services by interagency agreement under the Economy Act.

Date: _____

Requesting Official, N(code)

Date: _____

Counsel

Date: _____

Comptroller, N-8

Reviewed/Approved(Contracting Chain) :

Date: _____

Contracting Officer

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APPROVAL FOR USE OF NON-DOD CONTRACT (SUPPLIES)

This form can be used for both “assisted acquisitions” and “direct acquisitions” for supplies against non-DOD contracts. By completing this form, project/program managers will meet the requirements set-forth in joint ASN(RD&A) and ASN(FM&C) memo dated 20 December 04 on “Proper Use of Non-DOD Contracts,” and ASN(FM&C) memo dated 31 Jan 07. Please address the issues below:

REPORTING INFORMATION (provide the following information for reporting purposes):

- A. Requiring Activity.
- B. Requisition Number. *obtain from CNIC Gateway*
- C. Contracting Office.
- D. Contracting Officer’s Contact Information
- E. Contract Number/Task Order Number (to be filled-in following award).
- F. Market Research: *Explain the nature, extent and results of market research.*
 - 1. *Discuss your review of the commercial marketplace.*
 - 2. *Discuss references, resources and methods used for conducting market research.*
- G. Brief Description of Requirement
- H. FY/APPN/Amount

1. Why the use of a Non-DOD Contract (Best Interest of DOD): *The information below is required for both “assisted” and “direct” acquisitions.*

A. Discuss how use of a non-DOD contract is the best way to satisfying your requirement in terms of the following:

- 1. *cost effectiveness associated with use of non-DOD contract*
- 2. *delivery schedule*
- 3. *availability/non-availability of suitable contract within DOD*
- 4. *Contract Administration*
- 5. *Other considerations*

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2. CONTRACT CERTIFICATION REQUIREMENTS REQUIRED FOR “ASSISTED” ACQUISITIONS (WHEN FUNDS ARE SENT TO A NON-DOD AGENCY FOR CONTRACTING ACTION AND OBLIGATION).

A. FUNDING APPROVAL: *Requiring activity comptroller must provide certification of the following:*

1. Funding Amount: *Is there enough funding to cover requirement?*
2. Type of Funds: *Is the funding type appropriate for this requirement?*

Endorsed: _____

Comptroller	Date
--------------------	-------------

B. CONTRACTING OFFICER APPROVAL: *The contracting officer from the servicing NAVSUP contracting office must provide certification of the following:*

1. That applicable DON/DOD terms are included: *For assisted acquisitions DON/DOD unique clauses must be forwarded to the non-DOD agency that will be issuing the order.*
2. The task is within scope of the non-DOD contract: *The servicing contracting officer must determine that the non-DOD contract is appropriate for the services to be ordered.*
3. *Ensure compliance with Non-Economy Act Acquisition Package contained in ASN(FM&C) memo of 31 Jan 07.*

Endorsed: _____

Contracting Officer	Date
----------------------------	-------------

3. REQUIRING ACTIVITY APPROVAL REQUIRED FOR “ASSISTED” ACQUISITIONS (WHEN FUNDS ARE SENT TO A NON-DOD AGENCY FOR CONTRACTING ACTION AND OBLIGATION).

Enclosure (5)

JUN 4 2010

Approved: _____

	Date
<input type="checkbox"/> CNIC HQ N Code	\$100,000 - \$1 Million
<input type="checkbox"/> CNIC Regional Commanders	up to \$5 Million
<input type="checkbox"/> CNIC/Deputy CNIC/ED (Flag/SES)	up to \$50 Million
<input type="checkbox"/> DASN(ACQ)	\$50 Million - \$500 Million
<input type="checkbox"/> ASN (RD&A)	>\$500 Million

4. FOR "DIRECT" ACQUISITIONS, THE REQUIREMENTS INITIATOR IN CONJUNCTION WITH THE CONTRACTING OFFICER WILL ENSURE THAT THE CONTRACT FILE IS ADEQUATELY DOCUMENTED. THE DECISION AUTHORITY FOR DIRECT ACQUISITIONS IS THE CHIEF OF THE CONTRACTING OFFICE.

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DON ACQUISITION STRATEGY (AS)
APPROVAL FOR USE OF NON-DOD CONTRACT (SERVICES/MOPAS)

This format satisfies acquisition strategy requirements in DASN(ACQ) memo of 01 December 2006 titled "Department of the Navy (DON) Management and Oversight Process for the Acquisition of Services (Revised) (MOPAS 2)" and can be used by NAVSUP Enterprise program/project managers to document the information required by MOPAS 2 to obtain approval for all service contract requirements greater than \$100,000. This documentation can also be used to obtain approval IAW DFARS 237.170, "Approval of Contracts and Task Orders for Services," approval for "direct" and "assisted" acquisitions against non-DOD contract vehicles IAW Joint ASN(RD&A) and (FM&C) policy dated 20 December 2004, "Proper Use of Non-DOD Contracts," and approval for "assisted" acquisitions IAW ASN(FM&C) policy dated 31 January 2007, "Non-Economy Act Orders with Non-DOD Agencies."

REPORTING INFORMATION: *Provide the following information for reporting purposes*

- A. Requiring Activity.
- B. Requisition Number. *obtain from CNIC Gateway*
- C. Contracting Office.
- D. Contracting Officer's Contact Information
- E. Contract Number/Task Order Number (to be filled-in following award).

1. REQUIREMENTS DEVELOPMENT AND MANAGEMENT:

- A. Description of Service Requirement(s):**
- B. Delivery/Performance Schedule:** *Discuss the period of performance and include base period and option periods.*
- C. If this is not a new requirement, how was it satisfied previously?** *How is requirement currently satisfied? Provide details of the current contract.*
- D. Explain Decision to utilize contract support vice organic resources.**
- E. Market Research:** *Explain the nature, extent and results of market research.*
 - 1. *Discuss your review of the commercial marketplace.*
 - 2. *Discuss references, resources and methods used for conducting market research.*
 - 3. *Can be satisfied through NAVSEA's SEAPORTE contract tool?*

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4. *Is award of a new contract a viable option?*
5. *Can your requirement be satisfied under an already existing DOD contract?*
6. *Are required services only available under a non-DOD contract?*
7. *If service will be acquired under a non-DOD contract, approval will be required IAW DFARS 237.*

F. Consolidation of Requirements: *Ensure compliance with DFARS 207 if consolidating contract requirements.*

G. Contract Bundling: *Ensure a cost-benefit analysis was conducted in accordance with DOD Benefit Analysis Guidebook*

www.acq.osd.mil/sadbu/news/contractconsolidation.pdf.

2. ACQUISITION PLANNING:

A. Acquisition Approach: *Explain acquisition approach and proposed milestones for award.*

B. Cost/Price Estimate for Total Planned Acquisition. *Include the total proposed price including base period and option periods. Include Military Interdepartmental Procurement Requests (MIPR) or work orders issued to support the acquisition that did not result in a contract.*

C. Funding: *Explain how requirement will be funded and status or availability of requirement funding. Breakout Award and Options by FY/APPN/Amount.*

D. Technical, Business, Management or Other Considerations: *How will potential contractors be evaluated? Discuss significant non-price related factors.*

E. Strategic Sourcing: *Explain if opportunities exist to leverage market place to obtain more favorable prices and conditions.*

F. Implementation of performance-based acquisition methods or rationale for not using performance-based methods. *Discuss the following,*

1. *Is Statement of Objectives/Work described in terms of outcomes? Discuss outcomes.*
2. *Discuss Performance Standards/Metrics used to measure outcomes.*
3. *Discuss Quality Assurance Plan: How objectives will be measured to track contract performance.*
4. *Discuss how incentives or decrements will be applied.*

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5. *If the service acquisition is not performance based, explain why. Address actions to convert the requirement to performance-based for future acquisitions. Approval for issuing a non-performance based contract will be required IAW DFARS 237. See paragraph 8 below for approval thresholds.*

G. Small Business, Small Disadvantaged Business and Other Socio-economic Opportunities and Goals/Targets: *Will the acquisition be set-aside for small or small disadvantaged business. Discuss goals and targets associated with sub-contracting plan.*

H. Source Selection Process: *Top level discussion of the planned source selection process: formal or informal; proposed evaluation criteria; and basis for award.*

I. Waivers or Deviations: *Includes but not limited to waivers from obtaining cost and pricing data or NMCI waivers and deviations from regulations contained in the FAR or DFARS*

J. Other Than Full and Open Competition: *If requirement will not be competed, explain why your requirement is sole source and address the status of the J&A. Address actions to improve the competitive environment for foreseeable follow-on acquisitions.*

K. LEASING: *Does the acquisition strategy include a lease-purchase analysis if required by OMB circular A-94, Section 13.*

L. MULTI-YEAR CONTRACTS: *This is a special contracting method which falls under the authority of 10 USC 2306c and which is implemented by Federal Acquisition Regulation (FAR) Subpart 17.1. Address compliance with 10 U.S.C. 23-6c and OMB circular a-11. This does not apply to contracts with a base year and options or a contract with multiple years.*

3. SOLICITATIONS AND CONTRACT AWARD: *What type of business arrangement is anticipated, the duration of each business arrangement, cost estimate for the total planned acquisition, pricing arrangements (contract type). Address the performance based features of the potential contract.*

A. Proposed business arrangement anticipated:

1. *Single Contract or Multiple Award Task Order Contract*
2. *Task Order against existing DOD contract vehicle.*
3. *Task Order against existing non-DOD contract vehicle (Approval for issuing a task orders against a non-DOD contract is required IAW DFARS 237). If ordering against a non-DOD contract address the following:*

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- Demonstrate best interest to DOD in terms of satisfying customer requirement, cost (identify fees and discounts), delivery schedule, contract administration or other applicable considerations.

-Unique DOD/DON terms are incorporated.

- Services are within scope of the non-DOD contract.

4. Interagency purchase request or interdepartmental work order, etc.

B. The timing and duration for each business arrangement including base period and option periods.

C. Pricing Arrangement (i.e. firm-fixed price, cost reimbursement, labor hour, etc, based on FAR/DFARS Parts 16 and, for commercial services, Part 12)

D. Address contract administration and oversight considerations.

4. RISKS: Explain potential risks inherent in the requirement including schedule, cost and performance risks that could affect the outcome of the requirement.

A. Schedule Risk: Examples of schedule risks include,

1. Deadlines or time constraints.

2. Schedule overlaps or conflicts.

3. Any other issues that could impact schedule or delivery.

B. Cost Risk: Examples of cost risks include:

1. Funding Restrictions.

2. Funding Availability.

3. Budget Changes or Constraints.

4. Any other issues which affect cost.

C. Performance Risk: Risks to performance include,

1. Work environment

2. Availability of required skills or resources to maintain performance

3. Contract Management

4. Scope of the non-DOD contract if intending to issue an order against a non-DOD contract.

D. Risk Mitigation Plan: Ways to mitigate risk might include:

1. The contract type may alleviate schedule risk.

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- 2. *Use of performance based contracting, as required by DFARS 237, is a way to maximize performance within budget constraints.*
- 3. *Competition among several vendors would be one method to obtain reasonable prices for services.*

5. CONTRACT TRACKING AND OVERSIGHT:

- A. Existing or proposed management approach for contract administration, quality assurance surveillance plans, oversight plans and responsibilities.
- B. Tracking procedures/processes to monitor contract performance.

6. PERFORMANCE EVALUATION:

- A. Plan for evaluating whether performance metrics or other measures identified to guide the acquisition have been achieved. Such measures shall include thresholds for cost, schedule and performance for each proposed business arrangement.
- B. Identify personnel responsible for assessing and reporting contractor performance into Contractor Performance Assessment Reporting System (CPARS).

MOPAS 2 APPROVAL:

REQUIRING ACTIVITY REVIEW AND CONCURRENCE FOR SERVICE ACQUISITIONS IAW DASN(ACQ) of 01 December 06, "Department of the Navy (DON) Management and Oversight Process for the Acquisition of Services (Revised)(MOPAS 2)."

Requirements Review: _____

Date

- CNIC HQ N Code** **\$100,000 - \$1 Million**
- CNIC Regional Commanders** **up to \$5 Million**
- CNIC/Deputy CNIC/ED (Flag/SES) > \$5 Million**

See Table 1 of DASN(ACQ) memo above for requirements review for IT requirements of \$250 Million and greater and for special interest requirements.

DECISION AUTHORITY

Prepared: _____

JUN 4 2010

Contracting Officer**Date**

Approved: _____

Date

- | | |
|---|-------------------------------|
| <input type="checkbox"/> Senior Contracting Person at NFCS
Activities where only authority over
\$100,000 is task order authority | \$100,000 - \$500,000 |
| <input type="checkbox"/> Level Above Contracting Officer | \$100,000 - \$1 Million |
| <input type="checkbox"/> Chief of the Contracting Office | \$1 Million - \$100 Million* |
| <input type="checkbox"/> SUP 00/SUP ED | \$100 Million - \$250 Million |
| <input type="checkbox"/> DASN(ACQ) | \$250 Million - \$1 Billion |
| <input type="checkbox"/> ASN(RD&A) | >\$1 Billion |

See Table 1 of DASN(ACQ) memo above for decision authority thresholds for IT requirements of \$250 Million and greater and for special interest requirements.

DFARS 237 APPROVAL

REQUIRED APPROVAL IF ACTION IS NOT PERFORMANCE BASED OR THE ACQUISITION IS THROUGH ANY CONTRACT OR TASK ORDER AWARDED BY A NON-DOD AGENCY LAW NAVSUP memo 4200 21C/4032 04-09 of 27 February 04 "Approval Requirements for Service Acquisitions."

Approved: _____

Date

- | | |
|---|--------------------------------|
| <input type="checkbox"/> Senior Contracting Person at NFCS
Activities where only authority
over \$100,000 is task order authority | \$100,000 - \$500,000 |
| <input type="checkbox"/> One Level Above Contracting
Officer (Requires CCO Delegation) | \$100,000 - \$1 Million |
| <input type="checkbox"/> Chief of the Contracting Office | \$1 Million - \$5 Million |
| <input type="checkbox"/> NAVSUP 02 | \$5 Million - \$78.5 Million |
| <input type="checkbox"/> DASN(ACQ) | \$78.5 Million - \$500 Million |
| <input type="checkbox"/> ASN(RD&A) | >\$500 Million |

PROPER USE OF NON-DOD CONTRACTS APPROVAL

Enclosure (5)

JUN 4 2010

This form can be used for both “assisted acquisitions” and “direct acquisitions”. By completing this form, project/program managers will meet the requirements set-forth in joint ASN(RD&A) and ASN(FM&C) memo dated 20 December 04 on “Proper Use of Non-DOD Contracts,” and ASN(FM&C) memo dated 31 Jan 07 on “Non-Economy Act Orders with Non-DOD Agencies.” Please address the issues below:

1. CONTRACT CERTIFICATION REQUIREMENTS REQUIRED FOR “ASSISTED” ACQUISITIONS (WHEN FUNDS ARE SENT TO A NON-DOD AGENCY FOR CONTRACTING ACTION AND OBLIGATION).

A. FUNDING APPROVAL: *Requiring activity comptroller must provide certification of the following:*

1. Funding Amount: *Is there enough funding to cover requirement?*
2. Type of Funds: *Is the funding type appropriate for this requirement?*

Endorsed: _____
Comptroller **Date**

B. CONTRACTING OFFICER APPROVAL: *The contracting officer from the servicing NAVSUP contracting office must provide certification of the following:*

4. That applicable DON/DOD terms are included: *For assisted acquisitions DON/DOD unique clauses must be forwarded to the non-DOD agency that will be issuing the order.*
5. The task is within scope of the non-DOD contract: *The servicing contracting officer must determine that the non-DOD contract is appropriate for the services to be ordered.*
6. *Ensure compliance with Non-Economy Act Acquisition Package contained in ASN(FM&C) memo of 31 Jan 07.*

Endorsed: _____
Contracting Officer **Date**

JUN 4 2010

2. REQUIRING ACTIVITY APPROVAL REQUIRED FOR “ASSISTED” ACQUISITIONS (WHEN FUNDS ARE SENT TO A NON-DOD AGENCY FOR CONTRACTING ACTION AND OBLIGATION).

Approved: _____ Date

- | | |
|---|------------------------------|
| <input type="checkbox"/> CNIC HQ N Code | \$100,000 - \$1 Million |
| <input type="checkbox"/> CNIC Regional Commanders | up to \$5 Million |
| <input type="checkbox"/> CNIC/Deputy CNIC/ED (Flag/SES) | up to \$50 Million |
| <input type="checkbox"/> DASN(ACQ) | \$50 Million - \$500 Million |
| <input type="checkbox"/> ASN (RD&A) | >\$500 Million |

3. FOR “DIRECT” ACQUISITIONS, THE REQUIREMENTS INITIATOR IN CONJUNCTION WITH THE CONTRACTING OFFICER WILL ENSURE THAT THE CONTRACT FILE IS ADEQUATELY DOCUMENTED. THE DECISION AUTHORITY FOR DIRECT ACQUISITIONS IS THE CHIEF OF THE CONTRACTING OFFICE.

JUN 4 2010

Determination & Finding Format(CNIC Internal Format)

Department of the Navy

Determination and Findings

Authority to Issue a Military Interdepartmental Purchase Request
Pursuant to the Economy Act
where there is NO Interagency Contracting Action Involved

Based upon this Findings and Determination, I hereby make
pursuant to the Economy Act (31 USC 1535) and FAR 17.502 the
proposed Military Interdepartmental Purchase Request (MIPR) to
be issued as described below:

FINDINGS

1. The [NAME OF ACTIVITY] proposes to issue a MIPR to [NAME OF SERVICING AGENCY] for [SUPPLIES/SERVICES TO BE OBTAINED]). This action does not conflict with any other agency's authority or responsibility. Period of Performance is [START AND END DATES]. The value of the requirement is [FY/APPN/Amount].
2. Legal authority for this acquisition exists.
3. Consistent with FAR 6.002, this action is not being entered into with another agency for the purpose of avoiding competition. (NOTE: If the requirement is sole source, the necessary sole source justification information should be provided to the servicing agency for inclusion in its J&A/D&F.)
4. This action is in the best interest of the Government because _____. (Discussion must **address each of the following areas:**
 - a. Why ordered supplies/services cannot be provided as conveniently and cheaply by contracting directly with a private source;
 - b. Why the servicing agency has unique expertise/ability not available within DoD; and
 - c. Why supplies/services clearly are within the scope of the activities of the servicing agency and that agency normally contracts for those supplies/services for itself.)
5. This acquisition conforms to the requirements of FAR 7.3 - Contractor versus Government Performance. (if applicable)
6. Discussions have been held between [Name & Org.; Name of Agency] servicing agency and [Name & Org.; Name of Agency] requesting agency, on [date], and the servicing agency advised that it will comply with all applicable laws and regulations and can perform all necessary contract administration.

Enclosure (6)

JUN 4 2010

7. No fees or charges in excess of the actual or estimated cost of contracting are being paid to the servicing agency.

DETERMINATION

Based on the information provided above, the supplies/services requested:

- a. Cannot be provided as conveniently and cheaply by contracting directly with a private source;
- b. Are clearly within the scope of the activities of the servicing agency and that agency normally contracts for those supplies/services itself, and
- c. The servicing agency has unique expertise or ability not available within DoD.

It is therefore in the Government's best interest to obtain the described supplies/services by interagency agreement under the Economy Act.

Date: _____

Requesting Official, N(code)

Date: _____

CNIC Counsel

Delegations of Authority

JUN 4 2010

Per SECNAV Memo of 20 Dec 04 CNIC has a ceiling of \$50M for assisted acquisition authority.

1. Interagency/non-DoD Formats:

By this instruction CNIC approval authority for Interagency contracts is delegated as follows:

CNIC HQ N-Codes	up to \$1M
Regional Commanders	up to \$5M
Deputy CNIC/Executive Director (Flag/SES)	up to \$50M

2. MOPAS:

By this instruction, CNIC approval authority for MOPAS is delegated as follows:

CNIC HQ N-Codes	up to \$1M
Regional Commanders	up to \$5M
Deputy CNIC/Executive Director (Flag/SES)	> \$5M

NOTE: CNIC approval for Interagency/non-DoD and MOPAS is not to be confused with the contracting chain approval which is still a requirement.

3. Interagency Agreement (IA):

By this instruction CNIC hereby delegates authority to sign IAs to:

Headquarters (HQ) Deputy CNIC
 HQ Executive Director (ED)
 Regional Commanders
 Regional Deputy Commanders
 Regional EDs

None of these delegations may be further delegated.

JUN 4 2010

Required Statements on Funding Documents

Effective immediately, the following statements must be on all Interagency non-EAOs, as applicable:

- On all interagency funding documents for severable services: These funds are available for services for a period not to exceed one year from the date of contract award of this order (with contract award occurring before 30 Sep of any given year). All unobligated funds shall be returned to the ordering activity no later than one year after the contract award of the order or upon completion of the orders, whichever is earlier.
- On all interagency funding documents for goods: I certify that the goods acquired under this agreement are legitimate, specific requirements representing a bona fide need of the fiscal year in which these funds are obligated.
- If the order is a non-EAO then a statement similar to this must be cited on the document: This order is issued to [Agency' Fund] under [citation]; Ex: This order is issued to GSA's Acquisition Services Fund under 40 USC 321.

IAW DoD FMR Vol 11A, on each order, both EAO and non-EAO, to a non-DoD agency the following statement must be included:

- Advance payments to non-DoD agencies are not authorized.