

SAMPLE D&F FOR ECONOMY ACT ORDERS

(Class) D&F

No. _____

(Use same identifier as used for Questionnaire.)

(CLASS) DETERMINATION AND FINDINGS

**AUTHORITY FOR INTERAGENCY ACQUISITION
UNDER THE ECONOMY ACT (31 U.S.C. 1535)**

Upon the basis of the following findings and determination which

I hereby make pursuant to FAR 17.5 and DFARS 217.5. the proposed interagency acquisition order(s) may be placed.

FINDINGS

1. The _____ proposes to issue,

(Insert name of requiring activity.)

pursuant to the Economy Act, (an interagency order) (multiple interagency orders) under this (D&F) (Class D&F) in the (cumulative) total amount of \$

(Note: If incremental funding is or if multiple funding actions are anticipated, provide an estimated funding schedule by FY in addition to the cumulative total. Multiple funding actions constitute a Class D&F.)

to

(Insert name(s) and address(es) of proposed servicing agency(ies).)

2. The effort to be acquired is

(Briefly describe those supplies and/or services to be acquired.)

NCH 53.17-1 (SEA 02C - s:\attach\econ_act.doc - 8/6/98)

3. Legal authority for this acquisition otherwise exists.

4. This action does not conflict with any other agency's authority or responsibility and the supplies or services are clearly within the scope of activities of the servicing agency because:

(e.g. Interagency agreement, legislation, sponsorship of FFRDC, existing program.)

5. The ordered supplies or services cannot be provided as conveniently and cheaply by contracting directly with a private source because:

6. The servicing agency has unique expertise or capabilities not available within the Department of Defense which is (are):

7. *(Insert this paragraph only if the acquisition will involve the use of a Government commercial/industrial activity under FAR 7.3.)*

This acquisition anticipates the use of a Government commercial/industrial activity which has the following capability that does not exist in private industry and which is:

8. *(This paragraph is applicable only if this interagency acquisition will result in contracting action by the servicing agency. If applicable, insert the appropriate following paragraph which applies.)*

The servicing agency normally contracts for those supplies or services for itself and will not be paid a fee or charges in addition to the estimated amount(s) to be obligated on contracts.

The servicing agency normally contracts for those supplies or services for itself but will be paid a fee or charge in addition to the estimated amount to be obligated on contract. Such fee or charge will not exceed the estimated cost to the servicing agency of entering into and administering the contract.

9. *(This paragraph is to be inserted only if this is a Class Determination and Findings.)*

The expiration date for this Class D&F is

(Insert date.)

(Class) D&F No.

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I certify that the facts and representations contained herein under my cognizance are complete and accurate to the best of my knowledge and belief.

Requirements Office

Code

Date

(Typed or printed name and signature.)

I have reviewed this document and consider it legally sufficient.

Counsel

Code

Date

(Typed or printed name and signature.)

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DETERMINATION

This acquisition through

(Insert name of servicing agency.)

is in the best interests of the Government because:

a. The ordered supplies or services cannot be provided as conveniently and cheaply by contracting directly with a private source;

b. The servicing agency has unique expertise or ability not available within DoD; (and)

c. The supplies or services clearly are within the scope of activities of the servicing agency(.)(; and)

d. *(Insert one of the two following paragraphs, whichever is appropriate, if the servicing agency will be obligating funds under contract(s) in support of this acquisition. If the servicing agency will not be using contracts, this paragraph "d." may be omitted from the D&F.)*

(The servicing agency normally contracts for those supplies or services for itself and no fees or charges for the entering into and administration of contracts that are in addition to the amount(s) to be obligated under the contract(s) will be paid to the servicing agency.)

(The servicing agency normally contracts for those supplies or services for itself and the user fees or charges that are in addition to the amount(s) to be obligated under the contract(s) will not exceed the estimated cost of entering into and administering the contracts.)

Therefore, the above described order(s) may be placed.

APPROVED _____

DATE _____

Identifier) _____(Unique

ACQUISITIONS UNDER THE ECONOMY ACT
Placement of Interagency Orders Outside DoD

REQUIREMENTS OFFICE QUESTIONNAIRE

1. LEGAL AUTHORITY: Is there legal authority for this acquisition? YES\NO

Program:

State the legal authority:

(Generally, this will be the Appropriation Act(s) for the funds to be used. However, it may be an Authorization Act, FMS cite, or special legislation. Be as specific as possible.)

2. SERVICING AGENCY:

a. Provide the name and address of the proposed servicing agency:

b. The supplies or services are clearly within the scope of the activities of the servicing agency. YES\NO

c. The servicing agency normally contracts for or provides such supplies and services for itself. YES\NO

d. The servicing agency has authority under law or regulation to purchase such supplies or services on behalf of other agencies. YES\NO

If 3.b., c., or d. above is NO, explain why this order is being placed with the servicing agency:

e. Identify the unique expertise or capabilities available to the servicing agency which do not exist in private industry:

f. Identify the unique expertise or capabilities available to the servicing agency which do not exist in the Department of Defense:

g. Explain why the ordered supplies or services cannot be provided as conveniently and cheaply by the Navy requiring activity having a Navy contract placed directly with a private source:

3. SERVICING AGENCY AUTHORITY: Does this order present a conflict with any other agency's authority or responsibility (e.g. GSA)? YES\NO

If YES, describe the possible conflict.

4. PRIVATE AND PUBLIC SECTOR PERFORMANCE:

Private sector:

(FFRDCs (FAR 35.017) and M&O contractors (FAR 17.6) are private sector.)

- (1) Will this interagency acquisition be made under an existing contract/grant/cooperative agreement of the servicing agency, entered into before placement of the order, to meet the requirements of the servicing agency for the same or similar goods or services? YES\NO
- (2) Will this interagency acquisition require the servicing agency to award one or more contracts/grants/cooperative agreements for some or all of the work in this Economy Act order? YES\NO

If YES for either of the above questions, complete 4.a. below for contracts and/or 4.b. below for grants or cooperative agreements.

Public sector: Will this interagency acquisition require direct in-house effort by the servicing agency for some or all of the work required by this Economy Act order? "Direct" in-house effort is defined as Government employees actually performing the work requirement; it does not include "indirect" Government employees involved in the contract award, program administration, or comptroller functions.

YES\NO

If YES, complete 4.c. below for performance by Government employees.

a. CONTRACTS:

If YES for contracts, the servicing agency must have adequate statutory authority:

- (1) The proposed servicing agency is covered by the Federal Acquisition Regulation (FAR). YES\NO

(Examples of agencies not covered by the FAR are: Federal Aviation Agency, Central Intelligence Agency, Tennessee Valley Authority,

and the Library of Congress. If answered NO, the D&F must be sent to the Navy's Senior Procurement Executive (ASN(RDA)) for approval. This authority is not delegable. However, for Library of Congress, FEDLINK orders, see NRCC/Washington Class D&F of 19 Oct 1994 which expires 31 Dec 1995.)

If NO, cite the statutory reference(s) for the procurement authority of the proposed servicing agency:

- (2) Will this interagency acquisition be provided to the servicing agency prior to award of any contract(s)? YES\NO
- (3) Will (Have) any of the contracts be (been) awarded pursuant to competition by the servicing agency? YES\NO
How many? _____
- (4) Will (Have) any of the contracts be (been) awarded without competition by the servicing agency? YES\NO

Provide the following information for each contract that already has been awarded, either competitively or noncompetitively. Insert the planned date for noncompetitive contracts not yet awarded. This includes contracts with contractors managing FFRDCs and National Laboratories.

Agreement or Contract Number: _____
Actual/Planned date of award: _____
Contractor: _____
Competitive/Noncompetitive: _____

- (5) Will (Has) any Navy organization be (been) responsible for identifying/ selecting any of the contract sources? YES\NO

If YES, identify the Navy activity, its role, and its (expected) extent of involvement:

(6)(a) Will all or any of the work be ordered from a Federally Funded Research and Development Center (FFRDC)?

YES\NO

If YES, identify the FFRDC:

(The National Science Foundation periodically publishes the Master Government List of Federally Funded Research and Development Centers. For information, call (703) 306-1772.)

(b) If ordered from a FFRDC, does the work fall within the purpose, mission, and general scope of effort established for the FFRDC

YES\NO

If YES, explain how (e.g., attach charter, agreement, etc.):

If NO, explain the authority which permits use of the FFRDC:

(c) If performed by a FFRDC, will the requested work place the FFRDC in direct competition with domestic private industry?

YES\NO

(d) The percentage of the FFRDC effort expected to be subcontracted is approximately ____%.

(Note: If a high percentage of the FFRDC effort is to be subcontracted, ensure that 2.g. addresses this.)

(7)(a) Will the servicing agency be assessing any user fees or charges in addition to the actual or estimated value of the contracts? YES\NO

If YES, explain how the fees or charges are computed and the rationale underlying them:

If these fees or charges are for services to be provided in support of the award and administration of the contract(s) identify them (e.g., financial, contract placement, program management, engineering, etc. (Also see Question 8.):

(b) Will the fees or charges exceed the actual cost or, if the actual cost is not known, the estimated cost of entering into and administering the contract(s) or other agreement(s)? YES/NO

(NOTE: If the answers to both 4.a.(7)(a) and (b) above are YES, the order cannot be processed to include the described fees or charges until the above question 4.a.7(b) can be answered NO. See P.L. 103-355, Sec 1074(b)(4).)

b. Grants and Cooperative Agreements:

Will the servicing agency be amending existing or placing any new grants or cooperative agreements pursuant to the Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6301, et seq.)? YES\NO

c. Public sector:

Will the work to be performed by the public sector be performed in a Government commercial/ industrial facility? YES\NO

If YES, will the effort to be performed conform to the requirements of FAR 7.3 - Contractor Versus Government Performance for commercial/ industrial facilities? YES\NO

Explain why Government performance for the supplies or services is more advantageous than performance by private contractors:

5. USE OF GSA GOVERNMENT-WIDE INFORMATION TECHNOLOGY (IT) PROGRAMS

The Information Technology Management Reform Act of 1996, Pub. L. No. 104-106, Sections 5100 - 5124, 110 Stat. 679 (1996), defines IT very broadly as "any equipment or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. [IT] includes computers, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources." Section 5124 specifically authorizes an agency to obtain IT by contract for another agency; however, interagency IT acquisitions are not exempted from the requirements of the Economy Act.

The Information Technology Fund, established at 40 U.S.C. 757, is a revolving fund which is used to support GSA's authorized, government-wide IT programs. DON activities are authorized to obtain IT supplies or IT services through GSA programs funded

through the IT Fund without complying with the Economy Act's requirements.

Are the IT supplies or IT services available through the IT fund? YES\NO

If YES, an Economy Act Order is not necessary.

6. SPECIAL REQUIREMENTS:

Are there any special contract terms or other requirements applicable to the servicing agency that are necessary to obtain compliance with any condition or limitation applicable to the funds? YES\NO

If YES, explain and attach copies:

7. BEST INTEREST:

Why is it in the best interest of the Government to place an Economy Act order? Include an identification of all other acquisition methods considered and state why an interagency acquisition is considered to be the appropriate choice. Specifically state why it is more economical:

8. ECONOMY ACT ORDER ADMINISTRATION:

Evaluate the servicing agency's ability to administer this interagency acquisition and any resulting contract(s), and identify the expected liaison procedures with the cognizant Navy program office (e.g., will the requiring activity receive

periodic status reports, contract cost data for DCAA audit,
etc.):

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Questions concerning information included in this
Questionnaire may be directed to:

Name: _____

Organization: _____

Code: _____

Telephone: Commercial: _____

DSN: _____