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GSA Acquisition Letter V 04-04

MEMORANDUM FOR ALL GSA CONTRACTING ACTIVITIES

FROM: *For* DAVID A. DRABKIN *Josh A. Drabkin*
SENIOR PROCUREMENT EXECUTIVE

SUBJECT: Purchases on Behalf of Other Agencies

1. Purpose. This Acquisition Letter provides the policy for GSA Contracting Officers who award contracts and place orders on behalf of other agencies (requiring agencies) under GSA contracts and non-GSA contracts.

2. Background. Efficient and effective operation of the federal acquisition process is critical to the performance of each agency of our federal government and, therefore, critical to our nation. It is GSA's goal to properly use all contract vehicles in order to provide requiring agencies with quality products, services and solutions in a timely and cost-effective manner.

Many organizations within GSA assist requiring agencies by awarding and placing orders on their behalf. GSA accomplishes this service by using GSA contract vehicles as well as non-GSA contract vehicles. While GSA contracting activities have knowledge of the Federal Acquisition Regulation (FAR) requirements, it is imperative that when purchasing on behalf of a requiring agency that GSA contracting activities apply the regulatory and statutory requirements applicable to the requiring agency for which the order is placed. Therefore, the GSA contracting activity must initiate and maintain early, continuous and open dialogue with the requiring agency to ensure that all unique statutes and regulations accompany the purchase request.

3. Effective Date. Immediately.

4. Termination Date. One year or until incorporated in the General Services Administration Acquisition Manual (GSAM).

5. Applicability. This Acquisition Letter applies to all GSA contracting activities that award contracts or place orders on behalf of other agencies. Each service should take appropriate steps to communicate the policy set forth in paragraph 6 to agencies they award contracts and place orders on behalf of.

6. Policy.

a. The requiring agency must provide to the GSA contracting activity information on specific or unique regulatory and statutory requirements applicable to the purchase. FAR Section 8.404(c)(3), *Acquisition Planning*, requires that orders under Federal Supply Schedule contracts, whether placed by the requiring agency, or on behalf of the requiring agency, be consistent with the requiring agency's statutory and regulatory requirements applicable to the acquisition of the supply or service. For example, when the contract vehicle to be utilized is different than the contract vehicle the DoD requiring activity initially planned on utilizing, the DoD requiring activity must write a new determination supporting the acquisition. Therefore, GSA planners (see GSA's Acquisition Planning Order OGP 2800.1) and Contracting Officers must initiate early dialogue on this subject internally and with the requiring agency during the acquisition planning phase for any order placed or contract awarded on behalf of another agency. The policy stated in this acquisition letter applies regardless of the acquisition solution used.

b. The GSA contracting activity shall document these discussions and address any unique statutory and regulatory requirement in the acquisition plan.