

The Acquisition Services Directorate Service Agreement

The Acquisition Services Directorate agrees to:

1. Work with the client agency to define acquisition requirements and performance expectations.
2. Manage all phases of the acquisition lifecycle from refining the client's acquisition plan to closing the contract or agreement.
3. Respond promptly to each inquiry concerning the acquisition process and project status, and maintain a professional, courteous relationship with the client agency.
4. Given the particular nature of each acquisition, assist in the development of a project description that is sufficiently complete and specific to meet the requirements of 31 U.S.C. § 1501(a)(1)(B), unless the project description is already set forth within, or submitted together with, the Interagency Agreement, Military Interdepartmental Purchase Request, or other document that transfers the funds required to undertake the acquisition, including The Acquisition Services Directorate service charges ("Funding Document"). In the case of an agency of the Department of Defense (DoD) or one of its component military departments, the Acquisition Services Directorate will accept the order from the requiring activity only if it includes:
 - a. a firm, clear, specific, and complete description of the goods or services ordered (the use of generic descriptions is not acceptable), along with specific performance or delivery requirements; and
 - b. a statement of work or objectives that is specific, definite, and certain both as to the work encompassed by the order and the terms of the order itself.
5. Exercise our best efforts, based on information provided by the client agency, to assist them in fulfilling their duty to comply with the *bona fide* needs rule of 31 U.S.C. § 1502 by ensuring that:
 - a. funds are re-obligated within a reasonable period of time after initial obligation by the client by the relevant Funding Document, taking into account all of the circumstances of the acquisition
 - b. In the case of a DoD activity, funds shall also be re-obligated before the expiration of the fiscal period of availability of the funds;
 - c. transactions are reported accurately and in a timely fashion; and
 - d. controls are implemented and exercised to comply with all applicable fiscal law statutes and regulations.
6. Assist the client agency to develop their acquisition plan.
7. Work with the client agency to conduct a market survey and market research, and develop a Statement of Work (SOW) or Statement of Objectives (SOO).
8. Evaluate the SOW or SOO and make recommendations to enhance the acquisition process.
9. Solicit proposals and quotes from the open market or use appropriate schedules or other existing contracts, to ensure full competition and the best value for the government.
10. Perform an independent price or cost analysis to determine price realism, reasonableness and fairness.
11. Provide advice on performance-based services acquisition and project management requirements.
12. Appoint a Contracting Officer's Representative (COR) or Contracting Officer's Technical Representative (COTR) based on the client agency's recommendation and the qualifications of a nominee who meets all training and certification requirements.

13. Provide assistance to the client agency to create valid evaluation criteria.
14. Provide evaluation forms that are mutually acceptable to the client agency and The Acquisition Services Directorate.
15. Provide due diligence assistance, schedule oral presentations, and advise the client agency during the evaluation process.
16. Undertake to develop, award, and administer contracts that comply with all Federal procurement statutes and regulations. In the case of a DoD agency or one of its component military departments, comply with DFARS sections 208.405-70 and 216.505-70 in the case of orders placed on behalf of DoD.
17. Effect the timely delivery of goods and services.
18. Administer the contract and meet periodically with the program office and the contractor on performance objectives.
19. Provide legal reviews and representation for disputes and claims.
20. Maintain accurate records and files from project plan through closeout.
21. Collect and report performance information for each acquisition.
22. Approve all invoices following COTR or Receiving Officer (RO) review.
23. Inform the client agency of the progress of each phase of the acquisition process, and alert the client agency to any performance issues that arise.
24. Annotate acquisition reports to identify and report awards made for the funding agency.
25. Develop opportunities for small businesses and provide small business experts to identify capable firms.
26. Provide accurate financial transaction information through a secure web portal.
27. Be a good steward of the client agency's funds and comply with the requirements of fiscal law.

The Acquisition Services Directorate Client Agency agrees to:

1. Apprise the Acquisition Services Directorate of all terms, conditions, and requirements to be incorporated into the contract as necessary to comply with statutes, regulations, and directives that are unique to the client agency or its parent organization.
2. Provide a description of the project that is sufficiently complete, given the particular nature of the acquisition, to meet the requirements of 31 U.S.C. § 1501(a)(1)(B). In the case of DoD agency, the order shall include:
 - a. a firm, clear, specific, and complete description of the goods or services ordered (the use of generic descriptions is not acceptable), along with specific performance or delivery requirements; and
 - b. a statement of work or objectives that is specific, definite, and certain both as to the work encompassed by the order and the terms of the order itself.
3. In the case of DoD clients, follow the guidelines for non-Economy Act orders set forth in the Under Secretary of Defense, Comptroller, memorandum dated October 16, 2006.
4. Assign a financial point of contact, who:
 - a. in the case of a DoD agency, is a "certifying official" as that term is defined at 10 U.S.C. § 2773a(d), to execute all financial documents and certify the legality of the use the client's funds for this acquisition per DoD Financial Management Regulation 7000.14-R, volume 5, chapter 33; or

- b. in the case of a civilian agency client, is a “certifying official” as that term is used in 31 U.S.C. § 3528 to execute all financial documents and certify the legality of the use the client’s funds for this acquisition.
- c. will sign or obtain the signature of the appropriate client agency finance official on all Funding Documents.
- d. is responsible for accepting unexpended funds upon completion of the project.
- e. in the case of a DoD agency, will ensure that funding documents contain one or both of the following statements, as appropriate:
 - i. *“These funds are available for severable services for a period of performance not to exceed one year. Contracts for such services must be awarded and performance begun before the expiration of the fiscal period of availability of the funds. All unobligated funds shall be returned to the ordering activity as soon as possible after the expiration of the fiscal period of availability of the funds.”*
 - ii. *“I certify that the goods or deliverables resulting from non-severable services to be acquired under this agreement are legitimate, specific requirements representing a bona fide need of the fiscal year in which these funds are obligated. Contracts for such goods must be awarded before the expiration of the fiscal period of availability of the funds. All unobligated funds shall be returned to the ordering activity as soon as possible after the expiration of the fiscal period of availability of the funds.”*

(Clients using the Acquisition Services Directorate are not required to prepare a memorandum of determination and findings under the Economy Act. The Acquisition Services Directorate operates under the specific separate authority of section 403 of the Government Management Reform Act of 1994.)

- 5. Provide an Acquisition Project Plan, including an estimated project timeline.
- 6. Prepare a complete SOW, SOO, set of specifications, or bill of materials, as required. (Acquisitions of services shall be performance-based whenever possible, and the SOO shall include sample performance measures.)
- 7. Provide an Independent Government Cost Estimate and/or Best Value Determination, as required.
- 8. Conduct a market survey with the Acquisition Services Directorate Contracting Officer (CO), which includes consideration of small businesses and socio-economic development program fair opportunity goals. (Award credits toward the satisfaction of these goals are returned to the client agency via the appropriate codes provided.) Conduct market research when the procurement is a performance-based services acquisition, including one-on-one meetings with potential offerors in advance of preparing the SOO.
- 9. Ensure that nominated personnel obtain COR or COTR training for appointment as a COR or COTR before the award is made, if necessary, and maintain eligibility throughout the contract period of performance. This requirement applies to COTRs for service contracts for \$100,000 or more, or held longer than one year, or if requested by the CO. The Acquisition Services Directorate requires COTRs to present a certificate of training from an accredited source that demonstrates the COTR has received a minimum of 40 hours of COTR training within the past two years in order to be eligible for COTR appointment by the CO. Contact COTR@aqd.nbc.gov for more information.
- 10. Immediately notify the Acquisition Services Directorate CO with the name and contact information of the new responsible individual whenever responsibility for this acquisition has been transferred to another individual (COR, COTR, or RO).
- 11. Provide valid quote or proposal evaluation criteria with the assistance of the CO.

12. Provide a technical and price or cost evaluation of quotes or proposals, within an agreed timeframe, using the evaluation forms agreed upon by the CO and the COR, COTR, or RO.
13. Maintain a project manager with assigned duties to effect the prompt completion of work, and to report changes of project managers within a reasonable time period.
14. Track, measure, evaluate, and report to the CO the performance of all contractors.
15. Ensure that no personnel of the client agency attempt to issue any contract change or make any request to any contractor employee that would deviate from the terms and conditions of the contract.
16. Act in accordance with the Prompt Payment Act by reviewing invoices within three working days of receipt for acceptability for payment and recommend to the CO either acceptance or rejection of goods and services based upon the terms and conditions of the contract, and appoint an alternate trained COR, COTR, or RO to review and take action on invoices in the absence of the primary COR, COTR, or RO.
17. Use the electronic invoicing system, GovPay, to pay the vendor.
18. Cooperate with the Acquisition Services Directorate on funds management and transfers for timely disbursement and control of funds, including service charges that may be incurred as follows:
 - a. An administrative service charge of 1% to 4% may be imposed when the client cancels the acquisition and elects to deobligate the funds after the acquisition process has begun. The service charge shall be based on a reasonable estimate of the percentage of the cost of the award and the level of effort performed by the Acquisition Services Directorate.
 - b. In the event the acquisition process does not proceed within a reasonable period of time due to the inaction of the client agency, the Acquisition Services Directorate shall retain a 1% service charge, deobligate any funds that have not been reobligated, and return the remainder to the client agency following sufficient advance notice.
 - c. An additional service charge, equal to any remaining nominal funding after award closeout, shall be treated as part of the Acquisition Services Directorate total service charge, to offset administrative costs for managing and tracking such nominal funds.

**The Acquisition Services Directorate,
Department of the Interior Franchise Fund**

By [print name]: _____, Division Chief

Signature: _____ Date: _____

The Acquisition Services Directorate Client Agency: _____

By [print name]: _____, Title: _____

Signature: _____ Date: _____

Additional Information:

In this document, the term "Acquisition Services Directorate" refers to the Dept of the Interior Franchise Fund (IFF)