

# Office of the Secretary Interagency Agreement Policy Implementation Plan

Dated 5/17/04

Revised 5/18/04, Latest revision 6/23/04

## EXECUTIVE SUMMARY

On May 3, 2004, the Department of Commerce's, Chief Financial Officer and Assistant Secretary for Administration, issued an interim Interagency and other Special Agreement Handbook as formal policy to provide general guidance to those responsible for issuance and management of these agreements. The described purpose of this handbook is to provide guidance for the use, management, and oversight of a significant number and dollar amount of Departmental agreements.

The following is a draft implementation plan outlining the steps necessary to gather the necessary information, achieve thorough buy-in from all Office of the Secretary interested parties to successfully implement the interim Interagency and other Special Agreement Handbook. The plan includes 30 process steps with a final policy document targeted for completion by December 31, 2004.

Attachment 1, Responsibility Decision Matrix, has been developed to aid in establishing responsibilities surrounding sound execution of Interagency Agreements.

<b>Office of the Secretary Interagency Agreement Policy Implementation Plan</b>					
<b>SORT</b>	<b>Task</b>	<b>Start Date</b>	<b>End Date</b>	<b>Lead</b>	<b>Collaborators</b>
005	Release interim OS Interagency Agreement Policy.	06/16	07/15	COAP	HCO, OEB, OGC
010	Review FY 04 MOUs to determine key points of contacts to be invited to participate on Implementation Team.	12/03	7/04	COAP	
020	Check with HCO to confirm list is complete - make additions and subtractions as necessary to form team roster.	6/04	6/04	COAP	HCO

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025	Work with HCO to determine best method for forming a team with DOC.	6/04	6/04	COAP	HCO
030	Form Implementation Team (Program, OGC, OEB, COAP).	7/04	7/04	COAP	Prog, OEB, OGC
040	Distribute copy of Handbook to team.	7/04	7/04	COAP	Prog, OEB, OGC,
050	Establish team charter, ground rules, and schedule.	7/04	7/04	COAP	TEAM
060	Brief Team of Implementation Plan - adjust as needed.	7/04	7/04	COAP	TEAM
080	Research and define the different types of Interagency Agreements currently used at the Department.	6/04	7/04	COAP	Prog/TEAM
100	Define and describe programmatic requirements including unique statutory or regulatory requirements.	7/04	8/04	COAP	Prog/OGC/TEAM
190	Develop a consensus explicitly assigning responsibilities listed in Chapter 6, Section E and identify the official by position responsible for each task. (See Responsibility Decision Matrix).	7/04	8/04	Team	Prog/OGC/OEB/HCO/TEAM
200	Request OGC to develop specific guidance concerning OGC clearance process, requirements, and time line. Flowchart.	7/04	8/04	Team	OGC
280	Research the process for (Chapter 2 Definitions: Para E) IAAs in excess of \$5 to go before the Commerce Acquisition Review Board.	7/04	7/04	COAP	HCO/CAPPS
285	Define Acquisition Waiver Process to include in implemented policy - QUESTION: Will this coordinate with APP requirements being developed?	7/04	?? 11/04	COAP	D. Locke

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290	Para F. Vendors must be registered in the CCR prior to formal execution of the IAA. Establish a process to check this...perhaps we shall use CSTARS. Does CSTARS have MOU capability? Does the mandatory BPN feature work for MOUs?	6/04	7/04	COAP	CSTARS SA, CACI
300	Develop specific guidance concerning the specific legal office from which OGC clearance must be obtained for particular types of IAA and/or authorities.	7/04	8/04	OGC Team Member	OGC
400	Request OEB to develop specific guidance concerning OEB funding, funding certification, and IPAC process. Flowchart.	7/04	8/04	OEB Team Member	OEB
500	Request Contracting to develop specific guidance concerning D&F clearance process. Flowchart.	7/04	7/04	COAP	OGC
510	Determine what business reviews will constitute the level of adequacy required by the Handbook.  Check with FPDS-NG to see if other agency award information is available on-line. Confirmed yes! 6/3/04	6/3/04	10/04	COAP	HCO/SPE/ Other Bureau Reps.
515	Conduct Modified Bench Marking (informal calls and meetings) with other Dept./Agency contracting to see what they are doing regarding "business review".	7/04	9/04	COAP	Other Agencies
520	Determine who will conduct and approve the business review.  Chapter 7, G. Page 2 -When DOC is the requesting agency using an IAA for interagency acquisitions, a documented analysis must be included in the Official Agreement File which includes the following items:  1. Specifications for the items/services to be obtained; 2. A delivery/performance schedule; 3. Price analyses among different providers.	9/04	10/04	Team	Prog, OGC, OEB, HCO, SPE

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530	Determine a process to ensure that entities are using the Central Contractor Registry.	7/04	8/04	COAP	CSTARS SA, CACI, Other Agencies
540	Research the Intra-governmental Transaction portal.	7/04	10/04	COAP	Team, OEB, Other Agencies
550	Determine a process to assure that agreements are properly transmitted via the Intra-governmental Transaction portal.  Conduct Modified Bench Marking (informal calls and meetings) with other Dept./Agency contracting to see what they are doing regarding "Transaction Portal".	6/04	8/04	COAP	OEB, Team, Other Agencies
590	Research "Retention Schedule" as indicated in Chapter 8, B Retention. "The schedule is a document approved by the National Archives and Records Administration, which provides authority of the final disposition of recurring or nonrecurring record	7/04	8/04	COAP	HCO, National Archives and Records Administration., CAPPS
600	Determine what authorities need to be delegated? See the results of the Responsibility Decision Matrix.	8/04	10/04	COAP	HCO, SPE, Team, OGC, OEB
700	Determine how OS will delegate required authorities	9/04	10/04	COAP	HCO, CAPPS
710	Develop procedures for any amendments, continuations, and renewals of agreements.	8/04	9/04	Team	OGC
720	Determine who is responsible for part or all of the IAA record keeping requirements (See Responsibility Decision Matrix).	8/04	9/04	Team	HCO, SPE
890	Develop a process flow chart describing the minimum path of review and approval, with thresholds for reviews and clearances.	10/04	11/04	COAP	Team

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SORT	Task	Start Date	End Date	Lead	Collaborators
900	DOC operating units shall issue supplemental operating unit procedures that establish internal processes for each type of Interagency Agreements and must describe programmatic and procedural requirements, including unique statutory or regulatory requirements.	7/04	12/04	COAP	Team, OGC, OEB, Program, CAPPS, HCO, SPE

# Responsibility Decision Matrix

Responsible Party							TASK/FUNCTION	
P R O G R A M	O E B	C O	L E G A L	C F O	H C O			
							Place an X in the appropriate column to designate your choice for each corresponding function.	
							<b>1. Approval Functions.</b>	
							a. Ensure that each IAA has the proper legal authority and that the file contains all necessary documentation. If it is not feasible to cite the authority in the text of the agreement, then the legal authority for the agreement must be documented in the official agreement file.	
							b. Ensure that all operating units and Departmental clearances have been received and are documented in the file.	
							c. Determine that the IAA is in the best interest of the operating unit and the DOC.	
							d. Ensure that any payable IAA in which DOC is the requesting agency under the Economy Act authority has the requisite D&F as set forth at 48 CFR 17.503; and that the agreement has been cleared by the operating unit's contracting officer or other official as permitted pursuant to 48 CFR 17.505.	
							e. Ensure that the operating unit develops and performs adequate business reviews.	
							f. Ensure that costs are equitably distributed for agreements according to the Joint Project Authority. If this determination cannot be made from the information included in the agreement and/or in the Official Agreement File, a budget must be prepared and maintained in the Official Agreement File to demonstrate this fact.	

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Responsible Party							TASK/FUNCTION				
P R O G R A M	O E B	C O	L E G A L	C F O	H C O						
							Place an X in the appropriate column to designate your choice for each corresponding function.				
										g. Approve any amendment(s) to the agreement and any extension(s) to the completion date of the agreement.	
										h. Secure, and maintain on file, specific delegations of authority from the head of the operating unit to approve and sign the IAA. Delegations of approval and signature authority may be limited to certain levels of operating unit officials, within certain financial limits, for certain types of agreements, or for any other administrative reason or category. Delegations of authority may be further delegated, unless the head of the operating unit specifically states otherwise. Contracting officer functions should normally remain with contracting officers.	
										<b>2. Budget, Finance, and Accounting Functions.</b>	
										a. Ensure that funds are available to enter into an IAA, reserve the funds as necessary, and provide written confirmation of the reservation of funds.	
										b. Ensure that an obligation is recorded in the buyer's core financial system prior to transmittal of the authorized order to the seller. If the obligation number is different from the order number, then the obligation record must include the intragovernmental order number and any interagency agreement associated with the obligation.	
										c. Approve the receipt of reimbursements/advances from an ordering agency or entity.	
										d. Review agreement budgets and documentation for the budgets to ensure they are consistent with DOC accounting and budget standards.	

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							Place an X in the appropriate column to designate your choice for each corresponding function.		
								e. Assist the program officer and approving official in developing agreement budgets as requested.	
								f. Establish and maintain contact with the budget office from each party to the agreement to ensure financial responsibility; and work with each party to the agreement to amend and resolve any budget issues related to the agreement.	
								g. Ensure that full costs are recovered for any receivable IAA which specifies full cost recovery.	
								h. Ensure that payments are made and received according to the conditions of the agreement.	
								i. Provide full accounting support and financial advice to program officers, the operating unit, and others as needed.	
								j. Provide financial data and reports on agreements as requested by other federal agencies, the operating unit, or the program officer.	
								k. Record the financial transactions associated with each agreement, as appropriate.	
								l. Develop procedures for requesting and receiving funds from each party to the agreement.	
								m. Maintain financial records for all operating unit agreements, including payout, accounts receivable and advance payments.	



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P R O G R A M	O E B	C O	L E G A L	C F O	H C O						
							Place an X in the appropriate column to designate your choice for each corresponding function.				
										n. Identify any restrictions on the federal funds, e.g., one-year/no-year funds, and provide notification(s) as appropriate.	
										o. Ensure that only properly delegated officials obligate funds.	
										p. Determine overhead rates.	
										<b>3. Contracting Functions.</b>	
										a. Ensure that Payable IAAs made under the authority of the Economy Act contain the requisite D&F as set forth at 48 CFR 17.503, and provide clearance, as appropriate, on those agreements in accordance with 48 CFR 17.5.	
										b. Provide advice and guidance as requested to the program officer in the development of an adequate D&F in accordance with 48 CFR 17.5, when the agreement is a DOC intra-agency agreement using Form CD-572 (Exhibit F).	
										<b>4. Coordinating/Liaison Functions.</b>	
										a. Serve as the primary contact to the DOC CFO/ASA on IAA.	
										b. Provide required electronic information to OAM to be included in the Departmental Information System for IAA. OAM will develop applicable guidance after consultation with operating units.	

# Responsibility Decision Matrix

Responsible Party							TASK/FUNCTION	
P R O G R A M	O E B	C O	L E G A L	C F O	H C O			
							Place an X in the appropriate column to designate your choice for each corresponding function.	
								c. Assure that the operating unit or major components of the operating unit establish internal review processes for IAA and have written guidance on the procedures for IAA in accordance with Chapter 7, Section M, of this Handbook.
								d. Attend meetings convened by OAM on IAA and report to the appropriate official(s) in the operating unit on any issues affecting the use of IAA.
								<b>5. Programmatic/Project Functions.</b>
								a. When the IAA is prepared by DOC, develop the agreement, including writing and editing the agreement. This includes preparing any terms and conditions contained in the agreement.
								b. When the agreement is not prepared by DOC, review the agreement presented to DOC, negotiate as necessary, and assure that the agreement follows the appropriate DOC and legal requirements. When possible, other parties should be encouraged to draft the agreement using the DOC models to ensure that the appropriate provisions are included in the agreement.
								c. Coordinate as necessary with each party to the agreement and identify the responsibilities of each partner.
								d. Request reservation of funds for the agreement, if applicable.
								e. Ensure that the agreement is assigned an operating unit agreement identification number and that the number is displayed on agreements, amendments, correspondence, and other documentation, as appropriate.

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Responsible Party							TASK/FUNCTION	
P R O G R A M	O E B	C O	L E G A L	C F O	H C O			
Place an X in the appropriate column to designate your choice for each corresponding function.								
								f. Ensure that the IAA is reviewed by the appropriate operating unit and Departmental officials.
								g. Provide a briefing to the approving official, the Commerce Acquisition Review Board and other appropriate officials as necessary.
								h. Coordinate with the budget officer and contracting or grants officer prior to approval when an IAA is expected to be the basis for a prospective procurement or financial assistance award.
								i. Prepare D&F for every payable IAA made under the authority of the Economy Act. For a receivable IAA made under the authority of the Economy Act, obtain a copy of the requesting agency's required D&F or otherwise document the requesting agency's assurance that the required D&F was properly executed.
								j. For agreements pursuant to the Joint Project Authority, prepare a budget demonstrating that costs are equitably distributed, if such a budget is required by the approving official or OGC to establish this fact.
								k. Monitor performance and progress under the agreement.
								l. Ensure that the agreement is properly administered.
								m. Maintain a complete programmatic/project file for each agreement, including all documentation related to agreements. Files should include information as required in Chapter 8, Section A, of this Handbook.

# Responsibility Decision Matrix

Responsible Party							TASK/FUNCTION	
P R O G R A M	O E B	C O	L E G A L	C F O	H C O			Place an X in the appropriate column to designate your choice for each corresponding function.
								n. Track all relevant costs, including direct labor, equipment, supplies, travel, and the proper overhead rate for an IAA, as applicable.
								o. Ensure that an IAA is properly closed out and that the file is retained in accordance with the applicable Records Retention Schedule.
								<p><b><i>Who is responsible for part or all of the IAA record keeping requirements. Is this file centrally located or widely distributed according to the Responsibility Decision Matrix?</i></b></p> <p><b>A. Official Agreement File.</b> The operating unit responsible for managing the IAA shall maintain an official file for each IAA. This file, regardless of location(s), must contain the documents and information listed below, as applicable. The Official Agreement File does not include reference files that may be maintained by other offices, such as any files in connection with clearances of agreements.</p>
								1. A copy of the agreement and all amendments, revisions, or changes with original signatures or certified copy of original signatures by all parties to the agreement. The operating unit file copy of each of these documents shall contain the operating unit agreement identification number displayed so that it can be easily seen.

# Responsibility Decision Matrix

Responsible Party							TASK/FUNCTION		
P R O G R A M	O E B	C O	L E G A L	C F O	H C O				
							Place an X in the appropriate column to designate your choice for each corresponding function.		
								2. A copy of all appropriate correspondence generated or received by the operating unit related to the agreement. The operating unit file copy of correspondence should contain the operating unit agreement identification number displayed so that it can be easily seen. In those instances where there are many transactions and voluminous correspondence relating to one agreement, it may be necessary to file and maintain part(s) of the Official Agreement File in multiple locations, especially if some of the records are electronic.	
								3. For interagency agreements under the authority of the Economy Act, the Official Agreement File must include D&F information. For a payable IAA pursuant to the Economy Act, a copy of the D&F must be in the file. For a receivable IAA pursuant to the Economy Act, the file should include a copy of the approved D&F or a record that the requesting agency provided assurance that the required D&F was executed.	
								4. A copy of all clearance documents obtained in developing and completing the agreement.	
								5. A copy of the proposed budget or other basis for estimating funds to be obligated, both DOC and non-DOC funds, and estimating value of resources committed, both DOC and non-DOC resources, as applicable.	
								6. Financial information (billing, receivables, payables, etc.), if applicable.	
								7. Identity and location of any pertinent IAA files that are housed in other locations.	

# Responsibility Decision Matrix

RESPONSIBLE PARTY								TASK/FUNCTION	
P R O G R A M	O B	C O	L E G A L	C F O	H C O			Place an X in the appropriate column to designate your choice for each corresponding function.	
								8. Identity of the type of organization of each party to the agreement (e.g., non-profit, for profit or commercial, institution of higher education, hospital, state government, local government, Indian tribe, or federal agency).	
								9. Citation for legal authority to transfer funds or commit resources.	
								10. Citation for programmatic authority for the objectives of the IAA.	
								11. Other pertinent material.	

Action Register:

- 7/1/04 Met with Mike Sade...he would like me to meet with Lucia Homick and Brian DiGiacomo to discuss the decision matrix in developing our policy.
- 7/2/04 Called and left a message with Lucia and Brian regarding MOU meeting.
- 7/6/04 Heard back from Mike through Sharon, that the CFO prefers the Approval function for MOUs to be handled by CO.
- 7/9/04 Received message from Lucia...she can meet today or the 19<sup>th</sup>. Called her back and requested any time today.
- 7/9/04 Met with Lucia at 2:00 PM to discuss plan and to obtain her help. She commented that she felt that Lisa C. may wish to be involved. She also agreed to take a copy of this plan and distribute it to her staff to get their comments. She also agreed to meet upon her return sometime the week of July 19 or later. I am to schedule a meeting with Brian D.
- 7/10/04 6:00 AM received a request from Dao for an electronic copy of the implementation plan.