



JAN 9 2006

GSA ACQUISITION LETTER V-06-01

MEMORANDUM FOR ALL ACQUISITION ASSOCIATES

FROM: EMILY W. MURPHY
CHIEF ACQUISITION OFFICER

A handwritten signature in black ink, appearing to read "Emily W. Murphy", written over the printed name and title.

SUBJECT: Transfer of Contracts to FEMA

Under 40 U.S.C. § 502, the Administrator of General Services, upon request of another agency, has the authority to perform functions related to procurement of supplies and services for other Federal agencies through contracts and to prescribe applicable policies and procedures. As requested by FEMA, the GSA entered into contracts in support of FEMA's response to the Hurricane Katrina and Rita relief and recovery efforts. Inherent in the Administrator's authority to perform procurement functions at the request of another agency is the authority to transfer contract responsibility to the requesting agency subject to the requesting agency's agreement to accept contract responsibility.

Because the existing Memorandum of Understanding between GSA and FEMA does not address the transfer of contract responsibility, the GSA Regional Field Office that will be transferring the contracts should first contact the FEMA regional office that will be receiving the contracts and reach an agreement on the transfer of contract responsibility.

Once agreement on the transfer of contracts has been reached, the transfer of contract responsibility and the physical files shall be accomplished as follows:

1. The GSA contracting officer shall prepare a detailed listing (by file number and name) of the file(s) to be transferred, retain a copy and send a copy of this inventory shall to the FEMA contracting officer.
2. The GSA contracting officer shall provide written notification of the transfer to the contractor.
3. (a) Upon completion of the actions described in paragraphs 1 and 2, the GSA contracting officer shall issue a letter to the contractor and the FEMA contracting officer. This letter shall provide notification of the transfer date, and the name, mailing address, and telephone number of the FEMA contracting officer.

(b) The GSA contracting officer shall make a duplicate copy of each file and retain the copy until notified of the receipt and acceptance of the file by the FEMA contracting officer.

(c) After issuing the letters in paragraph 3(a), the GSA contracting officer shall send the contract file to the FEMA contracting officer with a letter transferring contract responsibility. This letter shall contain a provision for acceptance of the responsibility for the contract and its related files by the FEMA contracting officer (see attached sample). The contracts shall be sent by certified mail, return receipt requested, or by another method requiring your successor's signature to acknowledge receipt. Send two copies of the listing (see paragraph 1, above) with the transferred files. Execution of the acceptance letter by the FEMA contracting officer will complete the transfer of the files.

4. The GSA contracting officer shall retain for permanent file a copy of the transfer acceptance letter of the FEMA contracting officer, and any additional documents necessary for a complete summary of the transfer action.

Although the processing of the transfer of the contract by the FEMA contracting officer is not the responsibility of GSA, the FEMA contracting officer should review the contract, letters of request, actions in process, and other related files and request corrective action, if necessary, before the official transfer of the contract. In addition, the FEMA contracting officer should:

1. Provide the GSA contracting officer written acceptance of contract responsibility and receipt of the contract files; and

2. Issue a contract modification to provide for the administrative changes resulting from the transfer action (e.g., identifying any offices responsible for performing contract administration and making payment and the office to which vouchers, reports, and data are to be submitted).

When the GSA contracting officer receives the written acceptance of the transferred by the FEMA contracting officer, the transfer is complete.

As an alternative to transferring the contracts to FEMA, the GSA contracting officer can delegate to the FEMA contracting officer all of the administrative functions set forth in FAR 42.302(a) and (b) while maintaining original authority.

If you have any questions, please contact Mr. Gerald Zaffos, Director, Contract Policy Division, at 202-208-6091, e-mail, jerry.zaffos@gsa.gov.

Attachment

SAMPLE

MEMORANDUM FOR CONTRACTING OFFICER
FEDERAL EMERGENCY MANAGEMENT AGENCY

FROM: (Name)
CONTRACTING OFFICER
GENERAL SERVICES ADMINISTRATION

SUBJECT: Delegation of Authority

As agreed to in our discussion of **(date)**, the contracts listed below **(or in the attachment)**, which were awarded by the General Services Administration on behalf of the Federal Emergency Management Agency (FEMA) in support of FEMA's Hurricane Katrina and Hurricane Rita rescue and relief efforts, are hereby transferred to your office. This transfer authorizes you to perform all functions related to contract administration, including, but not limited to, approving payments, issuing cure notices, terminating the contract for convenience or default, and contract close-out.

Upon receipt of the transferred contract files, please acknowledge acceptance of the transferred contracts by signing below and returning one copy of the acceptance to me at **(provide address)**.

Please notify the contractor(s) that responsibility for the contracts has been transferred to you by issuing a contract modification identifying the offices responsible for contract administration and making payment, and the offices to which invoices, reports and data are to be submitted.

If you have any questions, please contact me at **(telephone number and email address)**.

FEMA Contracting Officer acceptance of transferred contracts.

I hereby acknowledge receipt of the contract(s) listed above **(or on the attachment)**

(Name)
Contracting Officer
FEMA

SAMPLE