

## **CHAPTER 1 INTRODUCTION**

### **1. Preface.**

- A. The Department of the Interior's (DOI) mission is to protect and manage the Nation's natural resources and cultural heritage; provide scientific and other information about those resources; and, honor its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities. In furthering its programs, DOI may become involved with other Federal agencies that have complementary missions or require exchange of information or services with DOI Bureaus or Offices to fulfill their respective missions.
- B. Agreements to exchange information, request needed products or services, or coordinate programs to optimize the benefits from each party's efforts between Federal agencies need to be formalized.
- C. An Inter/Intra-Agency Agreement (IAA) must be used whenever the parties contemplate an action that would constitute an unlawful augmentation of at least one of the parties' appropriations. An IAA is an agreement between entities of different Federal agencies or an agreement between entities within the same Federal agency. An IAA may also be referred to as a Reimbursable Support Agreement.
- D. A Memorandum of Understanding (MOU) and Memorandum of Agreement (MOA) may be used whenever there is agreement to exchange information or coordinate programs. These documents are used to optimize the benefits of each party's efforts. Each party is responsible for contributing its own efforts and resources (sometimes characterized as "in-kind-contributions") and neither party exchanges funds, personnel, property, services, or any kind of financial commitment or obligation.
- E. This Handbook will promote uniform implementation of IAAs throughout DOI, while giving due consideration to the different individual program requirements and procedures.

### **2. Purpose and Scope.**

- A. This Handbook applies only to IAAs. It identifies authorities and responsibilities and establishes general policies and procedures for preparing, reviewing, approving, monitoring, and closing an IAA. This handbook is intended for internal use by DOI personnel.

- B. This Handbook applies to all DOI Bureaus or Offices and applies to IAAs that must be approved by a DOI official, whether or not initially drafted by DOI officials, including inter-agency acquisitions that are governed by the Federal Acquisition Regulation (FAR).
- C. This Handbook provides guidance on determining the appropriate legal instrument for executing agreements.
- D. This Handbook does not apply to the following types of Agreements:
  - (1). Contracts defined under the Federal Acquisition Regulations;
  - (2). Grants, Cooperative Agreements, or Loans defined as being Federal financial assistance under the Federal Grant and Cooperative Act of 1977, as amended (31 USC §§ 6301-6308);
  - (3). Cooperative Research and Development Agreements (CRADAs) under the Stevenson-Wilder Act, as amended;
  - (4). Concessions Contracts not subject to the FAR;
  - (5). Contracts, Agreements, and Compacts entered into with Tribal entities under PL 96-638; or,
  - (6). Any other form of agreement between DOI and any non-Federal government entity.

### **3. Policy.**

In furthering its programs, a DOI Bureau or Office may become involved with other Federal government entities. This cooperation is consistent with the need to carry out DOI's authorized programs effectively and efficiently. When the effort involves coordination, an IAA (a written agreement) shall be properly developed, supported by proper statutory authority, reviewed, and approved to formalize the relationship between the Federal partners in the effort. Federal partners are designated by Treasury as Trading Partners.

- A. An IAA shall comply with the requirements of the Recording Statute for agreements (31 U.S.C. § 1501(a) (1)). No informal arrangements shall be used to exchange funds, personnel, services, or property, or to effect any kind of financial commitment or obligation.
- B. A Memorandum of Understanding (MOU) and a memorandum of Agreement (MOA) shall not be used to document an exchange of funds, personnel, services, property, or any kind of financial commitment or obligation. MOUs may be useful in establishing the overall goals and objectives of a mutually pursued project or

program or to exchange information. An MOU cannot be used as the vehicle for the documentation of the exchange of funds between Federal entities nor can an MOU formally commit the agency to enter into IAAs.

- C. No employee or representative of DOI shall use the policies or procedures contained in this Handbook (or the specific guidelines promulgated by the DOI Bureaus or Offices under the authority of this Handbook) to circumvent statutory and regulatory requirements relating to the award of procurement contracts or financial assistance. Furthermore, no employee or representative of the DOI shall use any IAA as justification for the award of procurement contracts or financial assistance on a noncompetitive basis.
- D. DOI Bureaus or Offices are required to establish policy for review of IAAs prior to signature of the Contracting Officer or Approving Official. The policy should include the threshold amounts that require review and the threshold amounts that are exempted from the review process. An electronic copy of the DOI Bureaus or Offices policy should be transmitted to PFM for inclusion in the IAA Handbook as an appendix.
- E. Supplemental Bureau or Office procedures are required by this Handbook. At a minimum, such procedures must contain the required elements of this Handbook, including the requirement for Bureau or Office review as specified in item 3.D. above.
- F. The Bureau or Office head must submit, in writing, a request for any waiver from the requirements of this Handbook to the Director, Office of Financial Management. In the case of a request for any waiver from the requirements of the Department of the Interior Acquisition Regulation (DIAR) part 1417, the request must be submitted to the Director, Office of Acquisition and Property Management. The request must include a full justification for the waiver.

The Director, Office of Financial Management (or the Director, Office of Acquisition and Property Management, as appropriate), will review the request, coordinate with any other appropriate office(s), and provide a response in accordance with Chapter 6, Section 3.F, of this Handbook. Requests for waivers from the requirements will be approved when such approval would be in the best interest of DOI. The DIAR can be found at the following Web site:

<http://www.doi.gov/pam/aindex.html>

#### **4. Determining the Appropriate Legal Instrument for Executing an Agreement.**

- A. If a servicing agency is a mandatory source under the FAR, then an IAA may not be the appropriate vehicle for obtaining those supplies or services. Likewise the acquisition of certain goods and services that are fully regulated under a particular statutory and/or regulatory scheme should not involve the use of an IAA (e.g., off-the-shelf training using Standard Form 182, printing and binding

services from the Government Printing Office, and certain travel and transportation services under the Federal Travel Regulation). Training and awards that meet the criteria for an IAA are addressed in Chapter 7 and the agreement form is presented in Appendix 6. Additional information regarding exceptions to using the Economy Act as the authority to obtain supplies/services from other Government agencies is provided in Appendix 2.

- B. A Memorandum of Understanding (MOU) may be utilized when specific authority has been granted to enter into agreements with other organizations when there is no exchange of funds, personnel, services, or property. See Chapter 3 of this Handbook for a discussion of DOI-wide legal authorities. Authorities commonly used by DOI Bureaus or Offices should be set forth in individual bureau procedures.

## CHAPTER 2 DEFINITIONS

### 1. For the purposes of this Handbook, the following definitions are used.

- A. Approving Official. The Bureau or Office official who has authority to create a legal liability on the part of DOI to either obligate funds or to commit DOI resources in response to another Federal entity's request to provide products, services, personnel, or property in return for funds under the terms of an IAA. The Approving Official is responsible for all aspects of the IAA with the authority to approve, amend, administer, close out, suspend, and (or) terminate an IAA. Where DOI is the requesting agency, the Approving Official is typically a warranted Contracting Officer (having the authority to obligate DOI funds). Where the Economy Act is the authority cited for the IAA, the Contracting Officer has authority to execute the Determination and Finding (D&F) required by the FAR. The Approving Official, in cases where DOI is the servicing agency, must have appropriate delegated authority to commit the resources (i.e., Director, supervisor, etc.) of DOI in the execution of the IAA's requirements.
- B. Business Rules for Intragovernmental Transactions. Trading Partners that acquire goods and services from another Federal agency and Federal agencies that provide goods and services to another Federal agency must obtain and use a DUNS Number (Dun and Bradstreet). Trading partners must register their DUNS numbers in the Federal Agency Registration (FedReg) area of the Business Partner Network (BPN) (<http://www.bpn.gov>). Trading partners are responsible for the accuracy of their respective BPN registration data in FedReg, and must access FedReg at least annually to validate/update their BPN data. (Appendix 1 provides a copy of the November 13, 2006, policy memorandum regarding the business rules for Intragovernmental transactions. The memorandum is also available at: <http://www.whitehouse.gov/omb/memoranda/fy2007/m07-03.pdf>)
- C. DUNS Number. Unique numbers that are assigned by Dun and Bradstreet Corporation to individual business locations for Federal buyer and seller agencies to ensure standardized governmentwide reporting and accounting for intragovernmental transactions.
- D. Federal Agency Registration. Registration of DUNS Numbers assigned to individual business locations of Federal Requesting and Servicing Agencies. When the business location DUNS Number is obtained, the number must also be registered in the Federal Agency Register (FedReg) area of the Business Partner Network (BPN) for intragovernmental transactions.
- E. Federal Acquisition Regulation (FAR). The FAR is the governmentwide regulation that provides guidance and procedures for federal contracts. The FAR

is codified under Title 48 of the Code of Federal Regulations (CFR). Inter-agency acquisitions pursuant to the Economy Act are governed by FAR Subpart 17.5, “Interagency Acquisitions under the Economy Act.”

- F. Governmentwide Acquisition Contract (GWAC). “A task-order or delivery-order contract for information technology established by one agency for Governmentwide use that is operated—
- (1). By an executive agent designated by the Office of Management and Budget pursuant to 40 U.S.C. 11302(e); or
  - (2). Under a delegation of procurement authority issued by the General Services Administration (GSA) prior to August 7, 1996, under authority granted GSA by former section 40 U.S.C. 759, repealed by Pub. L. 104-106.

The Economy Act does not apply to orders under a Governmentwide acquisition contract.” (FAR § 2.101.)

- G. In-Kind Contributions. An in-kind contribution or amount is a contribution other than a monetary contribution, for example services or property that is formally included in MOUs and may be included in an IAA in addition to exchange of funds.
- H. Inter-Agency Agreement. An Inter-Agency Agreement is a written arrangement between one or more Federal agencies that specifies the goods to be furnished or tasks to be accomplished by one agency (the Servicing Agency) in support of the other (the Requesting Agency).
- I. Intra-Agency Agreement. An Intra-Agency Agreement is a written arrangement between or among DOI components, all of which must have the statutory authority to engage in the arrangement.
- J. Memorandum of Agreement/Understanding (MOA/MOU). A Memorandum of Agreement or Memorandum of Understanding is used synonymously throughout this handbook. An MOA/MOU has no reference to any designated statutory authority or financial arrangement and defines general areas of conditional agreement between two or more parties. An MOA/MOU is an agreement to agree and is not legally binding on either party.
- K. Office of the Solicitor, Division of General Law (Procurement and Patents). The DOI Office of the Solicitor (SOL) element that is responsible for providing legal advice relative to IAAs.
- L. DOI Bureau or Office. An organizational entity of DOI charged with carrying out specified substantive functions (in other words, programs) of the DOI. The Bureaus or Offices are the components of the DOI through which most of its

substantive functions are carried out. Bureaus or Offices are further discussed in Part 332 Departmental Manual Roles and Responsibilities.

- M. Program/Project Officer. The Bureau/Departmental Office official who is responsible for the technical, scientific, or other programmatic aspects of the work to be conducted under the IAA. The Program/Project Officer tracks and monitors the progress of work conducted under the agreement.
- N. Requesting Agency. The Federal agency (DOI) or other DOI Bureau or Office that is requesting (buyer) or ordering goods or services.
- O. Servicing Agency. The Federal agency (DOI) or other DOI Bureau or Office that will provide the goods or services (seller), either directly or by contracting for the goods or services.
- P. Service-Level Agreement (SLA). Service-level agreements are either directly incorporated in the IAA or are incorporated in full text or by reference as attachments to an IAA. They establish mutually agreed upon service levels, monitoring methods, and organizational responsibilities. Their purpose is to provide both parties (buyer and seller) with a clear understanding of the services to be provided, the responsibilities of each party, and, in particular, the performance measures defining the standards for delivery of the service.
- Q. User Charges. Fees charged by DOI when it conveys special benefits to individuals or non-Federal organizations beyond those accruing to the general public. User Charges are not documented with an IAA and are governed by policy in OMB Circular A-25, User Charges.
- R. Imputed inter-departmental costs. Imputed inter-departmental costs are unreimbursed (i.e. non-reimbursed and/or under-reimbursed) portion of the full costs of goods and services received by the entity from a providing entity that is not part of the same department or larger reporting entity other than the U.S. Government as a whole. Therefore, services received and reimbursed under an IAA would not be imputed costs.
- S. Imputed intra-departmental costs. Imputed intra-departmental costs are the unreimbursed (i.e., non-reimbursed and/or under-reimbursed) portion of the full costs of goods and services received by the entity from a providing entity that is part of the same department or larger entity (i.e. other bureaus, components or responsibility segments within the department or larger reporting entity). Therefore, services received and reimbursed under an IAA would not be imputed costs.
- T. Indirect Rate. Represents indirect costs or expenses (overhead) of an agency that cannot be charged as belonging exclusively to any particular part of the project or service being performed by DOI personnel (rent, electricity,

administrative support, general office expenses, depreciation, etc.). Unless indirect costs can be allocated timely, the individual Bureau or Office's CFO or other designated official determines overhead rates for the organizational units based on historical trends.

- U. Intra-Governmental Payment and Collection System (IPAC). The IPAC application's primary purpose is to provide a standardized interagency fund transfer mechanism for Federal Program Agencies (FPAs). IPAC facilitates the intra-governmental exchange of funds, with descriptive data from one FPA to another.
  
- V. Trading Partner. A Federal entity or organization with whom DOI or DOI Bureaus or Offices customarily does business. The requesting agency is a Buyer, the providing agency is the Seller, and, collectively, they are called Trading Partners.



## **CHAPTER 3 LEGAL AUTHORITIES**

### **1. Authorities for an IAA.**

DOI may not enter into an IAA with another party unless authorized by law. The two authorities, the Economy Act and the Clinger-Cohen Act, apply to all DOI Bureaus or Offices. Other legal authorities for entering into IAAs may exist, but because they are specific to individual bureaus they are not all listed below. Authorities commonly used by DOI Bureaus or Offices should be set forth in Bureau/Departmental Office procedures. See Chapter 7, Section 11, Purpose Statute and Appendix 2, Exceptions to the Economy Act.

A. The Economy Act of 1932, as amended (31 USC §1535) authorizes agencies to purchase goods or services from other Federal agencies and major organizational units within the same agency. The Economy Act governs inter-agency transactions when there is no other, more specific authority,

(1). An Economy Act purchase is permitted only if all of the following five conditions apply:

- (a). Amounts (funds) for the purchase are actually available;
- (b). The purchase is in the best interest of the government;
- (c). The Bureau or Office to fill the order is able to provide, or get by contract, the ordered goods or services.
- (d). If the Economy Act order requires contract action by the servicing agency, the Determination and Finding (D&F) must also include a statement that at least one of the following circumstances applies:
  - (i). The acquisition will appropriately be made under an existing contract of the servicing agency, entered into before placement of the order, to meet the requirements of the servicing agency for the same or similar supplies or services;
  - (ii). The servicing agency has capabilities or expertise to enter into a contract for such supplies or services which is not available within the requesting agency; or
  - (iii). The servicing agency is specifically authorized by law or regulation to purchase such supplies or services on behalf of other agencies.

- (2). It has been determined that ordered goods or services cannot be provided by contract from a commercial enterprise, (in other words, the private sector), as conveniently or cheaply as by the government.
- (3). A D&F, as required by the FAR, must be properly executed when DOI is the requesting agency.
- (4). Orders for goods or services cannot be placed pursuant to the Economy Act if there is more specific legal authority that authorizes the purchase from another government entity. An example is the acquisition from required sources of supplies prescribed in 48 CFR 8, "Required Sources of Supplies and Services" (which have separate statutory authority).
- (5). Full cost recovery should be incorporated into inter-entity agreements pursuant to the Statement of Federal Financial Accounting Standards (SFFAS) 4, Managerial Cost Accounting Standards and Concepts, and as amended by SFFAS 30, "Inter-entity Cost Implementation: Amending SFFAS 4, Managerial Cost Accounting Standards and Concepts."
- (6). The Economy Act does not allow a Federal agency or Bureau or Office to receive a profit when providing goods or services. See Chapter 7, Other Information and Administrative Requirements, of this Handbook.
- (7). The Economy Act stipulates that the servicing agency must complete the transaction obligating the funds within the period of availability that was provided to the requesting agency. That is, the servicing agency must either properly obligate the funds against a procurement contract (or other agreement under authority other than the Economy Act) or complete performance of the work internally before the exchanged funds expire. An exchange of funds under the Economy Act does not extend the availability of funds beyond that provided by Congress in the applicable appropriations act.
- (8). Any restrictions, limitations, or requirements on the availability of appropriations to the Federal agency that exchanges the funds are also binding on the Federal agency that receives the funds.
- (9). The Federal agency that exchanges the funds remains responsible and accountable to Congress for the funds.
- (10). Inter-Agency acquisitions under the authority of the Economy Act are subject to specific requirements of the FAR Subpart 17.5. These requirements include:
  - (a). Each inter-agency acquisition under the authority of the Economy Act must be supported by a D&F signed by a requesting Contracting

Officer or another official designated by the agency head. If the servicing agency is not covered by the FAR, approval of the D&F may not be delegated below the senior procurement executive of the requesting agency.

- (b). In accordance with FAR § 17.502(c), acquisitions under the Economy Act are not exempt from the requirements of FAR Subpart 7.3, “Contractor versus Government Performance.” Thus, OMB Circular A-76 applies to IAAs. Requirements of OMB Circular A-76 must be followed when there is a conversion between in-house performance (performance by Government personnel) and contractor performance. OMB Circular A-76 Coordinators can provide updated guidance for converting between in-house and contractor performance.  
<http://www.whitehouse.gov/omb/memoranda/fy2007/m0702.pdf>

Conversion occurs when either of the following applies:

- (i). Services currently performed in-house (with government personnel) will be contracted out and performed by non-government personnel via an inter-agency acquisition; or,
  - (ii). Services currently performed by a contractor (non-government personnel) will be performed by government personnel of another agency via an inter-agency acquisition.
- (11). The Economy Act can also serve as authority to procure financial assistance (grants) administration services from another Federal agency and to transfer the corpus of financial assistance funds if both the requesting and servicing agencies have statutory authority to provide financial assistance for the purpose(s) for which the funds are to be used. The requesting agency remains accountable to Congress for these activities. However, the Economy Act can be used simply to purchase financial assistance administration services or other technical assistance from the servicing agency. The servicing agency in this instance is not required to have programmatic statutory authority to provide financial assistance because the requesting agency will execute the financial assistance awards, not the servicing agency.

- B. Clinger-Cohen Act (40 USC subtitle III). This legislation is also known as the Information Technology Management Reform Act (ITMRA). The Clinger-Cohen Act grants OMB the authority to designate executive agents for governmentwide acquisition of information technology. Designated agencies have established GWACs from which other Federal agencies are permitted to make acquisitions. Inter-agency agreements are typically required between the servicing agency and the requesting agency. The acquisitions are subject to the requirements of FAR 16.505(b), “Orders under Multiple Award Contracts.” The head of the

requesting agency contracting office must review all agreements issued under the authority of the Clinger-Cohen Act. The OMB Circular 130, "Management of Federal Information Resources," website address:

<http://www.whitehouse.gov/omb/circulars/a130/a130trans4.html#1>

- C. Other Authorities for Bureau or Office or Authorities Available to Other Agencies. There are numerous other unique or specific legal authorities pursuant to which DOI Bureaus or Offices or other agencies must adhere when entering into an IAA. See Appendix 2 for further information.

## **2. Choosing the Correct Authority.**

Each proposed IAA must be carefully analyzed to assure that the correct legal instrument and authority are used. If there is a question with respect to the correct legal instrument or legal authority, the SOL should be consulted.

## **3. Appendix 2 Expansion.**

Appendix 2 is under development to include specific bureau legal authorities for obligating and deobligating funds related to providing and/or obtaining supplies and services from other Government agencies or non-Federal sources.

## CHAPTER 4 DEVELOPING AND PROCESSING AGREEMENTS

### 1. Preparing an IAA – Requesting or Buying Agency.

When the requesting agency (or buyer) determines that a requirement will be fulfilled by a Trading Partner, the requester will prepare and transmit an IAA (order) to the providing agency (or seller). The process for developing an IAA may vary among DOI Bureaus or Offices and Federal agencies, as each may have its own procedures and organizational structure, processes, and requirements. There are some procedures that should be completed in a specific sequence or order. The following is a recommended process that can be followed to meet the individual needs of DOI Bureaus or Offices and the requirements of the individual IAA being negotiated and developed. These steps should begin after a general understanding has been reached with respect to the correct legal and programmatic authorities, the work to be accomplished, estimated costs, and the responsibility of each party to the agreement. To assist in standardizing this process, an Inter-Intra Agency Agreement Form has been developed for mandatory use by all Bureaus or Offices. See Appendix 3.

- A. Identify the staff/office(s) needed to develop, process, and complete the IAA. These may include the finance office, budget office, contracting office, approving official, technical and administrative points of contact, and A-76 coordinator.
- B. Determine the responsibilities of each office identified. For example, the budget office shall certify the availability of funds and commit (reserve) Bureau or Office funds that are to be obligated by the IAA, as appropriate. The Contracting Officer may execute the agreement. In the instance of Working Capital Fund (WCF), a delegated agency official may execute the agreement.
- C. Provide a purchase request for reservation of funds in the Bureau or Office system of record to certify the commitment. When the IAA is initiated by DOI as the requesting agency, provide a requisition to the appropriate acquisition/procurement office to execute the agreement for each fund cited in the Purchase Request. The Purchase Request provides information as to when, or if, the funds expire. Additional communication will be required between the acquisition/procurement office and Budget Office if an over-arching agreement is the source of funding and a modification to extend the expiration date of the agreements is needed. If an agreement is for an extended period of time, it should contain a provision for an annual review.
- D. Refer to Appendix 1 Treasury Financial Manual (TFM) Bulletin No. 2007-03 for Intragovernmental Business Rules to “requesting agency” -IAAs. The requesting agency’s books of record must capture all the detailed

transactions associated with an order as outlined in this bulletin.

- E. Establish a single point of contact for each party to the agreement. It is important to have a single point of contact from each party to the agreement for coordination purposes and resolution of issues.
- F. Draft the IAA and submit for management review, as needed. Refer to Chapter 5 of this Handbook for minimum required information to be included in an IAA. Agreement Provisions and Format, (including Continuation Sheet for multiple lines of funding), is attached as Appendix 3. When DOI is the requesting agency, the data elements contained in the IAA agreement form will be used to prepare and execute the IAA and transmit the obligation to the applicable automated accounting system. The appropriate approval process should be followed.

These guidelines should be followed when inputting information into the applicable DOI contract document generation system:

- (1). The unit of measure associated with the line item information provided must be a two-character entry (for example, month – mo, hours – hr). (Special Note: Measures should relate directly to billing cycle; if billing will be monthly, select 12 months;
  - (2). Select billing cycle: bi-weekly, monthly, semi-annual, or advance; and,
  - (3). Use the system of record interface to obligate the document in the automated accounting system (MANDATORY).
- G. Coordinate with the approving official, contracting officer, A-76 coordinator, and other appropriate officials as necessary to identify any performance, policy, budget, legal, or other outstanding issues and to finalize the draft agreement that will be provided to the seller.
  - H. Coordinate as necessary with an authorized representative of the Seller to discuss the draft agreement and resolve any outstanding issues.
  - I. Provide the IAA to the appropriate officials to obtain appropriate approvals.
    - (1). Obtain data from Seller for Inclusion in the IAA. See Chapter 5.1.B. The document control number and both Trading Partners account information must be recorded on the requesting agency's order/obligating document.
    - (2). Obtain original/facsimile/electronic signature from the Seller. Exception: When the Seller provides a signed proposal or Reimbursable Work Agreement to the Buyer i.e., for administrative assessments, it can be attached to the IAA as the Sellers signature.

- J. Finalize the IAA for signature by the Contracting Officer or other approving official (including IAAs under the WCF). This is applicable to Interagency Agreements only.
- K. Execute the IAA in the procurement system and transmit the data associated with the agreement to the Bureau accounting system.
- L. Send the Servicing Agency an executed copy of the IAA complete with annotation that obligation was made and include a copy of the approval sheet history. Note: The contract and accounting systems do not store all of the IAA order/obligation data elements that are required for billing via the Treasury Intragovernmental Payment and Collection (IPAC) system. To compensate, a DOI standard IAA document as an attachment in the contract document generation system and accounting system would ensure all data elements are collected.
- M. A Service Entry Sheet or Goods Receipt must be completed by the Buyer. As bureaus migrate to the new accounting system, a 3-way match must be completed to accept the IPAC. Bureau or Office current practices should be to obtain acceptance from the requiring activity that the goods or service has been received and accepted.
- N. Monitor the activity and age of an order. For obligation/payable balances that have shown no activity for more than 180 days, the buyer shall determine the reason for the lack of activity on the order. Once the buyer determines that an order has been fulfilled, the buyer will inform the Seller that the order will be deobligated within 30 days. However, if the Seller provides proof of continuing, or unbilled work, an order's unliquidated obligation/payable balances shall remain available for use and shall be reflected as such in both the buyer's and Seller's respective accounting system. Documentation must be maintained and updated to remain open.

## **2. Completing the IAA by the Servicing (Seller) Agency.**

- A. Identify the staff/office(s) needed to complete the IAA. These may include the signatory official pursuant to the delegation of authority, program manager/office, finance office, and budget office,
- B. Determine the responsibilities of each office identified. The finance or other appropriate office will establish a reimbursable account and serve as the financial contact for the IAA.
- C. Assist in drafting an IAA if asked to do so by the requesting agency. The requesting agency is ultimately responsible for the format and content of the IAA and to establish the obligation in the appropriate Bureau or Office Financial System. A DOI servicing entity may assist in the negotiation and drafting of the document. Refer to Chapter 5 of this Handbook for minimum required

information to be included in an IAA. Follow the same steps detailed above for the requesting/buying agency.

- D. Coordinate, as necessary, with an authorized representative of the buying agency to discuss the draft agreement and resolve any outstanding issues. Ensure that all data elements in Chapter 5 of this Handbook are included for both the buyer and seller and the period of performance is stated.
- E. Obtain and sign the IAA. The authorizing official for the Seller may differ from agency to agency or bureau to bureau. Generally, it is the budget officer or the agency manager accepting responsibility to perform the work as determined by the Agencies Delegation of Authority. Exceptions –If the buyer accepts the seller’s reimbursable document then the buyer may attach the reimbursable to the IAA and sign it. Any changes to the terms and conditions of the IAA must be executed by bilateral modification.
- F. The servicing agency must ensure that goods and services provided to the buyer can be properly billed and provided with supporting details regarding cost (upon request):
  - (1). Enter an IAA in the accounting systems for each fully executed order that is received from a buying agency. Buyer DUNS, DUNS+4, and Order Number must be recorded in the books of record as a reference to the associated order.
  - (2). Create projects and account numbers in the Bureau or Office accounting system for each funding line item to accurately track goods and services provided.
  - (3). Create billing documents (BD) in the Bureau or Office accounting system until IPAC confirmation of settlement.
  - (4). Once IPAC confirmation is received for a bill, a Cash Receipt/Collections from Government document must be created in the Bureau or Office accounting system.

### **3. Information Required in an IAA.**

Federal agencies must collect and record specific data elements about each exchange transaction. Guidelines for specific information to be included in the IAA are found at TFM Bulletin 2007-003 Intragovernmental Business Rules <http://www.fms.treas.gov/tfm/vol1/07-03.pdf> and Chapter 5, Agreement Provisions and Format, of this handbook. Federal agencies that acquire goods or services from, or provide goods or services to, another Federal agency must obtain and use a BPN unique business location identifier. The BPN unique business location identifier is the same thing as the DUNS number. Federal agencies must



register with Dun and Bradstreet to acquire a DUNS number, and register with the Federal Agency Registration (FedReg) under the Business Partner Network (BPN) <http://www.bpn.gov>. Federal agencies are responsible for the accuracy of their respective BPN registration data in FedReg. FedReg must be accessed at least annually to validate/update BPN data.

## CHAPTER 5 AGREEMENT PROVISIONS AND FORMAT

### 1. Required Information in Every IAA.

- A. Requirements for an IAA depend upon financial circumstances, purpose, and appropriate programmatic and legal authorities.
- B. Identification of All Parties to the IAA. Include the agency name and address for the buyer and seller as well as an administrative and/or technical point of contact (POC). POC information is to include name, title, telephone number, fax number, and email address for each party to the IAA. Changes to POC information may be accomplished by an administrative modification to the IAA.
- C. Funding Information.
  - (1). The financial information for all parties to the agreement must be clearly identified (including when the funds expire for obligation purposes) within the IAA. This includes a citation for a DOI accounting code for an IAA as well as payment terms and method of payment. All financial data elements required by Treasury Financial Manual's (TFM) Intragovernmental Business Rules shall be included in the agreement.
  - (2). The following provision should be used in agreements as appropriate:

“The ability of the parties to carry out their responsibilities under this agreement is subject to their respective funding procedures and the availability of appropriated funds. Should either party encounter budgetary problems which may affect the activities to be carried out under this agreement that party will notify and consult with the other party or parties in a timely manner”.
- D. Purpose and Objective of the IAA. Describe the purpose and objective of the IAA. The agreement must provide a comprehensive description of the work to be conducted under the agreement. It is suggested that general introductory information about the functions of the parties involved be included.
- E. Responsibilities of Each Party to the IAA. The division of responsibilities and commitments of each side should be defined as precisely as possible, with separate paragraphs for each party. Where applicable, the agreement should include goals, performance measures, products, and a schedule of strategic milestones. This may take the form of a Service Level Agreement (SLA) either incorporated in the IAA in full text or by reference or included as an attachment.

- F. Signatures. Include the signature of the official authorized to sign the IAA, title, address, and date of signature for each party. In order to be valid, an IAA must be signed by all parties (in cases where DOI is the requesting agency under the IAA, the signature obligating DOI's funding to the servicing agency must be an original or approved authenticated electronic signature of a warranted Contracting Officer). The Contracting Officer is the final signature to be obtained on the IAA.
- G. Agency Order Data Elements. Include agency order data elements identified in seven thru fifteen of the IAA (Appendix 3), as required by the TFM Intragovernmental Business Rules. <http://www.fms.treas.gov/tfm/vol1/07-03.pdf>
- H. DOI Bureaus or Offices Document Control Number. Each Bureau or Office must develop a standardized agreement document control numbering system to track the IAAs. The document control number shall also be included on the Bureau or Office's file copy of the agreement.
- I. Legal Authority. The IAA will include the citation for specific statutory authority to exchange funds or to commit resources.
- J. Period of IAA. The IAA should include a specified start date and completion date. If the award is made pursuant to the Federal Acquisition Regulation (FAR), the period of performance of the IAA cannot exceed five years, just like any other contract awarded pursuant to the FAR. Any changes to the terms and conditions of the IAA must be executed by bilateral modification.
- K. Estimated Costs. The IAA shall specify the total estimated costs; and a contact for each party under the agreement. If the IAA is a shared cost agreement provide cost distribution for each party.
- L. Project or Proposal Title. The IAA should include a title that briefly summarizes or describes the work to be performed under the agreement.

## **2. Recommended Information in all IAAs.**

Information listed in this section is recommended for inclusion in every IAA. The decision to include or omit this information in the agreement document rests with the DOI Bureaus or Offices, but the information must be included in the Official Agreement File.

The IAA should generally include the citation for programmatic authority for the objectives of the IAA. State the statutory and/or regulatory citation that authorizes the objectives of the agreement for each federal agency that is a party to the

agreement (e.g., applicable Public Law, USC citations, executive orders, Government Accountability Office (GAO) directives, etc.). Also, the agreement should cite and incorporate by reference any other pertinent documents such as DOI or Bureau or Office directives, previous agreements, correspondence, or memoranda, etc., in the Statement of Work.

### **3. Additional Buyer Information.**

In addition to items listed in Sections 1 and 2, as applicable, of this Chapter, the following information may be needed for the Requesting Agency to pay under an IAA.

- A. **Authorizing Statute.** The authorizing statute for some Federal programs requires agencies to obtain advance funding for projects. If required by statute, the IAA must include a provision for advance funding. Disbursements should be consistent with and proportionate to performance.
- B. **Full Cost Recovery Statement.** If total costs are to be recovered, the IAA must contain a statement that full cost recovery will be achieved.
- C. **Method for Settlement of Disputes.** A method for settlement of disputes consistent with TFM Intragovernmental Business Rules shall be included in each agreement. See Section 4.E. of this Chapter.
- D. **Termination/Cancellation Clause.** Every IAA should include a provision whereby each party may terminate the agreement within a specified time if written prior notice is provided to all parties. The language may, as necessary, include further specifics regarding the rights and liabilities of the parties in the event of termination of the agreement.
- E. **Future Modifications or Amendments.** As appropriate, the IAA may include provision for future modifications or amendments.
- F. **Performance Standards and Review Procedures.** Performance Standards and Review Procedures should be included, as warranted, in the Statement of Work or in the Service Level Agreement (SLA) that is either incorporated in the IAA in full text or by reference and included as an attachment. If the agreement is for an extended period of time, it should contain a provision for an annual review to determine continuing need and whether the agreement should be revised, renewed, or canceled.

Note: Agreements entered into before the issuance of this Handbook shall be reviewed within 3 years and amended to capture these requirements.

- G. **Expiration Date for Obligation of Funds.** If the IAA will result in the servicing agency executing contractual or other obligating documents with non-Federal

entities and/or other sub-awards, the IAA must include information as to when the funds provided expire for obligation purposes. Transactions where the servicing agency has authority to deposit the funds in working capital funds or obligate the funds without regard to the expiration of the original appropriation, such as no year funds, are exempt from this requirement.

- H. Servicing Agency to Notify Requesting Agency When Work is Complete. The Servicing Agency is to notify the Requesting Agency when work and billing is complete. Billing must be within 30 days of work completion. DOI recommends the use of DOI form Intragovernmental Order Completion Report to ensure that the Servicing Agency notifies the Requesting Agency when billing is complete (see Appendix 4). These terms and conditions should be included in the IAA. Include the form in the IAA as an attachment.

#### **4. Other Provisions.**

The IAA may contain other terms and conditions. The following items should be considered for possible inclusion, as applicable. Discretion and good judgment must be used when preparing an IAA. The following general information may be needed, depending upon the specific requirements of the IAA.

- A. Delegations of authority, channels and protocols for working relationships, and names, addresses, E-mail addresses, and telephone numbers of liaisons, as applicable.
- B. Administrative regulations, policies, and procedures applicable to the work to be conducted under the IAA, e.g., travel or property management requirements, the Paperwork Reduction Act, or the Freedom of Information Act.
- C. Guidelines for the release of technical and public information regarding the project, to include rights for data access and utilization, and ownership, as applicable.
- D. Liability issues, if any. Liability may apply to projects under the IAA where there is any potential for damage or injury to persons or property. In addition, an agreement may also include indemnification language to protect DOI from lawsuits. Clauses may be added to provide that if such suits are brought against DOI, the other party to the agreement will assist or cooperate in DOI's defense. No DOI Bureau or Office may indemnify an outside party.
- E. Method for settlement of disputes. The following suggested language should be included in IAAs regarding settlement of disputes:
  - (1). Nothing herein is intended to conflict with current DOI or "other agency" directives. If the terms of this IAA are inconsistent with existing directives of either of the agencies entering into this IAA, then those portions of this IAA

which are determined to be inconsistent shall be renegotiated and a modification to the agreement will be completed to provide those corrections and directive compliance. All other terms and conditions not affected by the inconsistency shall remain in full force and effect.

- (2). Should disagreement arise on the interpretation of the provisions of this IAA, or modifications and/or revisions thereto, that cannot be resolved at the operating level, the area(s) of disagreement shall be stated in writing by each party and presented to the other party for consideration. If agreement on interpretation is not reached within thirty (30) days, the parties shall forward the written presentation of the disagreement to respective higher officials for resolution.
- (3). The parties under this IAA are also responsible for resolving any billing/payment disputes that may arise within 30 business days of the billing date. If the dispute cannot be resolved within this period, then the matter will be referred the following business day to the Department of the Interior, Office of Financial Management (PFM).
- (4). If accounting and/or contractual disputes are not resolved at the agency level, the agencies have 60 calendar days from the date that: (1) the difference is identified in the Material Difference Report; or, (2) a charge is disputed, whichever comes first. The Chief Financial Officers (CFO) of both agencies shall request that a binding decision be rendered by the CFO Council's Intragovernmental Dispute Resolution Committee established for this purpose. The Committee shall render a decision within 90 calendar days of request. The agencies will then coordinate to ensure any necessary IPAC transactions needed to effect the decision are processed as applicable."

F. Effective date, review, modification, and termination/cancellation clause. The Bureau or Office should generally include provisions regarding the effective date and how each party may terminate the agreement within a specified time if written notice is provided to all parties. The language may, as necessary, include further specifics regarding the rights and liabilities of the parties in the event of termination. The following provides suggested language to be included in IAAs or SLAs regarding effective dates, reviews, and termination/cancellation clauses.

- (1). This IAA shall be effective on the date of the final signature, and it will remain in effect through (       date       )/(for a period of  # years  . Agreement shall be reviewed by both participants to determine its suitability for modification to provide for revision, renewal, extension or termination. If this Agreement is modified, the modification must be in writing, and approved/signed by both parties.

(2). Either party may, in writing, terminate this instrument in whole, or in part, at any time before the date of expiration upon thirty (30) days written notice of such termination. Neither party shall incur any new obligations for the terminated portion of the instrument after the effective date and shall cancel as many obligations as possible. Full credit shall be allowed for each party's expense and all non-cancelable obligations properly incurred up to the effective date of termination.

G. Specific or general budget information, when appropriate. In such cases, the total estimated costs and budget summaries for each party are required.

H. Any additional provisions or special conditions pertinent to the particular agreement, including additional requirements of agency specific statutes.

## **5. Format and Construction of an IAA.**

A. The format and construction of an IAA may be dependent upon several factors, such as the type of authority for the IAA and internal Bureau or Office procedures. In addition, another party to the agreement may require a specified format that is not identical to DOI formats. Appendix 3 is the suggested format that meets the TFM requirements.

B. The Bureau or Office requesting the exchange of supplies, services, or funds (e.g. Agency A is paying for Agency B's employees' training, travel and/or awards) must initiate and document the agreement. Supporting documentation or required funding documents should be attached and included in the file.

## CHAPTER 6 RESPONSIBILITIES

1. **The Assistant Secretary – Policy, Management and Budget and Chief Financial Officer (ASPMB).** The DOI ASPMB is responsible for developing and implementing DOI policies, standards, and procedures for the general administration of IAA 's involving DOI Bureaus or Offices.
2. **The Deputy Assistant Secretary – Business Management and Wildland Fire (DASBM/WF).** The DASBM/ WF is delegated the authority to develop, issue, and oversee implementation of policies and procedures for the administration of IAAs involving DOI Bureaus or Offices.
3. **The Director, Office of Financial Management (PFM).** The Director, PFM, is delegated the authority formally listed for the DASBM/WF. PFM is responsible for:
  - A. Coordinating a review of the Department's IAA policy and procedures with DOI Bureaus or Offices and update the Handbook, as appropriate.
  - B. Providing guidance, interpretations, and technical assistance on Departmentwide policies and procedures for the administration of IAA.
  - C. Conducting or participating in reviews, task force groups, or other assessments to assure compliance with Departmentwide policies and procedures established for the administration of IAA.
  - D. Preparing, issuing, updating, and maintaining the Handbook in a collaborative process with the DOI Bureaus or Offices.
  - E. Notifying appropriate DOI Bureaus or Offices of changes and revisions to IAA policies and procedures.
  - F. Considering and acting upon requests for waivers to the provisions of the Handbook in accordance with Chapter 1, Paragraph 3.F, and as permitted by governing statutes and regulations. Exception: The Director, Office of Acquisition and Property Management will handle those related to Economy Act provisions of the FAR and the Department of the Interior's Acquisition Regulation. If a waiver is denied, a written explanation will be provided to the requestor.
  - G. Developing and conducting dispute resolution for Intragovernmental issues and serving as Chairperson of DOI dispute resolution task force for IAAs.
4. **Office of the Solicitor (SOL) – Procurement and Patents.** The SOL-Procurement and Patents serves as a legal authority for IAA review and clearance, when required by DOI Bureau or Office policy. The SOL can verify that the correct legal authority



has been selected and that the IAA is in compliance with legal and regulatory requirements.

5. **Head of the DOI Bureau or Office.** The Head of the Bureau or Office is responsible for assuring that all procedures set forth in this Handbook are followed within the Bureau or Office and, that supplemental procedures are established as appropriate.
6. **Specific Bureau or Office Responsibilities.** The following is a list of responsibilities by broad category of general functions. These responsibilities must be specifically and explicitly assigned, as appropriate, within each Bureau or Office. Although the responsibilities listed below are arranged under broad categories by function for organizational purposes, this Handbook is not prescribing that the official to be responsible or that the responsibilities are assigned as categorized. The Bureau or Office may rearrange or combine the responsibilities in any manner that works best for the Bureau or Office. However, each responsibility listed must be assigned to an appropriate official and specifically included in the Bureau or Office procedures that will state the responsibilities of various offices.

A. Approval Functions.

- (1). Ensure that each IAA has cited the proper legal authority and that the file contains all necessary documentation.
- (2). Ensure that all Bureau or Office clearances have been received and are documented in the file.
- (3). Determine that the IAA is in the best interest of the DOI and the DOI Bureau or Office.
- (4). Ensure that any IAA in which DOI is the requesting agency under the Economy Act authority has the requisite D&F as set forth at FAR 17.5 and ensure that the agreement has been signed by the Bureau or Office's contracting officer pursuant to FAR 17.5.
- (5). Approve any amendment to the agreement and any extension(s) to the completion date of the agreement.
- (6). Secure, and maintain on file, specific delegations of authority from the head of the Bureau or Office to approve and sign the IAA. Delegations of approval and signature authority may be limited to certain levels of Bureau or Office 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 Bureau or Office specifically states otherwise. Contracting officer functions shall remain with warranted contracting officers.

B. Budget, Finance, Acquisition, and Accounting Administrative Functions.

- (1). Ensure that funds are available, reserve the funds as necessary, and provide written confirmation of the reservation of funds. (Applicable to IAAs where DOI is the requesting agency)
- (2). Ensure that an obligation is properly recorded in the accounting and procurement systems 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 inter-agency agreement associated with the obligation.
- (3). Approve the receipt of reimbursements/advances from a requesting agency or entity. Ensure that the receiving report is generated in the procurement system to allow the appropriate Accounting Office to expend the funds.
- (4). Review agreement and documentation to ensure that they are consistent with DOI accounting standards and contain all data elements required by the TFM Intragovernmental Business Rules.
- (5). Assist the program officer and approving official in developing agreement requests.
- (6). Establish and maintain contact with each party to the agreement to ensure financial responsibility and work with each party to the agreement to amend and resolve funding issues related to the agreement.
- (7). Ensure that full costs are recovered for any IAA that specifies full cost recovery or that any permitted waiver has been obtained. Generally, full cost recovery (direct and indirect) should be made. For some statutes, such as the Economy Act, full cost recovery is mandated by statute. Nonetheless, there are exceptions to full cost recovery that may be made with the advice of the Bureau or Office CFO when any of the following conditions are met:
  - (a). The recovery of full cost is in conflict with statutory requirements or would seriously impair the objectives of the program or public policy; or,
  - (b). A Bureau or Office CFO may recommend to the Office of Management and Budget (OMB), through the Departmental ASPMB, that exceptions to the general policy be made when:
    - (i). the cost of collecting the fees would be an unduly large part of the receipts of the activity;

- (ii). payment of the full cost by a Federal agency would not be in the best interest of the program;
  - (iii). the furnishing of information to a recipient is clearly a reasonable exchange of information with a voluntary contributor of information to a Department program; and,
  - (iv). any other condition exists that, in the opinion of the CFO, justifies an exception.
- (8). Ensure that payments are made and received according to the conditions of the agreement, at least quarterly.
  - (9). Provide full accounting support and financial advice to program officers, the DOI Bureaus or Offices, and others as needed.
  - (10). Provide financial data and reports on agreements as requested by other Federal agencies, the DOI Bureaus or Offices, or the program officer.
  - (11). Maintain financial records for all DOI Bureaus or Offices agreements, including payout, accounts receivable, and advance payments.
  - (12). Identify any restrictions on the Federal funds (e.g., one-year/no-year funds) and provide notification(s) as appropriate.
  - (13). Ensure that only properly delegated officials obligate funds.
  - (14). Determine overhead rates.

#### C. Contracting Functions.

- (1). Ensure that the IAA made under the authority of the Economy Act is supported by the requisite D&F as set forth at FAR 17.503, and provide clearance, as appropriate, on those agreements in accordance with FAR 17.5.
- (2). Provide advice and guidance as requested to the program officer in the development of an adequate D&F in accordance with FAR 17.5.
- (3). The Contracting Officer is responsible for signing the Agreement and D&F.
- (4). Monitor the activity and age of an order. For obligation/payable balances that have shown no activity for more than 180 days, the buyer shall determine the reason for the lack of activity on the order. Once the buyer determines that an order has been fulfilled, the buyer will inform the seller that the order will be deobligated within 30 days.

However, if the seller provides proof of continuing, or unbilled work, an order's unliquidated obligation/payable balance shall remain available for use and shall be reflected as such in both the buyer's and seller's respective accounting system in accordance with TFM Bulletin 2007-03.

D. Coordinating/Liaison Functions.

- (1). Serve as the primary contact to the DOI ASPMB on IAA activities.
- (2). Provide required electronic information to be included in the Departmental Information System for IAAs.
- (3). Assure that the DOI Bureaus or Offices or major components of the DOI Bureaus or Offices establish internal review processes for IAAs and have written guidance on the procedures for IAAs in accordance with Chapter 7.
- (4). Attend meetings convened by PFM on IAAs and report to the appropriate official(s) in the Bureaus or Offices on any issues affecting the use of IAAs.

E. Programmatic/Project Functions (Buyer).

- (1). When the IAA is not prepared by DOI, review the agreement presented to DOI, negotiate as necessary, and assure that the agreement follows the appropriate DOI and legal requirements.
- (2). Coordinate, as necessary, with each party to the agreement and identify the responsibilities of each partner.
- (3). Request reservation of funds for the agreement, if applicable.
- (4). Ensure that the agreement is assigned a Bureau or Office agreement identification number and that the number is displayed on agreements, amendments, correspondence, and other documentation, as appropriate.
- (5). Ensure that the IAA is reviewed by the appropriate Bureau or Office officials.
- (6). Provide a briefing to the approving official and other appropriate officials, as necessary.
- (7). Coordinate with the budget officer and contracting/grants officer prior to approval when an IAA is expected to be the basis for a prospective procurement or financial assistance award.
- (8). Monitor performance and progress under the agreement. For obligation/payable balances that have shown no activity for more than

180 days, the buyer shall determine the reason for the lack of activity on the order. Once the buyer determines that an order has been fulfilled, the buyer will inform the seller that the order will be deobligated within 30 days. However, if the Seller provides proof of continuing, or unbilled work, an order's unliquidated obligation/payable balance shall remain available for use and shall be reflected as such in both the buyer's and seller's respective accounting system (per TFM Bulletin 2007-03).

- (9). Ensure that the agreement is properly administered and receipt is documented.
- (10). Maintain a complete programmatic/project file for each agreement, including all documentation related to the IAA. Files should include information as described in Chapter 8, Section A, Recordkeeping, of this Handbook.
- (11). Track all relevant costs, including direct labor, equipment, supplies, travel, and the proper overhead rate for an IAA, as applicable.
- (12). Ensure that the IAA is properly closed out and that the file is retained in accordance with the applicable Records Retention Schedule. (This is Contracting Officer's responsibility in the case of an IAA subject to the Economy Act.)

#### F. Programmatic/Project Functions (Seller).

- (1). When the IAA is prepared by DOI, develop the agreement (writing and editing). This includes preparing appropriate terms and conditions; negotiating, as necessary; and assuring that the agreement follows appropriate DOI rules and other legal requirements.
- (2). When possible, other parties should be encouraged to utilize the DOI models to ensure that the appropriate provisions are included in the agreement.
- (3). Coordinate, as necessary, with each party to the agreement and identify the responsibilities of each partner.
- (4). Ensure that the agreement is assigned a Bureau or Office agreement identification number and that the number is displayed on agreements, amendments, correspondence, and other documentation, as appropriate.
- (5). Ensure that the IAA is reviewed by the appropriate Bureau or Office officials.
- (6). Provide a briefing to the approving official and other appropriate officials, as necessary.

- (7). Coordinate the preparation of the D&F for each servicing entity IAA made under the authority of the Economy Act.
- (8). For every receiving entity 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.
- (9). Once the buyer determines that an order has been fulfilled, the buyer will inform the seller that the order will be deobligated within 30 days. However, if the Seller provides proof of continuing, or unbilled work, an order's unliquidated obligation/payable balance shall remain available for use and shall be reflected as such in both the buyer's and seller's respective accounting system (per TFM Bulletin 2007-03).
- (10). Ensure that the agreement is properly administered.
- (11). Maintain a complete programmatic/project file for each agreement, including all documentation related to the IAA. Files should include information as described in Chapter 8; Section A, Recordkeeping, of this Handbook.
- (12). Track all relevant costs, including direct labor, equipment, supplies, travel, and the proper overhead rate for an IAA, as applicable.
- (13). Ensure that the IAA is properly closed out timely and that the file is retained in accordance with the applicable Records Retention Schedule. (This is Contracting Officer's responsibility in the case of an IAA subject to the Economy Act.)

## CHAPTER 7 OTHER INFORMATION AND ADMINISTRATIVE REQUIREMENTS

- 1. Office of Management and Budget (OMB) Circular A-76 Requirements.** Circular A-76, “Performance of Commercial Activities”, requires the Government to perform a streamlined or standard competition to determine whether government personnel should perform a commercial activity. This requirement applies to government personnel that may perform a new requirement, an expansion to an existing commercial activity, or an activity performed by the private sector. Attachments A and B of OMB Circular A-76 provide the steps required to determine whether a streamlined or standard competition should be performed and how to prepare each approach. OMB Memoranda [M-04-12](#) (36k), Performance Periods in Public-Private Competitions (April 30, 2004), and [M-06-13](#) (42k), Competitive Sourcing under Section 842(a) of P.L. 109-115 (April 24, 2006, are required when applying the following provisions of OMB Circular A-76: Attachment B, Paragraphs C.1.a, C.1.c, D.3.a (7), and D.5.b (3).
- 2. The Economy Act.** (31 USC § 1535). The Economy Act authorizes agencies to enter into mutual agreements to obtain goods and services by inter-agency acquisition, but, in accordance with FAR § 17.502(c), does not exempt such acquisitions from the requirements of FAR Subpart 7.3, “Contractor versus Government Performance,” which implements OMB Circular A-76 requirements.
- 3. Advances.** Advances are amounts prepaid to a Federal entity for the later receipt of goods, services, or other assets. The seller (or servicing agency) may ask the requesting agency, in writing, for advance payment for all, or part of the estimated cost of furnishing the requested goods, services, or other assets. The Economy Act does not explicitly require advance payments. Unless explicitly mandated by law, an IAA between Federal agencies should not require an advance. Other than instances mandated by law, DOI Bureaus or Offices should not require advances for reimbursable agreements with other DOI Bureaus or Offices.
- 4. Appropriations.** An appropriation provides budget authority for the purpose(s) stated in the law. However, budget authority is not money; it is the authority to incur a legal obligation to pay a sum of money from the U.S. Treasury. These are funds (spending authority, not actual money) that are provided to Federal agencies through laws passed by Congress. They are subject to limitations on purpose, time, and amount. The ability of an agency to spend appropriations is subject to the purposes set forth in various provisions contained in annual appropriations acts, as well as existing statutes unless the appropriation specifically exempts it from those statutes. See Section 11, “Purpose Statute,” of this Chapter. Once the time limitation on an appropriation expires, funds provided pursuant to that appropriation are considered no longer available. These funds will revert back to the U.S. Treasury unless otherwise authorized by statute.

- 5. Anti-Deficiency Act.** The Anti-Deficiency Act (31 U.S.C. § 1341(a)(1)(A)) prohibits making or authorizing an expenditure from, or creating or authorizing an obligation under, any appropriation or fund unless authorized by law. The Act prohibits accepting voluntary services for the United States, or employing personal services not authorized by law, except in cases of emergency involving the safety of human life or the protection of property. This law prohibits making obligations or expenditures in excess of apportionment or reappportionment, or in excess of the amount permitted by agency regulations. An officer or employee who violates 31 U.S.C. § 1341(a) (obligate/ expend in excess or advance of appropriation), section 1342 (voluntary services prohibition), or section 1517(a) (obligate/ expend in excess of an apportionment or administrative subdivision as specified in an agency's regulation) “shall be subject to appropriate administrative discipline including, when circumstances warrant, suspension from duty without pay or removal from office. OMB has issued requirements for reporting an anti-deficiency act violation, which may be found in OMB Circular No. A-11, Preparation, Submission, and Execution of the Budget, § 145 (June 30, 2006).
- 6. Purpose Statute.** The Purpose Statute, 31 USC § 1301(a), provides that appropriations shall be applied only to the purpose for which the appropriations were made except as otherwise provided by law. The statute restricts an agency from using its funds for certain types of expenditures (e.g., personal expenses of employees like food and beverages) that are not authorized by law or Department regulation. Before funds are obligated, a Bureau or Office must ensure that either (1) there is statutory authority for this expenditure or (2) the expenditure is a necessary expense in furtherance of an authorized activity and is not otherwise prohibited. Contact your DOI Bureau or Finance Office for assistance in determining whether an expense is justified under a particular appropriation.
- 7. Augmentation.** “Augmentation” of funds by a Federal agency from an outside source is not legal unless authorized by a specific statute. Examples of such statutes include those that allow DOI to accept User Charges or gifts.
- 8. Bona Fide Needs Rule.** The bona fide needs rule provides that an appropriation that is limited for obligation to a definite period is available only for obligation for the legitimate needs of the agency arising during that period of availability. No-year funds are not subject to the bona fide needs rule. Questions concerning the bona fide needs rule should be referred to the Finance or Budget Office of your DOI Bureau or Office.
- 9. Conflicts of Interest.** DOI officials must rigorously avoid conflicts of interest in connection with any agreements. A conflict of interest exists when a person participates in a matter that is likely to have a direct and predictable effect on his or her financial interests. A conflict also exists where there is an appearance that a person’s objectivity in performing his or her responsibilities is impaired. An organizational conflict exists where, because of other activities or relationships with other persons or entities, a person is unable or potentially unable to render impartial



assistance or advice to the government. Conflicts of interest should be avoided, but if they are discovered, they should be resolved promptly through disqualification, divestiture, or other appropriate measures. The Office of Ethics should be contacted if there is any question about a possible conflict of interest.

- 10. Freedom of Information Act (FOIA).** The FOIA (5 U.S.C. § 552) generally provides that any person has a right of access to Federal agency records, except to the extent that such records (or portions thereof) are protected from disclosure by exemptions to the FOIA. The DOI regulations implementing the FOIA are found at 43 CFR Part 2, which sets forth rules for DOI Bureaus or Offices to make requested materials, information, and records publicly available under FOIA. No agreement can make any assurance that all information will be withheld.
- 11. Multiple Award Schedule Contracts.** Orders under a General Services Administration (GSA) Federal Supply Schedule contract are procurements that are not a type of agreement covered by this Handbook. Orders placed by an executive agency with a GSA Federal Supply Schedule contractor fall under the authority of Sections 201(a) and 211(b) of the Federal Property and Administrative Services Act of 1949 (amended) and may be placed directly with the contractor by a contracting officer or other individual with delegated procurement authority. However, if a DOI entity requests another agency or another DOI entity to place an order for it or if a DOI entity acts as the servicing agency in placing an order for another agency or another DOI entity, the document exchanging the funds between those agencies is subject to this Handbook.
- 12. Travel.** Reimbursement of travel expenses for employees from other DOI Bureaus or Offices and other Governmental agencies is considered Invitational Travel under 5 USC 5702. DOI Bureaus or Offices often benefit from the expertise of an employee from another DOI Bureau or Office. Using the ITA-Travel form in Appendix 6 can help simplify and standardize the Inter/Intra agency travel process. It will ensure travel is handled in the appropriate manner under the Federal Travel Regulations and assist the traveler's office with timely reimbursement.

These specific steps should be followed when performing Inter/Intra agency travel:

- A. The traveler's authorization, voucher, and reimbursement should be prepared, processed and paid by their official duty station office to certify a clean audit trail, maximizing the use of the Government charge card, and minimizing the out-of-pocket expenses of the traveler. The Government charge card secures contract city-pair fares, government insurance when renting a car using Government rates, and tax-exemption through centrally billed lodging.
- B. The ITA form in Appendix 6 should be used to document the ability and desire of the other agency to fund the travel expenses of the traveler and ensure both agencies/offices have the necessary information to process the funding/reimbursement through the IPAC process.

C. Travel expenses are not covered by the FAR and are not necessarily required to be obligated. However, when entering a recurring agreement with an office i.e. Office of the Solicitor travel, or if there is a risk that the IPAC will not be processed prior to the end of the fiscal year, the recommended best practice would be to obligate or accrue the travel expenses. The traveler's office can decide whether to involve a contracting officer and obligate through the procurement system or enter a manual travel obligation into the accounting system. Whether the paying office decides to obligate the travel expenses or not, all travel expenses must be charged to the fiscal year in which they were incurred.

**13. DOI Bureau or Office Procedures.** The DOI Bureau or Office shall issue supplemental procedures that do not conflict with the provisions of this Handbook. The Bureau or Office procedures will establish internal processes for each type of IAA and must describe programmatic and procedural requirements, including unique statutory or regulatory requirements. Bureau or Office procedures shall include, at a minimum, the following information:

- A. Explicitly assigned responsibilities listed in Chapter 6, Section 6, of this Handbook and identification of the official (by position, not individual name) responsible for each task.
- B. The minimum path of review and approval, with thresholds (if any), for signatures and clearances.
- C. Guidance concerning the specific location(s) from which SOL (Procurement and Patents) clearance should be obtained for particular types of IAAs and/or authorities.
- D. Procedures for any amendments, continuations, and renewals of agreements.

**14. Indirect Rate.** Represents a percentage applied to cover estimated costs or expenses of an agency that cannot be charged as belonging exclusively to any particular part of the project or service (overhead) being performed by DOI personnel (rent, electricity, administrative support, general office expenses, depreciation, etc.). Unless indirect costs can be allocated timely, the individual Bureau or Office's CFO or other designated official determines overhead rates for the organizational units based on historical trends.

## **CHAPTER 8 RECORDKEEPING**

### **1. Official Agreement File.**

The DOI Bureau or Office that is 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 related to agreements.

- A. A copy of the agreement and all modifications/amendments, revisions, or changes with original/facsimile/electronic signatures or certified copy of original signatures by all parties to the agreement. The Bureau or Office file copy of each of these documents shall contain the Bureau or Office agreement identification number displayed so that it can be easily seen.
- B. A copy of all appropriate correspondence generated or received by the Bureau or Office related to the agreement. The Bureau or Office file copy of correspondence should contain the Bureau's or Office's agreement document control number displayed so that it can be easily seen. In those instances where there are many transactions and large amounts of 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.
- C. For inter-agency agreements under the authority of the Economy Act, the Official Agreement File must include the D&F information (where DOI is the requesting agency, this is the original signed copy of the D&F).
- D. A copy of the proposed cost analysis or other basis for estimating funds to be obligated, both DOI and non-DOI funds, and estimating value of resources committed, both DOI and non-DOI resources, as applicable.
- E. Financial information (billing, receivables, payables, etc.), if applicable.
- F. Inventory and location of any pertinent IAA files that are housed in other locations.
- G. Citation for legal authority to exchange funds or commit resources (usually included in the text of the IAA).
- H. Citation for programmatic authority and approvals for the objectives of the IAA.
- I. Other pertinent material.

## **2. Retention.**

The Official Agreement File must be retained in accordance with the applicable Records Retention Schedule. The Schedule is a document approved by the National Archives and Records Administration, providing authority for the final disposition of recurring or nonrecurring records. The records can be in either written or electronic form. In developing the schedule, consideration should be given to the volume of the file and the different categories and value of the records that constitute the files (e.g., legal and other correspondence relating to the agreement, transactions correspondence, and electronic records). These documents may have different retention periods. For further information, visit the website address: <http://www.lib.lsu.edu/special/archives/Retentionschedules/RSdesign/DOI.html>.

## APPENDIX 1




**EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503**

THE DIRECTOR

November 13, 2006

M-07-03

MEMORANDUM FOR THE HEADS OF DEPARTMENTS AND AGENCIES

FROM: Rob Portman 

SUBJECT: Business Rules for Intragovernmental Transactions

The purpose of this memorandum is to inform Departments and Agencies that the Business Rules for Intragovernmental Transactions have been revised and expanded to cover other types of intragovernmental activities not addressed in the original business rules. The new rules – located in the Treasury Financial Manual, Volume 1, Bulletin 2007-03 (<http://www.fms.treas.gov/tfm/vol1/07-03.pdf>) – are mandatory for all Departments and Agencies, effective immediately.

The business rules have been strengthened and updated through a collaborative effort between the Chief Financial Officers' Council, the Treasury Department, and the Office of Management and Budget (OMB). Implementing these standardized processes will facilitate the reconciliation of intragovernmental balances and place the Federal Government one step closer to resolving a material weakness of the U.S. Consolidated Financial Statements related to intragovernmental balances and transactions. Most critical, Departments and Agencies are required to continue reconciling intragovernmental activities and balances with their Federal trading partners at least on a quarterly basis.

As part of the new business rules, an Intragovernmental Dispute Resolution Committee is being established to help facilitate the resolution of accounting/reporting/timing differences or contractual disputes between Federal entities. All Departments and Agencies are expected to actively participate in the reconciliation and dispute resolution processes.

This Memorandum further serves to notify Departments and Agencies that the previously published business rules for intragovernmental activities – originally issued in OMB Memorandum 03-01 and updated in OMB Memorandum 06-09 – are hereby rescinded and superseded by the revised and expanded set of business rules published by the Department of the Treasury.

Thank you for your continued leadership and commitment to improving financial management and to resolving the intragovernmental material weakness. Questions about this memorandum may be directed to Carrie Hug in the Office of Federal Financial Management at 202-395-3993.

APPENDIX 2  
Exceptions to the Economy Act

The table below lists some of the exceptions to using the Economy Act as the authority to obtain supplies/services from other Government agencies/entities. It includes non-Economy Act purchase examples, their Government source, and the applicable legal authorities.

SUPPLY OR SERVICE	LEGAL AUTHORITY/REFERENCES	GOVERNMENT SOURCE
Authorizes acceptance of contributions and the prosecution of projects in cooperation with other agencies, Federal, state, or private.	43 U.S.C. 36c Acceptance of Contributions; Cooperation with other agencies	Federal agencies State agencies Private agencies Indian Tribes
Authorizes cooperation with States or municipalities for water resources investigations. Requires that no part of the USGS appropriation may pay more than 50% of the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.	USGS Annual Appropriation Language and 43 U.S.C. 50	State agencies Municipalities U.S. Territories Indian Tribes
USGS may, notwithstanding any other provision of law, record obligations against accounts receivable in carrying out work involving cooperation with any State, Territory, possession, or political subdivision thereof.	43 U.S.C. 50(b)	States Municipalities U.S. Territories and possessions Indian Tribes
Authorizes Federal agencies to provide prescribed services to a State or local government on a reimbursable basis when a written request is made by the State or local government.	31 U.S.C. 6505 Intergovernmental Cooperation Act	State and Local Governments Puerto Rico U.S. Territories
Authorizes the Secretary of the Interior to enter into cooperative agreements with public or private educational institutions, States, and their political subdivisions to develop cooperative research and training programs concerning the resources of the National Park System.	16 U.S.C. 1a-2(j) National Park Service Organic Act	States and their political subdivisions, Public and Private Educational Institutions
Authorizes the Secretary of Interior to provide assistance to and cooperate with specified entities to assist in the protection of fish and wildlife and their habitats.	16 U.S.C. 661 Fish and Wildlife Coordination Act	Federal, State, public or private agencies, and the Federal Energy
Authorizes Federal agencies to provide training for Federal employees and for state and local employees. Agencies may charge and retain a fee for the training.	5 U.S.C. 4100-4104 Government Employees Training Act	Customer Federal Agencies State Agencies Local Government
Authorizes the Secretary of the Interior to enter into contracts, leases, cooperative agreements, or other financial transactions with any Federal or State agency, public or private institution, or other person relevant to Marine Mammals.	16 U.S.C. 1382c Marine Mammal Protection Act of 1972	Federal agencies State Agencies Public Institutions Private Institutions DOI

SUPPLY OR SERVICE	LEGAL AUTHORITY/REFERENCES	GOVERNMENT SOURCE
Authorizes the Secretaries of Agriculture, Commerce and Interior to enter into grants or contracts with any person, Federal agency, or State to provide assistance to and encourage implementation of aquacultural technology.	16 U.S.C. 2801 et seq. National Aquaculture Act of 1980	Federal agencies State Agencies
Authorizes the Secretary of the Interior to conduct investigations, studies, and experiments involving the management, protection, development, acquisition, and conveying of public lands; and to prepare and maintain inventories of all public land and resources. Authorizes the Secretary to enter into contracts and cooperative agreements involving the management, protection, development and sale of public lands.	43 U.S.C. 1701 et seq; 43 U.S.C. 1737 Federal Land Policy and Management Act of 1976	DOI Federal Agencies State and Local Agencies Others
Authorizes Federal agencies, through their laboratories, to provide personnel, services, facilities, equipment, intellectual property or other resources with or without reimbursement to non-Federal parties and the non-Federal parties provide similar resources for the conduct of specific research or development efforts consistent with the missions of the labs.	15 U.S.C. 3710(a) Stevenson-Wydler Technology Transfer Act of 1980, as amended by the Technology Transfer Act of 1986	Non-Federal entities
Authorizes Federal agencies to assign Federal employees to State and local governments, Indian tribes, institutions of higher education, federally funded research and development centers, and certain non-profit organizations and also authorizes Federal to assign personnel from these organizations to the Federal government	5 U.S.C. 3371 & 3372 Intergovernmental Personnel Act	Specified Organizations
Authorizes Federal agencies to charge costs for Federal services and products based on the costs to the Government, the value of service to the recipient, and the public policy or interest served.	31 U.S.C 9701	Anyone
Centralized and Direct Bills Charge Card Rebate, MIB complex facilities	43 U.S.C. 1451	Interior Working Capital Fund
Acquisition Services	Public Law 103-356 Public Law 104-208	Interior Franchise Fund
Administrative Stores Stock – Fedstrip orders for supplies such as paper, pencils, some furniture, etc.	40 U.S.C. 481	General Services Administration
Administrative Charges Only for use of a USGS contract (i.e., ESRI or Data General)	USGS/ESRI-Data General contract terms	USGS
Building and/or Space Leasing	41 CFR 101.20.002-2 FAR 23.705, FAR 45	GSA
Charts and Maps	43 U.S.C. Chapter 2, Section 42	USGS
Federal Telephone Services (FTS) 2001	Federal Supply Schedule	GSA

<b>SUPPLY OR SERVICE</b>	<b>LEGAL AUTHORITY/REFERENCES</b>	<b>GOVERNMENT SOURCE</b>
for long distance calls	FTS 2001 contract terms	
Furniture, Signs, Mattresses, Gloves, etc.	18 U.S.C. 4121-4128 FAR Part 8.6	Federal Prison, Industries, also known as UNICOR
Government Owned Automobile Leasing, Motorpools	40 U.S.C. 491, 41 CFR 101.38 FAR Part 8.11	GSA
GSA-Tri Parts – Computer programming and analyst service contracts with GSA as the prime contractor	Information Technology Management Reform Act of 1999 40 U.S.C. 757, Division E of P.L. 104-106,110-679	GSA
Postage (also sold to the public)	P.L. 91-375 U.S.C. 101	U.S. Post Office
Printing, duplicating, and related supplies and services	P.L. 102-392, Title II 207, 44 U.S.C. 501, FAR 8.802	Government Printing Office
Purchase Orders or Contracts placed under the Small Business Act, Section 8(a) with the SBA as the Prime Contractor	15 U.S.C. 637(a) 15 U.S.C. 644 FAR 19	Small Business Administration
Reimbursable Work Authorizations, repair, modification, or renovation of GSA-owned and managed buildings or other structures	P.L. 94-579, FLPMA, as amended, Section 307	GSA
Standard Forms and Optional Forms	CFR 41 Part 101-11	GSA
Fingerprints, Background Checks, Staffing Services, Vacancies	5 CFR Chapter 1 (1-1-99 Edition) OPM Part 736, Subpart B	Office of Personnel Management (OPM)
Department of the Interior Forms	BLM maintains all DOI forms	Bureau of Land Management (BLM)
Mandates statutory requirements for reports to Congress, the use of electronic funds transfers for payments, the establishment of a franchise fund in each of the six executive agencies, and the submission of annual audited financial statements to the Director of the OMB.	Government Management Reform Act.	OMB



## APPENDIX 3

**Appendix 3, Inter/Intra-Agency Agreement, IAA Data Element Exchange Form, is provided in Adobe format in an attachment to this handbook.**

## APPENDIX 4

**Appendix 4, Intragovernmental Agreement Completion Report, is provided in Adobe format in an attachment to this handbook.**

## APPENDIX 5

### DOI Intragovernmental Dispute Resolution Policy

#### 1. Background

The Department of the Treasury issued Intragovernmental Business Rules (Treasury Financial Manual, Volume I, Bulletin No. 2007-03) to comply with the Office of Management and Budget memorandum M-07-03 dated November 13, 2006. The provisions of the Treasury Bulletin apply to all intragovernmental transactions. Section VII of the Bulletin specifically outlines the process for resolving intragovernmental disputes. A Memorandum of Agreement shall be signed by the Department of the Interior's (DOI) Chief Financial Officer (Assistant Secretary – Policy, Management and Budget/CFO) acknowledging DOI's active participation in the dispute resolution process. Outlined below is the guidance for DOI Bureaus or Offices to follow for intragovernmental dispute resolutions.

#### 2. Responsibility of DOI and Bureaus or Offices

A. Responsibility of DOI Bureaus or Offices. When accounting treatment or contractual differences are identified by the DOI Bureau or Office, disputes can be verbally communicated to the Trading Partner for resolution. The Bureau or Office should notify the Office of Financial Management (PFM) of the disputed difference. If resolution is not achieved, the dispute resolution process outlined in this document must be followed by the Bureau or Office.

For intragovernmental dispute resolution, DOI Bureau or Office CFOs shall coordinate the preparation of an issue paper that clearly states the reasons for the dispute or major difference. The DOI Bureau or Office CFO should involve the appropriate program office(s), the Departmental financial management office, the bureau or office accounting office, contracting officer, as necessary, in defining the dispute or major difference. The Material Difference Report identified in the Treasury Bulletin will not be used by DOI Bureaus or Offices to document a dispute; instead it will be used by the Bureau or Office to identify the difference and notify the affected Trading Partner.

B. Responsibility of the Office of Financial Management (PFM). PFM will coordinate the resolution of differences discovered by the Bureau or Office through the intragovernmental reconciliation process performed by PFM. If the difference cannot be resolved through verbal communication with the Trading Partner, then PFM will assist the Bureau or Office in preparing for the formal dispute resolution process which includes the issue paper.

Upon completion of the issue paper detailing the disputed difference, the Bureau or Office CFO will transmit the issue paper to PFM for review and concurrence. PFM will submit the issue paper to the Departmental CFO for review and

signature. Upon approval by the Departmental CFO, PFM will forward the issue paper with a cover letter to the Trading Partner CFO involved in the dispute. PFM and the Bureau or Office will coordinate the resolution of the difference. If the issue remains unresolved, PFM in coordination with the Bureau or Office will transmit the dispute to the CFO Council's Intragovernmental Dispute Resolution Committee (Committee). PFM will maintain a control system to track the following:

- (1). Date Bureau or Office issue paper received by PFM.
- (2). Date issue paper signed by Departmental CFO (starts the 60 day dispute resolution timeline).
- (3). Timing and communication of the Trading Partner and/or by the Bureau or Office.
- (4). Date dispute is transmitted to the Committee for a final decision.
- (5). The 90 day Committee final decision timeline.
- (6). Implementation and compliance deadline for the Bureau or Office or Trading Partner.

C. Responsibility of the DOI Chief Financial Officer. The DOI CFO has the final authority to approve or disapprove the Bureau or Office dispute resolution issue paper and any resultant recommendations. When approved, the Department will transmit the issue paper to the Trading Partner involved in the dispute. If disapproved, PFM will coordinate revisions with the affected Bureau or Office to gain approval.

### **3. Dispute Resolution.**

A. Accounting Treatment (e.g., of advances, nonexpenditure transfers). For intragovernmental differences resulting from a conflicting accounting treatment Trading Partners have 60 calendar days to agree on the treatment. Before the 60 calendar days commence, the following steps should be implemented:

- (1). The DOI and the Bureau or Office intragovernmental representatives shall identify that there is an accounting treatment difference and verbally notify the Trading Partner's intragovernmental representative(s) of the situation.
- (2). The DOI intragovernmental representatives should document all verbal communications with the Trading Partner's intragovernmental representative(s).

- (3). If the Bureau or Office and the Trading Partner reach a satisfactory resolution, the Bureau or Office shall maintain the documentation and provide a copy to the Department (PFM).
- (4). However, if the difference is confirmed and no satisfactory resolution is obtained through verbal communication, then an issue paper shall be written immediately to document the dispute. For example:
  - (a). If the Bureau or Office and the Trading Partner agree to disagree.
  - (b). A Trading Partner may agree to correct an out of balance transaction by the end of the following quarter, but the balance remains at the end of the next quarter.

B. Accounting Treatment Difference Issue Paper. As outlined in 2.A.-C.above, the DOI Bureau or Office shall prepare an issue paper that outlines the difference(s) and recommended solution(s) for the Trading Partner's consideration. The 60 calendar days start from the date that the Departmental CFO transmits the DOI Bureau or Office issue paper to the Trading Partner CFO.

C. Time Limitations. After the 60 days have elapsed and no agreement can be reached, the following procedures shall be implemented:

- (1). The DOI Bureau or Office and/or Trading Partner shall request that a final decision be rendered by the CFO Council's Intragovernmental Dispute Resolution Committee (Committee) established by the Office of Management and Budget. The Committee has 90 calendar days from the date of receipt of the request to render a decision. The decision of the Committee is final and both Trading Partners will adjust their accounting records to reflect that decision.
- (2). The Committee has the discretion to refer accounting treatment disputes or differences to the Accounting and Auditing Policy Committee (AAPC) established by the Federal Accounting Standards Advisory Board.

D. Contractual Disputes (e.g., payment, collection, interagency agreement). As with the accounting treatment differences, Trading Partners have 60 calendar days to resolve contractual disputes. However, with contractual disputes, the Bureau or Office can decide not to pursue the dispute resolution process for disputes under \$100,000. If this option is elected, the Bureau or Office must record the transaction in the accounting system. Disputes over \$100,000 will be resolved using the dispute resolution process outlined in this Section.

Before the 60 calendar days commence, the following steps should be implemented:

- (1). The DOI and the Bureau or Office intragovernmental representatives shall identify that there is a contractual dispute and verbally notify the Trading Partner's intragovernmental representative(s) of the situation.
  - (2). The DOI intragovernmental representatives should document all verbal communications with the Trading Partner's intragovernmental representative(s).
  - (3). If the Bureau or Office and the Trading Partner reach a satisfactory resolution, the Bureau or Office shall maintain the documentation and provide a copy to the Department (PFM).
  - (4). However, if the difference is confirmed and no satisfactory resolution is obtained through verbal communication, then an issue paper shall be written immediately to document the dispute. For example:
    - (a). If the Bureau or Office and the Trading Partner agree to disagree.
    - (b). A Trading Partner may agree to correct an out of balance transaction or payment action by the end of the following quarter, but the balance remains at the end of the next quarter.
- E. Contractual Dispute Issue Paper. As outlined in 2.A.-C.above, the DOI Bureau or Office shall prepare an issue paper that outlines the difference(s) and recommended solution(s) for the Trading Partner's consideration. The 60 calendar days start from the date that the Departmental CFO transmits the DOI Bureau or Office issue paper to the Trading Partner CFO.
- F. Time Limitations. After the 60 days have elapsed and no agreement can be reached, the following procedures shall be implemented:
- (1). The DOI Bureau or Office and Trading Partners shall request that a final decision be rendered by the Committee established by the Office of Management and Budget. The Committee has 90 calendar days from the date of receipt of the written request to render a decision.
  - (2). The Buyer may establish a monetary threshold before asking for contractual decisions; the threshold shall not exceed \$100,000 per order. If an amount is under the Buyer's threshold, and the Buyer elects not to pursue a dispute, then the Buyer shall pay the amount and record the reciprocating entry.
  - (3). The Trading Partners shall coordinate to ensure any IPAC transaction needed to effect the decision is processed as applicable. For example, a contractual dispute may be caused by missing indicative data on an intragovernmental transaction such as the common agreement number,

appropriate Treasury symbol, business event type code, the amount to accrue, advance, or disburse, or the Business Partner Network number.

## APPENDIX 6

**Appendix 6, Inter/Intra-Agency Travel Agreement Form, is provided in an attachment to this handbook.**



## APPENDIX 7

### ACRONYMS

<b>AAPC</b>	Accounting and Auditing Policy Committee
<b>ASPMB</b>	Assistant Secretary – Policy, Management and Budget
<b>BD</b>	Billing Document
<b>BPN</b>	Business Partner Network
<b>CFO</b>	Chief Financial Officer
<b>CFR</b>	Code of Federal Regulations
<b>CRADA</b>	Cooperative Research and Development Agreements
<b>DASBM/WF</b>	Deputy Assistant Secretary – Business Management and Wildland Fire
<b>D&amp;F</b>	Determination and Finding
<b>DIAR</b>	Department of the Interior Acquisition Regulations
<b>DUNS</b>	Dun and Bradstreet
<b>DOI</b>	Department of the Interior
<b>FAR</b>	Federal Acquisition Regulations
<b>FEDREG</b>	Federal Agency Registration
<b>FOIA</b>	Freedom of Information Act
<b>FPA</b>	Federal Program Agencies
<b>GSA</b>	General Services Administration
<b>GWAC</b>	Governmentwide Acquisition Contract
<b>IAA</b>	Inter/Intra-Agency Agreement
<b>ITMRA</b>	Information Technology Management Reform Act
<b>IPAC</b>	Inter-governmental Payment and Collection
<b>MOA</b>	Memorandum of Agreement
<b>MOU</b>	Memorandum of Understanding
<b>OMB</b>	Office of Management and Budget
<b>POC</b>	Point of Contact
<b>PFM</b>	Office of Financial Management
<b>PMB</b>	Office of Policy, Management, and Budget
<b>SLA</b>	Service Level Agreement
<b>SOL</b>	Office of the Solicitor
<b>TFM</b>	Treasury Financial Manual
<b>U.S.C.</b>	United States Code
<b>WCF</b>	Working Capital Fund