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Policies and Procedures

Title: Review and Approval of Contracts for Advisory and Assistance Services

Number: 212.9

Date: May 2, 2011

Originating Office: Acquisition Programs and Oversight Branch,
Acquisition and Property Division, AFM/ARS

Distribution: REE Headquarters, Areas, and Field Locations

This P&P establishes the policy and guidance for Review and Approval of Contracts for Advisory and Assistance Services in Accordance with AGAR Advisory No. 91B dated August 6, 2009.

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1. Purpose

This P&P establishes the policy and guidance for Review and Approval of Contracts for Advisory and Assistance Services (CAAS) in accordance with AGAR Advisory No. 91B dated August 6, 2009.

2. Policy

Research, Education, and Economics (REE) Contracting Officers (CO's) shall not award Contracts for Advisory and Assistance Services (CAAS) until they have received the required approvals. For contracts valued over \$500,000, the CO must receive notice of approval from the Assistant Secretary for Administration (ASA) prior to awarding CAAS. This includes modifications or task orders over \$500,000 for advisory and assistance services placed against contracts that have not been approved previously as CAAS. For procurement actions valued at \$500,000 and under, the CO must receive approval from the appropriate person listed in Section 6 b) of this policy. Awards of CAAS made without the required approval may constitute grounds for revocation of a CO warrant.

See Exhibit D to determine the contract value.

3. Responsibilities

Contracting Officers, through their Head of Contracting Activity Designee (HCAD), shall submit the information required in the template (Exhibit A) prior to any proposed award for advisory and assistance services or certain other applicable professional services exceeding \$500,000.

The HCAD is responsible for submitting the required documentation, with signatures, to the Chief, Procurement Policy Division (PPD). All submissions shall be e-mailed to Dorothy.Lilly@dm.usda.gov.

The Chief, PPD, is responsible for reviewing the submission for completeness and routing the documentation to the Assistant Secretary for Administration (ASA) for review.

If information technology services are an integral part of the acquisition pertaining to the Advisory and Assistance Services Review (AASR), the Associate Chief Information Officer (ACIO) will need to review and approve prior to the ASA. Approval for AASR's which contain information technology services will not be considered until OCIO AAR approval is provided.

The PPD Chief will notify the HCAD when the review is complete or will request additional information from the activities for action or resubmission, if needed.

No award shall be made prior to completion of this review process.

4. Authorities

Secretary Tom Vilsack's Memorandums dated January 22, 2009, and June 5, 2009, entitled "Interim Procedures"

AGAR Advisory No. 91B, Review of Advisory and Assistance Services and Certain Other Professional Services

Federal Acquisition Regulation (FAR) Subpart 37.2 – Advisory and Assistance Services

48 CFR 401.371

5. Definitions

a) **"Advisory and assistance services"** are fully defined in the Federal Acquisition Regulation (FAR) Subpart 37.2 and Subpart 2. These are services provided under contract by non-governmental sources to support or improve:

- Organizational policy development;
- Decisionmaking;
- Management and administration;
- Program and/or project management and administration; and/or
- Research and development (R&D) activities; and
- Information technology services that are an integral part of a contract for the acquisition of advisory and assistance services.

"Advisory and assistance services" can also mean the furnishing of professional advice or assistance rendered to improve the effectiveness of Federal management processes or procedures (including those of an engineering and technical nature) and may take the form of information, advice, opinions, alternatives, analyses, studies, evaluations, recommendations, training, and day-to-day aid of support personnel need for the successful performance of ongoing Federal operations. Included are efforts that support or contribute to improved organization of program management, logistics management, project monitoring and reporting, data collection, budgeting, accounting, performance auditing, and administrative technical support for conferences and training programs. Also included are contracted services that provide organized, analytical assessments/evaluations in support of policy development; decision-making; management or administration; and acquisitions of models, methodologies, and related software supporting studies, analyses or evaluations.

See Exhibit C, "Contracts for Advisory and Assistance Services (CAAS) Examples, Exclusions, and Prohibitions" to assist in determining if a service is a CAAS requirement.

- b) **“Certain Other Professional Services”** means any program management and acquisition support services. “Certain Other Professional Services” does not typically include operational or support services such as security or guard service, architect and engineer services, janitorial, grounds keeping services, repair services, software development, systems operations and support, or network management support.
- c) **“Requesting Activity”** means the program unit within the Agency or staff office that has the need for the advisory and assistance service or other applicable professional service.

6. Procedures

a) Approval of CAAS Requirements Exceeding \$500,000

It is the policy of the Department that agencies acquiring advisory and assistance services shall comply with Subpart 37.2 of the FAR and the supplemental guidance provided in AGAR Advisory No. 91B dated August 6, 2009.

Initial submission of a proposed contract award, modification, or task order over \$500,000 should be submitted as soon as identified and, at a minimum, 30 business days prior to any proposed award. Agencies are encouraged to submit this information as early in the acquisition planning process as possible.

For additional procedural information, see Exhibit B, Approval Process for CAAS Requirements over \$500,000.

b) Approval of CAAS Requirements \$500,000 and Under

Prior to award, all CAAS requirements valued at \$500,000 or less will be approved by one of the following, as appropriate:

- Agricultural Research Service (ARS) Deputy Administrator, Administrative and Financial Management (AFM);
- Associate Administrator National Programs;
- Director, National Agricultural Library (NAL);
- ARS Area Director;

- Economic Research Service (ERS) Associate Administrator;
- National Agricultural Statistics Service (NASS) Associate Administrator;
or,
- National Institute of Food and Agriculture (NIFA) Associate Administrator.

Fundholders should submit requests for approval for CAAS in this category in a memorandum through their servicing contracting office (Acquisition and Property Division (APD) or Facilities Division (FD) Branch, or ARS Area Procurement Assistance Officers (PAO)), which addresses the 14 areas specified in Exhibit A.

LARRY R. CULLUMBER
Director, Acquisition and Property Division

Exhibits

- A. Advisory and Assistance Services Certain Professional Services Template
- B. Approval Process for CAAS Requirements over \$500,000
- C. Contracts for Advisory and Assistance Services (CAAS) Examples, Exclusions, and Prohibitions
- D. Determination of Contract Value

Exhibit A

ADVISORY AND ASSISTANCE SERVICES

CERTAIN PROFESSIONAL SERVICES

Project Name:

Agency/Office:	Name:
	Address:
	Agency Identifier #:

Agency Point of Contact:	Name:
	Email Address:
	Telephone Number:

Contracting Officer:	Name:
	Email Address:
	Telephone Number:

Please include the following information:

1. **Description:** Please include a description of the planned acquisition including major deliverables/services, and the name of the Agency program/project supported by the acquisition.
2. **Amount:** List the Estimated Dollar Amount (inclusive of all options).
3. **Funding:** Provide proposed funding method including fund type and year of funds. Please specify if recovery funds from the American Recovery and Reinvestment Act of 2009 are being used.
4. **Schedule:** Provide the Period of Performance/Delivery Schedule and estimated award date. Include option periods, quantities or items, if applicable.

5. Contracting Method:

- a) **Solicitation type** (e.g., sealed bid (IFB), negotiated (RFP), request for proposals under a multiple award contract or Federal Supply Schedule, interagency agreements).
- b) **Small Business Program Considerations:**
 - (i) Include information on small business set-asides and programs considerations (e.g., 8(a) competitive, 8(a) non-competitive, small business set-aside, HubZone set-aside, Service Disabled Veteran owned small business, women-owned small business, etc.).
 - (ii) If the acquisition was unrestricted, provide a rationale and address market survey(s) conducted.
 - (iii) Has Office of Small and Disadvantaged Business Utilization (OSDBU) approval form AD-1205, “USDA Small Business Program - Procurement Request Review” been completed, if required? *If yes, attach a copy of the signed form.*
- c) **Extent of competition** (e.g., full and open competition, full and open competition after exclusion of sources, other than full and open competition pursuant to FAR Subpart 6.3, competition under Federal Supply Schedule, sole source set-aside, brand name, GWAC, multiple award or other indefinite delivery type contracts.)
 - (i) *For brand name specific order*, attach a copy of the justification as required by FAR 11.105.
 - (ii) *For other than full and open competition* pursuant to FAR Part 6.3, attach a copy of the approved justification for other than full and open competition.
 - (iii) *For a sole-source procurement*, include a separate sole-source statement explaining why there is no other source capable of providing the required services.
 - (iv) *Performance Based*: If the contract is not performance based, provide a rationale.
- d) **Contract Type** (see FAR part 16) including pricing structure. If recovery funds from the American Recovery and Reinvestment Act of 2009 are being used and the planned contract type is other than firm, fixed price, please explain.
- e) **Contract Users/Ordering Offices**: Identify authorized contract users. For indefinite delivery type contracts, identify authorized ordering offices.

6. **Determination:** Has the determination required by FAR 37.204, regarding availability of personnel, been made?
7. **Conflict of Interest:** Include a brief statement regarding any possible basis, or lack thereof, of a conflict of interest or appearance of a conflict of interest.
8. **Continuing Requirement:** If the acquisition is a continuing requirement, what is the current contract/order number(s), contractor(s) name and address and expiration date(s)?
9. **AAR Requirement:** If information technology is a requirement, have you received an approved AAR from OCIO? If yes, please provide the AAR number and approval date.
Note: AASR approval will not be considered until OCIO AAR approval is provided.
10. **Other Issues:** Include any other acquisition issues of note.

SUBMITTED FOR REVIEW:

Signature
Name (Type or Print):
Program Manager / Project Manager

Signature
Name (Type or Print):
Contracting Officer

Signature
Name (Type or Print):
HCA or HCAD

APPROVAL PROCESS FOR CAAS REQUIREMENTS OVER \$500,000

Note: Approvals and requests for changes are sent back through the same levels through which approval requests were submitted, unless otherwise specified.

Step	Cognizant Office	Action
1	Fundholder/Requesting Activity (Fundholder)	<ul style="list-style-type: none"> • Prepares request for CAAS approval as shown in template (Attachment A). • Forwards to servicing contracting office (APD or FD Branch, or ARS Area PAO).
2	ARS Area PAO/APD or FD Branch Chief	<ul style="list-style-type: none"> • Reviews Fundholder’s request for CAAS approval and concurs or recommends changes. • Upon concurrence, forwards Fundholder’s request to Director, APD.
3	Director, APD (HCAD)	<ul style="list-style-type: none"> • Reviews request and concurs or recommends changes.
4	Chief, Procurement Policy Division (PPD)	<ul style="list-style-type: none"> • Review submission for completeness and routing the documentation to the ASA. • If information technology services are an integral part of the acquisition pertaining to the AASR, the Associate Chief Information Officer will need to review and approve prior to the ASA.
5	ASA	<ul style="list-style-type: none"> • Reviews REE submission. • Approves or returns to the Chief, PPD to make adjustments.

Contracts for Advisory and Assistance Services (CAAS) Examples, Exclusions, and Prohibitions

1. Examples

To assist in determining if a service is a CAAS requirement, the following are practicable examples of when these guidelines are applicable:

- **Consulting Services:** CAAS requirements shall be followed when the agency procures contractor provided consulting services with the intention of supporting management and administration activities or obtaining professional advice or assistance to improve processes, procedures, or services that relate to organizational management and decisionmaking issues. In most instances, consulting services will be subject to CAAS requirements.
- **Opinion surveys:** CAAS requirements shall be followed when the agency procures contractor provided services to conduct opinion surveys related to organizational management and decisionmaking issues or customer satisfaction surveys. CAAS requirements are not applicable to routine opinion surveys to obtain periodic customer input.
- **Information Technology (IT) services, or IT support services (other than routine services):** CAAS requirements shall be followed when the agency procures contractor provided IT services or IT support services. IT training services or other IT services provided by Federal Government employees are not applicable to CAAS requirements.
- **Performance and Quality Management (e.g., Lean Six Sigma) or reinvention/reengineering services:** CAAS requirements shall be followed when the agency procures contractor provided reinvention/reengineering services covering organizational, management, and decisionmaking services. CAAS requirements are not applicable when Performance and Quality Management services are procured covering the reengineering of a specific routine process or procedure, i.e., a personnel or procurement request process.
- **Facilitator services:** Contractor provided facilitator services for improvement of agency processes, procedures, and services related to organizational management and decisionmaking issues shall be compliant with CAAS requirements. Facilitator services provided by contract covering a specific

routine action, i.e., processing contract actions, are not subject to CAAS requirements.

- **Financial services:** CAAS requirements shall be followed when the agency procures contractor provided financial services to improve financial services, processes and/or procedures, etc. Routing financial services provided by contract, i.e., accounts maintenance, etc., are not subject to CAAS requirements.
- **Training services:** CAAS requirements shall be followed when the agency procures contractor provided training with the purpose of improving management, administration, and decisionmaking. CAAS requirements are not applicable when the training is routine, for maintenance of job skills, or learning new technologies or procedures.

2. Exclusions

The term, “advisory and assistance” does not include the following services:

- Routine information technology services unless such services are an integral part of CAAS;
- Architectural and Engineering Services, as defined in the Brooks Architect-Engineers Act (40 U.S.C. 1102);
- Research on theoretical mathematics and basic research involving medical, biological, physical, social, psychological, or other phenomena;
- Interagency agreements with other Federal or USDA agencies under which all services will be rendered by Federal employees;
- Personnel actions such as hiring employees or reemployment of annuitants;
- Subcontracts (other than subcontracts for advisory and assistance services for which Government consent otherwise is required by Federal Acquisition Regulation (FAR), Part 44, and which were anticipated at the time of contract award); or
- Grants and Cooperative Agreements, as defined by the Federal Grant and Cooperative Agreements Act (31 U.S.C. 6304, 6305). However, grants and cooperative agreements may not be used as legal instruments instead of contracts to obtain advisory and assistance services.

3. Prohibitions

Advisory and Assistance services will not be:

- Used in performing work of a policy, decisionmaking, or managerial nature which is the direct responsibility of agency officials;
- Used to bypass or undermine personnel ceilings, pay limitations, or competitive employment procedures;
- Contracted for on a preferential basis to former Government employees;
- Used under any circumstances specifically to aid in influencing or enacting legislation; or
- Used to obtain professional or technical advice which is readily available within the agency or another Federal agency, FAR 37.203(c).

Determination of Contract Value

For the purposes of determining contract value, use the following:

Type of Instrument	To be used to Determine Value
Contract for Definite Quantity of Services	Face value of contract
Contract with Option Periods/Multi-Year Contract	Value over life of contract
Requirements or Indefinite Quantity Contract	Estimated maximum quantity of orders which may be placed throughout the life of the contract
Blanket Purchase Agreement or Basic Ordering Agreement	Maximum quantity of orders which may be placed under the agreement
Undetermined Contract Type	Total estimated cost of services required