DEPARTMENT OF DEFENSE
Defense Contract Management Agency

INSTRUCTION

Memorandum of Agreement (MOA) for Contract Management

Portfolio Management and Integration Directorate **DCMA-INST 409**
CPR: DCMA-PI **March 7, 2013**
Change 1, July 31, 2013
Validated Current, August 20, 2014

SUMMARY OF CHANGES: *Change 1 reconciles this publication with updates found in the revised DoD Instruction (DoDI) 4000.19, "Support Agreements," dated April 25, 2013. Agreements must now include an expiration date not to exceed 9 years from the date signed by both parties. Furthermore, the authority to enter into enterprise-level agreements may be delegated as needed (removed requirement that designee may not be lower (in grade) than Senior Executive Service-level civilians, Flag- or General Officer-level military personnel). References were updated references and terms added for clarity.*

1. PURPOSE. This Instruction:

a. Reissues DCMA Instruction (DCMA-INST), "Memorandum of Agreement (MOA) for Contract Management," (Reference (a)) to update policy, clarify roles and responsibilities, and prescribe procedures for the development, coordination, publication, notification, and files maintenance processes regarding external customer agreements for contract management support.

b. Adds detail to Delegations of Authority specified in DoD Directive 5105.64, "Defense Contract Management Agency (DCMA)" Enclosure 1, paragraph E1.1.1.14. (Reference (b)).

c. Instructs DCMA personnel and external customers to recognize when an MOA for Contract Management may be necessary and to determine what level of the organization develops, coordinates, publishes, and maintains the agreement.

2. APPLICABILITY. This Instruction applies to all DCMA activities.

3. MANAGERS' INTERNAL CONTROL PROGRAM. In accordance with DCMA-INST 710, "Managers' Internal Control Program" (Reference (c)), this Instruction is subject to evaluation and testing. The process flowcharts are located on the Policy Resource Web Page.

4. RELEASABILITY – UNLIMITED. This Instruction is approved for public release.

5. PERFORMANCE LABOR ACCOUNTING SYSTEM (PLAS) CODE(S).

a. Process: 004, Customer Outreach
006, Reimbursable Contract Administration Services
038, Program Integration
191, Plans and Policy Deployment (C1)

b. Programs: ACAT/Other Customers (when applicable).

c. Other National; Training and Travel; Local Programs (when applicable):

Program Code: MOANNPP - MOA between Navy Nuclear Propulsion Program and DCMA (C1)
Program Code: MOUTMA – MOU between TRICARE Management Activity and DCMA (C1)

6. POLICY RESOURCE WEB PAGE. https://home.dcma.mil/policy/409r

7. EFFECTIVE DATE. By order of the Director, DCMA, this Instruction is effective immediately.

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REFERENCES

(a) DCMA-INST, "Memorandum of Agreement for Contract Management," October, 2011 (hereby canceled)
(b) DoD Directive 5105.64, "Defense Contract Management Agency (DCMA)," January 10, 2013
(c) DCMA-INST 710, "Managers' Internal Control Program," September 12, 2011
(d) DoD Instruction 4000.19, *"Support Agreements," April 25, 2013 (C1)*
(e) DCMA-INST 531, "Facility Planning and Management," September 2005
(f) DCMA-INST 532, "Support Agreements - Interservice /Intragovernmental and Memoranda of Agreement and Understanding," September 2004
(g) DCMA-INST 313, "International Agreements/International Memoranda of Understanding/Host Nation Contract Management Services," June 2010
(h) DCMA-INST 709, "International and Federal Business Reimbursable and Non-Reimbursable Support," September 2011
(i) DCMA-INST 704, "Military Interdepartmental Purchase Request *(MIPR)," June 26, 2013 (C1)*
(j) Federal Acquisition Regulation (FAR), Subpart 42.3, March 1, 2005
(k) Defense Federal Acquisition Regulation Supplement (DFARS), Subpart 242.2, 'Contract Administration Services,' August 17, 1998
(l) DCMA-INST 407, "Customer Engagement," February *15, 2013 (C1)*
(m) DCMA Record Retention Schedule, Section 400.03a, June 17, 2011
(n) DCMA-INST 402, "Workload Acceptance," December 4, 2012
(o) DCMA-INST 205, "Major Program Support," November 2010
(p) Federal Acquisition Regulation (FAR), Subpart 42.302, March 1, 2005
(q) DCMA "Correspondence Manual," February 7, 2011
(r) DCMA-INST 501, "Policy Program," May 24, 2012

CHAPTER 1

POLICY

1.1. OVERVIEW.

1.1.1. DoD Instruction 4000.19, *"Support Agreements"* (Reference (d)) provides primary guidance for documenting the terms of an agreement which a DoD component enters into with another DoD component, a non-DoD federal agency, a state or local government, or a nonprofit organization. Within DCMA, support agreements exist for facilities, information technology, human resource services and other areas that address the Agency's interactions with various partner activities that assist in day-to-day operation of the enterprise. There exists a number of guiding DCMA Instructions that identify who, when, where and how to initiate, execute and maintain various specialized support agreements, primarily addressed by: *(C1)*

- DCMA-INST 531, "Facility Planning and Management" (Reference (e))
- DCMA-INST 532, "Interagency Support Agreements (ISSA) Memoranda of Agreement (MOA)" (Reference (f))
- DCMA-INST 313, "International Agreements/International Memoranda of Understanding/Host Nation Contract Management Services" (Reference (g))
- DCMA-INST 709, "International and Federal Business Reimbursable and Non-Reimbursable Support" (Reference (h))
- DCMA-INST 704, "Military Interdepartmental Purchase Request" (Reference (i))

NOTE: For additional information regarding the above policies, see the links to these Instructions on the Policy Resource Web Page.

1.1.2. This Instruction adds detail to the Delegations of Authority specified in DoD Directive 5105.64, "Defense Contract Management Agency (DCMA)," *Enclosure 2, paragraph n.* (Reference (b)), and more specifically, when at least one party in the agreement is an external customer of DCMA. As an outcome, DCMA personnel and external customers will recognize when a memorandum of agreement (MOA), memorandum of understanding (MOU) or interagency agreement (IA) for contract management may be necessary and what level of the organization develops, coordinates, publishes, and maintains the documentation. *(C1)*

1.1.3. This policy **does not** address agreements primarily covering the acquisition workforce, facilities, information technology, or training, which are the purview of other headquarters (HQ) component heads and may be the subject of other Instructions, processes, or procedures.

1.1.4. Furthermore, this policy **does not** address international agreements such as Reciprocal Defense Procurement Memorandums of Understanding (RDP MOUs), which are under the purview of the Office of the Under Secretary of Defense for Acquisition, Technology & Logistics (OUSD (AT&L)). DCMA compliance with Annexes of RDP MOUs for Government Quality Assurance and/or Financial Audits is contained in DCMA-INST 313 (Reference (g)).

1.1.5. This policy addresses formal agreements negotiated between DCMA entities and external customers for the purpose of facilitating DCMA contract administration support, establishing formal management communication channels, and/or clarifying boundaries for new work requests. These contract administration agreements are not contractually binding and do not supersede statute or regulation.

NOTE: DoD component suppliers may provide requested support to receivers only when the supplier determines that it has the capability to provide the support without interfering with its assigned missions in accordance with DoD Instruction 4000.19, *"Support Agreements," Enclosure 3, paragraph 1.c.* (Reference (d)). *(C1)*

1.1.6. *Support agreements* document *the terms of an agreement* within the DoD and between various non-DoD federal*, State or local government* entities by Reference (d), *Enclosure 3, paragraph 1.a. (C1)*

1.1.6.1. For the purpose of this Instruction, the general reference term "MOA" may also refer to MOUs, IAs, partnership agreements, and performance-based agreements.

1.1.6.2. DCMA action officers (AOs) will typically employ an MOA to document or define an agreement between two or more parties, which includes specific terms and a commitment by at least one party to engage in action. The MOA includes either a commitment of resources or binds a party to a specific action (e.g., a Contract Management Office (CMO) commitment to a buying activity).

1.1.6.3. DCMA AOs will typically employ a MOU to document and define general areas of understanding between two or more parties that ***do*** **not involve reimbursement** or other support from the receiver (i.e., a reciprocal agreement between the parties). *(C1)*

1.1.6.4. DCMA AOs will typically utilize IAs to document and define support provided to non-DoD federal entities (e.g., U.S. Department of State, Environmental Protection Agency). DCMA AOs may use a template document (see Policy Web Resource Page), DD Form 1144, Support Agreement or similar non-DoD forms to document recurring and/or non-recurring support provided to a non-DoD federal entities.

1.2. POLICY FUNDAMENTALS. It is DCMA policy that:

1.2.1. MOAs for contract management **shall not** reiterate the contract administration services (CAS) functions designated in Federal Acquisition Regulation (FAR), Subpart 42.3 (Reference (j)).

1.2.2. MOAs for contract management **shall not** conflict with the guidance provided in the Department of Defense Federal Acquisition Regulation Supplement (DFARS), Subpart 242.2 (Reference (k)).

1.2.3. When an MOA for contract management support requires a commitment of resources from two or more DCMA component heads, the agreement shall be structured as an enterprise-level agreement and signed by the DCMA Director.

1.2.4. MOAs document key partnering efforts necessary to enhance the collective ability of the parties involved to provide best value support to the DoD and/or U.S. Federal Government activities.

1.2.5. MOAs for contract management may be negotiated and executed at the enterprise-level, operational-level, or CMO-level.

1.2.6. All agreements involving the commitment of DCMA *additional* resources or *involves)* financial management shall be formally staffed through HQ Financial Business Operations Directorate (DCMA-FB) or the applicable directorate Finance and Budget Office. Staffing actions shall include a detailed description of the impact of the MOA on enterprise resources and financial management. *(C1)*

1.2.7. When a request is received from a foreign customer/international organization for CAS/audit service support to a direct commercial contract, it shall irst be referred to the DoD Central Control Point (DoDCCP) in DCMA-FBR before any action on the request is performed in accordance with References (j), (k), and (h). Request for services from known reimbursable or new non-DoD federal customers shall be referred to DCMA-PI and FBR to ensure appropriate documents and reimbursable authorities are established to account for services rendered.

1.2.8. All agreements for contract management support involving programs or activities with classified aspects (per DD Form 254, Department of Defense Contract Security Classification Specification) shall require that appropriate classification guidance be provided by the DCMA external customer. All agreements for contract management support involving programs or activities with operations security (OPSEC) measures and requirements identified shall require a copy of the critical information list (CIL) associated with the procurement(s) by the DCMA external customer.

1.2.9. All Agency MOA AOs shall seek an Office of General Counsel (DCMA-GC) review of the agreement document prior to securing final signatures.

1.2.10. If both parties elect to include performance measures in an enterprise-level MOA, DCMA proponents shall attempt to negotiate the inclusion of pre-existing, DCMA Council approved performance indicators rather than developing new, unique measures.

1.2.11. All MOAs shall be reviewed annually for applicability, accuracy, and financial impacts (as a minimum).

1.2.11.1. With documented agreement of the parties involved, responsible MOA AOs may make administrative and/or minor changes without requiring new, formal signatures by the approving authorities.

1.2.11.2. Approval of the administrative/minor changes shall be documented via email concurrence or via initialed pen-and-ink changes on original, archived agreement document.

1.2.12. All MOAs shall stipulate parameters for termination of the agreement *and specify an expiration date not to exceed 9 years from the date signed by both parties Reference(d), Enclosure 3, paragraph 1.e.(3).* MOA AOs must include an expiration date or language such as *expressed in the following examples: (C1)*

1.2.12.1. "The MOA will take effect on the date signed by the principals and will remain in effect until rescinded by one or both parties *or for a time period not exceed 9 years, which ever occurs first*." *(C1)*

1.2.12.2. "The MOA can be terminated unilaterally by either party with 180-day notice to the other party."

1.2.12.3. "The MOA will remain in effect for a minimum of 36 months, at which time it may be terminated unilaterally by either party with 180-day notice to the other party."

NOTE: Language specified in paragraph 1.2.12.3. shall be used when DCMA commits significant resources, to include hiring personnel to support the terms of the MOA. Such language ensures DCMA will have time to react to funding changes when the Agency has adopted hiring action(s) for direct support of specific reimbursable customers.

1.3. ENTERPRISE-LEVEL AGREEMENTS.

1.3.1. The Director, DCMA or duly appointed designee, retains authority to enter into enterprise-level agreements with external customers for providing tailored contract management support and to optimize contract management across the acquisition life cycle.

1.3.1.1. This authority may be delegated *in accordance with* Reference (d), *Enclosure 3, paragraph 2.b.(2) and paragraph 3.c (1). (C1)*

1.3.1.2. Approval Authority signatures shall never be alone on a blank page.

1.3.2. Enterprise-level agreements require resources from two or more component heads and document key partnering efforts necessary to enhance the collective ability of the parties to provide best value support to the DoD (primarily) and/or U.S. Federal government activities.

1.3.2.1. When involving program-managed acquisitions, these agreements should be structured as overarching in nature, and extending to multiple programs (when practical).

1.3.3. The Portfolio Management and Integration Directorate (DCMA-PI) shall forecast the initial development and periodic updates of enterprise-level, external customer agreements in the

annual DCMA Customer Engagement Plan. See the DCMA-INST 407, "Customer Engagement" (Reference (l)) for additional detail.

1.3.4. DCMA-PI shall manage the development, coordination, publication, notification, and files maintenance process of unclassified enterprise-level MOAs for contract management support. Cross-functional integrated project teams may be formed to draft new or to significantly revise existing enterprise-level MOAs.

1.3.5. DCMA-PI shall maintain a library of all active and inactive, unclassified, enterprise-level MOAs on the DCMA Portal, on the "Reference Library" page, in the "2 MOA Library" subfolder. Archive rescinded/terminated, unclassified MOAs in accordance with DCMA Record Retention Schedule Section 400.03a (Reference (m)).

1.3.6. Decisions made during the workload acceptance process may result in the initiation of enterprise-level MOAs (DCMA-INST 205, "Workload Acceptance" (Reference (n)).

1.4. OPERATIONAL-LEVEL AGREEMENTS.

1.4.1. Operational-level agreements may be developed when the resources of a single component head can provide the necessary level of contract management support requested by the external customer. Component heads shall sign operational-level agreements.

1.4.2. Operational-level MOAs may:

1.4.2.1. Address specific performance issues of mutual concern with the objective of maximizing weapon system readiness, platform performance, and/or supply chain responsiveness.

1.4.2.2. Target problem areas and outline a path forward to analyze available data, identify and prioritize systemic issues affecting readiness/performance, create corrective action strategies, and monitor to ensure continuous improvement.

1.4.2.3. Establish formal management communication channels and data sharing expectations.

1.4.3. Operational-level AOs shall manage the MOA development, coordination, publication, notification, and maintenance processes.

1.4.4. DCMA Centers/Groups that centrally manage their own resources may negotiate operational-level agreements with external customers and execute those agreements regarding specific technical, functional, or unique requirements. DCMA signature authority shall remain at the component head level unless delegated in writing.

1.4.5. The Executive Director, Special Programs shall establish operational-level MOAs with external customers working special access programs (SAPs) or programs requiring sensitive compartmented information (SCI).

1.4.6. Operational-level agreements shall not conflict with enterprise-level agreements. Where appropriate, projects specified in operational-level agreements may be referenced in an enterprise-level agreement.

1.4.7. Approval Authority signatures shall never be alone on a blank page.

1.5. CMO-LEVEL AGREEMENTS.

1.5.1. CMOs shall document support agreements with the program management offices (PMOs) as specified in DCMA-INST 205, Major Program Support (Reference (o)) when:

1.5.1.1. A buying activity technical representative is resident in a contractor's facility for which DCMA has cognizance per the Federal Directory of Contract Administration Services (CAS) Components (FEDCAS).

1.5.1.2. A PMO requests a CMO to perform duties beyond traditional CAS functions delineated in FAR subpart 42.302 (Reference (p)) and/or DFARS subpart 242.302 (Reference (k)).

1.5.1.3. A PMO requests an agreement to document activities and/or expectations such as stipulated in paragraph 1.1.5.

1.5.2. CMOs **may** document Agency support with PMOs in an MOA **when not mandated** by DCMA-INST 205 (Reference (o)).

1.5.3. CMO-level AOs shall manage the MOA development, coordination, publication, notification, and maintenance processes and shall follow the tenants of written correspondence as published in the DCMA Correspondence Manual (Reference (q)). A basic MOA template document is posted to the Policy Resource Web Page.

1.5.4. Approval Authority signatures shall never be alone on a blank page.

1.5.5. CMO-level AOs shall upload the final, signed version of the MOA into the Program Executive Office (PEO) Project Program folder in the DCMA-PI Customer Engagement Community of the Portal (Access from the DCMA-PI Web page, and follow on-screen instructions).

1.6. LETTER OF COMMITMENT (LOC) USAGE.

1.6.1. When not mandated to execute an MOA by DCMA-INST 205 Reference (o), CMOs may document communication frequency and types, support expectations, points of contacts, and other value added information in a basic LOC for contract management.

1.6.2. CMOs may also employ LOCs when a PMO is unwilling to enter into an MOA, but agrees DCMA support to the program is desired.

1.6.3. CMO-level AOs should follow the tenants of written correspondence as published in the DCMA Correspondence Manual (Reference (q)).

1.6.4. When used, CMO-level AOs shall upload the final, signed version of the LOC into the PEO Project Program folder in the DCMA-PI Customer Engagement Community of the Portal (Access from the DCMA-PI Web page, and follow on-screen instructions).

1.7. DEVIATIONS.

1.7.1. Special circumstances may warrant deviation from this Instruction.

1.7.2. Refer to the guidance provided in DCMA-INST 501, “Policy Program,” (Reference (r)).

CHAPTER 2

ROLES AND RESPONSIBILITIES

2.1. DIRECTOR, DCMA. The DCMA Director retains the authority to enter into enterprise-level MOAs for contract management, unless delegated in this Instruction or in a separate written document.

2.2. COMPONENT HEADS. Component heads:

2.2.1. Sponsor and approve operational-level agreements for contract management support requested by the external customers.

2.2.2. Manage the operational-level agreement development, coordination, publication, and maintenance processes.

2.2.3. Communicate to the Agency when an operational-level agreement is signed, significantly revised, or rescinded/terminated.

2.2.4. Assign staff to facilitate the development, coordination, publication, notification, and files maintenance process of unclassified organizational-level MOAs for contract management support (e.g., AOs, administrators, analyst).

2.3. EXECUTIVE DIRECTOR, SPECIAL PROGRAMS. The Executive Director, Special Programs:

2.3.1. Sponsors and approves operational-level agreements for contract management support requested by the external customers working SAPs or programs requiring SCI.

2.3.2. Assigns staff to facilitate the development, coordination, publication, notification, and files maintenance process of classified organizational-level MOAs for contract management support (e.g., AOs, administrators, analyst).

2.3.3. Maintains a library of all active and inactive, classified, operational-level MOAs.

2.4. EXECUTIVE DIRECTOR, PORTFOLIO MANAGEMENT AND INTEGRATION (DCMA-PI). The Executive Director, Portfolio Management and Integration:

2.4.1. Manages the development, coordination, publication, notification, and files maintenance process of unclassified enterprise-level MOAs for contract management support.

2.4.2. Forecasts the initial development and periodic update of enterprise-level, external customer agreements in the annual DCMA Customer Engagement Plan.

2.4.3. Communicates to the Agency when an enterprise-level agreement is signed, significantly revised, or rescinded/terminated.

2.4.4. Maintains a library of all active and inactive, unclassified, enterprise-level MOAs.

2.4.5. Assigns staff to facilitate the development, coordination, publication, notification, and files maintenance process of unclassified enterprise-level MOAs for Contract Management support (e.g., Service Portfolio Division Directors, Customer Liaison Representatives, and Policy Performance Advocate(s)).

2.5. EXECUTIVE DIRECTOR, FINANCIAL AND BUSINESS OPERATIONS/ COMPTROLLER. The Executive Director, Financial and Business Operations/Comptroller:

2.5.1. Advises the DCMA Director, Deputy Director, and other component heads on the financial impacts related to MOAs for contract management.

2.5.2. Reviews and coordinates on all pending MOAs involving the commitment of DCMA resources or financial management support.

2.6. OFFICE OF GENERAL COUNSEL. The DCMA-GC, as needed and as required:

2.6.1. Provides legal advice and recommendations pertaining to the governing authority and regulations permitting DCMA (and organizational elements within the Agency) to enter into agreements with external customers for the purpose of providing contract management support.

2.6.2. Assists AOs in drafting and/or reviewing MOA documents.

2.7. CMO COMMANDERS/DIRECTORS. CMO Commanders/Directors:

2.7.1. Document Contract Management support agreements with PMOs as specified in DCMA-INST 205 (Reference (o)).

2.7.2. Assign AOs (normally program integrators (PI)) to develop, coordinate, publish, and maintain MOAs for Contract Management Support. Communicate the status of each agreement with all members of the impacted Product Support Team and the cognizant Service Portfolio Division Director in DCMA-PI.

2.7.3. Maintain a local library of all active and inactive CMO-level MOAs.

NOTE: Special Programs CMO's shall post and/or store signed MOAs in accordance with Program Security requirements.

CHAPTER 3

PROCEDURES

3.1. OVERVIEW. This chapter provides high-level procedures for initiating, coordinating, staffing, executing, and archiving MOAs focused on contract management support. Enterprise and operational-level agreements require close adherence to established administrative procedures and will dictate the appropriate component head or Agency leader signature. CMO-level agreements will follow the tenants established by the DCMA-INST 205 (Reference (o)) and the minimum contents set forth for an MOA. The Policy Resource Web Page provides AOs with tools necessary to create new agreements such as template documents and links to guiding administrative procedures for the coordination, staffing, executing, and archiving of agreement documents. See the DCMA Correspondence Manual, Reference (q).

3.2. SPECIAL PROGRAMS MOA ACTIONS.

3.2.1. The Executive Director, Special Programs establishes MOAs with external customers working SAPs or programs requiring SCI.

3.2.1.1. Signed, Special Program MOAs are filed and/or archived in accordance with program security requirements.

3.2.1.2. The Executive Director, Special Programs maintains surveillance of classified MOA administrative files.

3.2.2. Special Programs CMOs adhere to applicable program security requirements when determining who in the Agency they invite to participate on an agreement development team, parties to coordinate with for staffing, and team members to inform upon execution.

3.3. ENTERPRISE-LEVEL MOA SOURCES. Enterprise-level MOAs will typically originate from:

3.3.1. Goals and objectives communicated and sponsored by the DCMA Director.

3.3.2. As a direct result of a workload acceptance decision.

3.3.3. When the commitment of resources from two or more component heads is needed to support an agreement with an external customer.

3.3.4. When the relative importance of a particular external customer rises to Agency Director-level.

3.4. ENTERPRISE-LEVEL MOA LIBRARY.

3.4.1. A DCMA-PI Policy, Tools, and Training Branch, Performance Advocate (PTT PA) maintains surveillance of unclassified enterprise-level MOAs filed in the DCMA Portal Reference Library, MOA Library.

3.4.1.1. Based on the anniversary month of the final signature date, the PTT PA identifies existing enterprise-level MOAs requiring an annual review on a monthly basis and initiates annual review procedures.

3.4.1.2. Upon completion of the enterprise-level MOA annual review, the PTT PA:

3.4.1.2.1. Marks the document as current, identifies the most recent annual review date, and re-posts the active, current enterprise-level MOA to the DCMA Portal Reference Library, MOA Library.

3.4.1.2.2. Marks the document as rescinded or terminated, identifies the decision date, and moves the marked document to the Archive folder in the DCMA Portal Reference Library, MOA Library. Retain in accordance with DCMA Record Retention Schedule Section 400.03a (Reference (m)).

3.5. ENTERPRISE-LEVEL MOA ANNUAL REVIEW ACTIONS.

3.5.1. Each month, the PTT PA identifies those enterprise-level MOAs that require an annual review and initiates data mining event(s) to extract 12 months of performance-related DCMA information to support the annual review process. See Policy Resource Web Page, MOA Process Flow 2.

3.5.2. *The PTT PA coordinates* with the DCMA-PI Analysis and Information Integration Branch and/or the Financial and DCMA-FB International and Federal Business Division (DCMA-FBR) to extract data such as: *(C1)*

- Number of contracts supported and value
- Full time equivalent positions dedicated to support the MOA (if applicable)
- Reimbursable account status (if applicable)
- PLAS statistics (if assigned)
- Qualitative analysis from business conducted over the past 12 months

3.5.3. The PTT PA prepares an MOA review decision package for staffing and secures the DCMA-PI Executive Director recommendation to share with the cognizant DCMA-PI Service Portfolio Division (SPD) *or Joint Portfolio Division (JPD)* Director. *(C1)*

3.5.3.1. The SPD*/JPD* Director engages the MOA specific external customer to jointly determine the accuracy, currency, and/or necessity of the enterprise-level MOA. *(C1)*

3.5.3.1.1. Parties may make administrative and/or minor changes without securing formal signatures by the approving authorities. Document approval of administrative/minor changes through the use of email concurrence or by employing initialed pen-and-ink changes (on a hard copy document) and scanning/digitizing the revised and updated document.

3.5.3.1.2. Significant revisions will require both parties to renegotiate the agreement and obtain formal approving authority signatures. See Policy Resource Web Page, MOA Process Flow 3 for the procedures on initiating a new MOA or significantly revising an existing MOA.

3.5.3.2. If the cognizant SPD/*JPD* Director verifies with the external customer that the MOA is current and still required, notify the PTT PA and provide documented changes of any minor administrative updates instituted during the annual review. The PTT PA will take the actions identified in paragraph 3.4.1.2.1. and include any administrative updates into the newly re-posted MOA. *(C1)*

3.5.3.3. If the cognizant SPD/*JPD* Director verifies with the external customer that the MOA is no longer required or obsolete in its current form, notify the PTT PA of this determination. *(C1)*

3.5.3.3.1. The PTT PA coordinates with DCMA-PI Executive Director and in-turn the DCMA Director for an MOA decision.

3.5.3.3.2. The decision authority will determine if the Agency should pursue new/revised MOA or agree with rescinding per the customer recommendation.

3.5.3.3.2.1. If rescinded or terminated, the PTT PA prepares a memorandum for the DCMA-PI Executive Director signature notifying the external customer and DCMA personnel of that fact.

3.5.3.3.2.1.1. The cognizant SPD/*JPD* Director notifies the external customer and provides a copy of the DCMA rescission/termination letter. *(C1)*

3.5.3.3.2.1.2. The PTT PA will follow the procedures in paragraph 3.4.1.2.2.

3.5.3.3.2.2. If the decision authority determines that the Agency should pursue new/revised MOA, refer to Policy Resource Web Page, MOA Process Flow 3 for the procedures on initiating a new MOA or significantly revising an existing MOA.

3.6. INITATING A NEW OR REVISED ENTERPRISE-LEVEL MOA.

3.6.1. DCMA-PI manages the development, coordination, publication, notification, and files maintenance processes of unclassified enterprise-level MOAs for contract management support.

3.6.2. Once the DCMA Director, DCMA-PI Executive Director, DCMA component head (sponsor) or workload acceptance decision authority conveys a need for new (or revised)

enterprise-level MOA, the PTT PA will coordinate with the cognizant SPD/*JPD* Director to initiate contact with a principal focal point in the external customer organization. *(C1)*

3.6.3. The cognizant SPD/*JPD* Director will engage a principle focal point in the external customer's organization to: *(C1)*

- Refine requirement(s)
- Specify DCMA support potential (in terms of knowledge, skills, resources, etc.)
- Seek agreement in the need for an MOA and for a timetable to set in-place

3.6.4. If the external customer **does not** agree with the need for an MOA, the SPD/*JPD* Director will convey that information to the DCMA-PI Executive Director and PTT PA, so that the MOA action item may be closed and the message is shared with the Agency stakeholders. *(C1)*

3.6.5. If the external customer agrees with the need for an MOA, the cognizant SPD/*JPD* Director negotiates Agency support with the external customer and provides the customer's requirements in a written document to an enterprise-level agreement AO (normally within DCMA-PI) . *(C1)*

3.6.6. The enterprise-level AO forms an agreement development team comprised of subject matter experts (as needed) and an Operational Directorate AO.

3.6.7. When the agreement development team creates a draft MOA, provide the draft to the PTT PA who will initiate formal coordination with Agency stakeholders following procedures specified in the DCMA Correspondence Manual (Reference (q)). Consider socializing the document with the external customer to familiarize the terms and conditions prior to a more formal external staffing.

3.6.8. The PTT PA compiles inputs/recommendations from Agency stakeholders and documents the internal Agency staffing process. Then, returns the draft, marked-up MOA document with Agency stakeholder recommendations to the enterprise-level AO for consideration, adjudication, and for additional negotiation with the external customer (as needed).

3.6.9. The cognizant SPD/*JPD* Director coordinates MOA stakeholder inputs and perspectives with the DCMA-PI Executive Director and DCMA Director in-turn. Ask the Director for "Go – No Go" determination. *(C1)*

3.6.9.1 If the DCMA Director determines that an MOA is not in the best interest of the Agency (based on input and perspectives of the Agency stakeholders), the DCMA-PI Executive Director or SPD/*JPD* Director will inform the external customer of the DCMA Director's decision. *(C1)*

3.6.9.2. The PTT PA documents the Director's determination in an MOA Archive File. Retain in accordance with DCMA Record Retention Schedule Section 400.03a (Reference (m)).

3.6.9.3. If the DCMA Director determines that the team should continue to execute the MOA, the SPD/*JPD* Director will re-engage the external customer focal point (as needed) with a "revised draft" MOA document for staffing within the external customer's chain of command for an approving authority signature. *(C1)*

3.6.10. Once the cognizant SPD/*JPD* Director secures an external customer approving authority signature, return the signed document to the PTT PA for internal DCMA staffing for signature. The PTT PA will follow the procedures specified in the DCMA Correspondence Manual (Reference (q)) for staffing a document for the DCMA Director's signature. *(C1)*

NOTE: Take action to ensure that DCMA-GC conducts a final review of the MOA document prior to sending the package into the DCMA Director's office for final signature.

3.6.11. When the DCMA Director signs and executes the MOA, the PTT PA:

3.6.11.1. Furnishes a copy of the signed document to the cognizant SPD/*JPD* Director who will in-turn provide it to their external customer focal point and a courtesy copy to the enterprise AO. *(C1)*

3.6.11.2. Takes action to inform the Agency of this new/revised MOA by drafting and staffing for signature a DCMA-PI Executive Director Information Memorandum advertising the new/revised agreement. Follow procedures specified in the DCMA Correspondence Manual (Reference (q)).

3.6.11.3. Uploads a signed copy of MOA to the DCMA Portal Reference Library, MOA Library. Maintains a hard copy of the signed MOA in the DCMA-PI Directorate files.

3.7. OPERATIONAL-LEVEL MOA ACTIONS.

3.7.1. Operational-level AOs manage MOA development, coordination, publication, notification, and maintenance processes for their respective component heads.

3.7.1.1. The Policy Resource Web Page provides AOs with tools necessary to create new agreements such as template documents and links to guide administrative procedures for the coordination, staffing, executing, and archiving of agreement documents. See the DCMA Correspondence Manual (Reference (q).

3.7.1.2. Take action to ensure that DCMA-GC conducts a final review of the MOA document prior to sending the package to the component head for final signature.

3.7.2. Upload a signed copy of the MOA to an electronic file repository that may be accessed and referred to when conducting annual MOA reviews. Furnish final, signed copies to other parties involved in the MOA.

3.7.3. Operational-level AOs informs Agency stakeholders of any new or revised operational-level MOAs by drafting and staffing for signature a component head Information Memorandum advertising the new/revised agreement. Follow procedures specified in the DCMA Correspondence Manual (Reference (q)).

3.7.4. DCMA organizations and personnel who support the customer take action to review and comply with terms of the agreement.

3.7.5. When an operational-level MOA is rescinded/terminated, the AO:

3.7.5.1. Notifies applicable personnel that the MOA was rescinded/terminated.

3.7.5.2. Marks the electronic document as rescinded/terminated (include date) and moves the MOA document into an archive folder. Retain in accordance with DCMA Record Retention Schedule Section 400.03a (Reference (m)).

3.8. CMO-LEVEL MOA ACTIONS.

3.8.1. CMOs document support beyond normal CAS functions with PMOs by employing comprehensive MOAs or simple, concise LOCs.

3.8.2. Lead CMO PIs, or PIs reporting to the Lead Platform Commander (if applicable) coordinate the development of overarching agreements with the Program Manager (PM), and the PI/Program Support Teams (PST), and Support PIs/Teams of the other CMOs.

3.8.3. CMOs employ MOAs and LOCs as bi-lateral or multi-lateral documents endorsed by the CMO Commanders/Directors and PM identifying the goals of DCMA support, to document communication frequency and types, points of contact, and other value added information.

3.8.4. The agreement should contain the minimum content addressed in the DCMA-INST 205 (Reference (o)).

3.8.5. CMOs (normally through their PI) upload the final, signed, and executed MOA into the PEO Project Program Folder in the DCMA-PI Customer Engagement Community in the Portal. (From the DCMA-PI Web page, follow posted instructions to upload the MOA into the portal community.) When a CMO-level MOA is signed, the proponent alerts applicable CMO team members and members of the PST.

3.8.6. CMOs (through their PIs and PSTs) conduct annual reviews of their MOA(s) and update or revise them (as needed) in coordination with the PMO. CMOs post the updated MOA(s) in the PEO Project Program Folder in the DCMA-PI Customer Engagement Community in the Portal. (From the DCMA-PI Web page, follow posted instructions to upload the MOA into the portal community.)

3.8.7. When a CMO-level MOA is rescinded/terminated, the CMO Commander/Director (normally through their PI):

3.8.7.1. Notifies applicable personnel that the MOA was rescinded/terminated.

3.8.7.2. Mark the electronic document as rescinded/terminated (include date) and move the MOA document into an archive folder. Retain in accordance with DCMA Record Retention Schedule Section 400.03a (Reference (m)).

APPENDIX A

PROCESS FLOWCHARTS

A.1. OVERVIEW. The process flowcharts for this Instruction focus on procedures associated with unclassified, enterprise-level MOAs and capture:

- Maintaining surveillance of the unclassified, enterprise-level MOAs
- Conducting annual reviews of the unclassified, enterprise-level MOAs
- Initiating a new or revised unclassified, enterprise-level MOA

Access the three process flowcharts from the Policy Resource Web Page.

GLOSSARY

DEFINITIONS

Approval Authority. Agency leaders, component heads, or commanders/directors for whom a signature will be placed on the formal agreement for contract management. This term may also be applied to the external customer's signatory.

Component. An organization within DCMA whose leader reports directly to the Director.

Component Head. The leader of a DCMA organization that reports directly to the Director.

Interagency Agreement (IA). An agreement between a DoD Component and a non-DoD, federal entity or organization (e.g., Department of Homeland Security, Federal Aviation Administration, Environmental Protection Agency, etc.).

Memorandum of Agreement (MOA). Formal agreements negotiated between DCMA entities and external customers for the purpose of facilitating DCMA contract administration support, establishing formal management communication channels, and/or clarifying boundaries for new work requests. It includes either a commitment of resources or binds a party to a specific action.

Memorandum of Understanding (MOU). Documents general areas of understanding between DCMA entities and external customers. An MOU does not normally require reimbursement. It neither includes a commitment of resources nor binds a party to any specific action.

Operational Directorate. One of three operational components of DCMA: Operations Directorate, Special Programs Directorate, and DCMA International.

Performance Advocate (PA). DCMA personnel who manage the policy, tools, training, and performance indicators associated with this Instruction.

Performance Indicator (PI). Standard or criteria used by an organization to evaluate its success or the success of a particular activity. Typically, DCMA PIs are automated and reported monthly in Metric Studio.

Policy Resource Web Page. A component maintained Web site containing policy information relating to a particular policy publication. It contains all pertinent hyperlinks to the policy to include additional guidance, tools, related correspondence/memorandums, training, point of contact, forms, templates, higher level statutory/regulatory documents, performance metrics/ standards, etc.

GLOSSARY

ACRONYMS

AO	action officer
CAS	contract administration services
CIL	critical information list
CMO	contract management office
DCMA-FB	Financial and Business Operations Directorate
DCMA-FBR	International and Federal Business Division (within DCMA-FB)
DCMA-GC	Office of General Counsel
DCMA-INST	DCMA Instruction
DCMA-PI	Portfolio Management and Integration Directorate
DFARS	Department of Defense Federal Acquisition Regulation Supplement
FAR	Federal Acquisition Regulation
FEDCAS	Federal Directory of Contract Administration Services (CAS) Components
HQ	headquarters
JPD	*joint portfolio division (C1)*
LOC	letter of commitment
MOA	memorandum of agreement
MOU	memorandum of understanding
OPSEC	operations security
OPR	office of primary responsibility
OUSD	Office of the Under Secretary of Defense
PEO	program executive officer
PI	program integrator
PLAS	Performance Labor Accounting System
PM	program manager
PST	program support team
PTTPA	Policy, Tools, and Training Branch, Performance Advocate
RDP	Reciprocal Defense Procurement
SAP	special access program
SCI	sensitive compartmented information
SPD	service portfolio division