



1. PURPOSE

This document provides SPAWAR Claimancy policy and procedures for processing acquisitions using non-Department of Navy (DoN) and non-Department of Defense (DoD) contracts.

Related guidance is available under CMPG section [1.2.1.3.1 Non-DoD Contracts](#)

2. POLICY

Acquisitions using Non-DoN contracts can be accomplished through **inter-agency** and **intra-agency** acquisition procedures.

- **Inter-agency** acquisition is a procedure by which SPAWAR (the requesting agency) obtains needed supplies or services from a contract of another agency outside of DoD (the servicing agency) (e.g. GSA, DoE).
- **Intra-agency** acquisition is similar, but it instead obtains needed supplies or services from a contract of a non-DoN agency inside of DoD (the servicing agency) (e.g. Army).

Although both types of acquisition procedures may fall under the **Economy Act** ([31 U.S.C. 1535](#)), described below, the specific regulatory requirements pertaining to each will differ (e.g. GSA and GWACs except from Economy Act).

Inter-agency and **Intra-agency** acquisitions can either be obtained using **assisted acquisition** or **direct acquisition** means.

- **Assisted acquisition** is a means in which the *servicing* agency is responsible for providing customized support for the order, including award and administrative functions such as development of procurement documentation and post-award task management (e.g. Interdepartmental Purchase Request (IPR) funds to GSA to have GSA place an order for SPAWAR). It is important to note that both intra-agency and inter-agency acquisitions may be structured as either a direct or assisted acquisitions depending upon the nature of the contract vehicle and the order requirements. The requirements for each of these types of procurements are unique and will be covered below.
- **Direct acquisitions** is a means in which the requesting agency places an order directly against an existing Indefinite Delivery contract vehicle which is maintained by a servicing agency. Thus a SPAWAR Contracting Officer issues the order and assumes the administrative functions necessary to order supplies or services even though the servicing agency manages the contract vehicle (e.g. SPAWAR PCO places order against GSA or NASA SEWP contract).

As described above, this SCPPM document applies to both intra-agency and inter-agency procurements. It may be advantageous for DoN Program Managers to leverage DoD contract vehicles outside of the DoN when doing so may allow for greater efficiency or cost savings to the Government. DoD encourages the use of non-DoD contracts to meet DoD requirements. Contracting Officers must ensure the contract is properly awarded/administered, is in the best interest of the Department, and is essential to meet DoD needs. It is of critical important that the Program Office ensure full awareness by the product/service end-user of the total costs of all fees associated with the use of a non-DoN or non-DoD contracting vehicle. The decision to continue with a proposed acquisition given additional fees must be part of the documentation supporting the business decision to pursue an intra-agency or inter-agency acquisition (See [DPAP Memorandum - Interagency Acquisitions dated 11 Jun 2014](#)).

The Economy Act ([31 U.S.C. 1535](#)) provides the authority for *both* intra-agency and inter-agency procurements where no other specific governing authority exists. [FAR Subpart 17.5](#) sets forth the processes required to place an order under the Economy



Act. It is important to note that the Economy Act provisions do not apply to Federal Supply Schedule (FSS) contracts and Government-wide Acquisition Contracts (GWACs). Other types of assisted acquisitions leveraging contracts maintained by non-DoD agencies will also frequently fall outside of the Economy Act because their use is governed by specific statutory authority.

[FAR 17.502-02](#) requires that each order placed, citing the Economy Act as authority, be supported by a written Determination and Finding (D&F) which states that the use of an interagency acquisition is in the best interest of the Government and that the supplies or services cannot be obtained as conveniently or economically by contracting directly with a private source. The D&F requirement **does not** apply in the case of intra-agency acquisitions (See [DASN\(FM&C\) Manual dated Dec 2015](#)). There are exceptions, such as when placing an order on an Army contract vehicle (this requires a D&F). The D&F requirement applies to both direct and assisted inter-agency acquisitions. At SPAWAR, the approving authority for most Economy Act D&Fs is the HCA; Navy/DoD Economy Act D&Fs are delegated to SPAWAR 2.0/2.0A (See [SPAWAR Delegation of Authority for Procurement Matters memo dated 1 May 2015](#))(See  [Determination and Findings](#) SCPPM for further information on Economy Act D&Fs).

Certain provisions of FAR 17.5 only apply in cases where assisted acquisitions are required. Per [FAR 17.502-2\(c\)\(1\)\(iii\)](#), if the Economy Act order requires a contract action by the servicing agency, the D&F must also include a statement that at least one of the following circumstances applies:

- (A) 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.
- (B) The servicing agency has the capability or expertise to enter into a contract for such supplies or services that is not available within the requesting agency.
- (C) The servicing agency is specifically authorized by law or regulation to purchase such supplies or services on behalf of other agencies.

3. RESPONSIBILITIES

Responsibilities of each stakeholder in the contracting process for both intra-agency and inter-agency procurements varies depending upon which type of order is being placed, and if the acquisition is direct or assisted. This document describes the roles and responsibilities of the DoN Program Manager, Business Financial Manager and Contracting Officer/Department for each type of acquisition described herein. Although the Program Manager maintains primary responsibility for ensuring compliance with the regulations, policies and guidance provided within this document, this individual must work in concert with all other process stakeholders to ensure proper execution of each order.

3.1 Intra-Agency Acquisitions

3.1.1. DIRECT ACQUISITIONS

The **Program Manager** must:

- Coordinate with the DoD agency which holds the contract to ensure that:
 - a. The contract includes the proper scope to cover the DoN requirement;
 - b. The contract possesses sufficient remaining ceiling to cover the DoN requirement;
 - c. The contract ordering period extends far enough to cover the Program Office's planned schedule;



- Ensure that the business decision to use a non-DoN contract is thoroughly described within the procurement documentation (Acquisition Plan and Acquisition Strategy as necessary, and PPSM documents).

The **Business Financial Manager** must:

- Ensure that funds are available and appropriate for the procurement action.

The **Contracting Officer** must:

- Coordinate with the Program Manager and the DoD agency which holds the contract to ensure that the requirement, timeframe, and contract specifics are understood.
- Prior to placing an order against another agency's contract vehicle, the Contracting Officer shall make a determination that use of another agency's contract vehicle is the best procurement approach.
- Coordinate with the Business Financial Manager to ensure that the funding/funding document is provided to the SPAWAR Contracting Office for placement on the non-DoN contract.
- Take the action to place the order on the non-DoN contract, including ensuring that all required procurement documentation is complete and accurate prior to submitting a Request for Proposal (RFP).
- Provide the non-DoN component with any unique requirements, terms and conditions associated with the acquisition.
- Review terms and conditions, and ensure that all appropriate/required clauses are included.

3.1.2. ASSISTED ACQUISITIONS

The **Program Manager** must:

- Coordinate with the DoD agency which holds the contract to ensure that:
 - a. The contract includes the proper *scope* to cover the DoN requirement;
 - b. The contract possesses sufficient remaining *ceiling* to cover the DoN requirement;
 - c. The contract *ordering period* extends far enough to cover the Program Office's planned schedule;
 - d. Points of Contact (POC) within the servicing agency Contracting Office are identified;
 - e. Any *fees* associated with ordering are properly understood, which may include contract usage fees and servicing fees (to pay the agency for the work performed by its contracting staff).
- Ensure that the business decision to use a non-DoN contract is thoroughly described within the procurement documentation (Acquisition Plan and Acquisition Strategy as necessary, and PPSM documents), which may include justification for fees associated with the assisted acquisition.

The **Business Financial Manager** must:

- Ensure that funds are available and appropriate for the procurement action.
- When required by the servicing agency, issue a IPR/Military Interdepartmental Purchase Request (MIPR) to the servicing agency in order to allow the Contracting Officer at that agency to place the funds on contract.

The **Contracting Officer/SPAWAR 2.0** must:

- Make a determination that use of an intra-agency acquisition represents the best procurement approach. This determination includes an analysis that the other agency contract vehicle satisfies the schedule, performance and delivery requirements; and is cost effective; and will result in proper use of funds taking into account appropriation limitations.



- Provide the non-DoN component with any unique requirements, terms and conditions associated with the acquisition.
- Where a IPR/MIPR is required, 2.0/2.0A is responsible for providing approval for the IPR/MIPR action to provide the money to the servicing agency.

3.2 Inter-Agency Acquisitions

3.2.1 DIRECT ACQUISITIONS

The **Program Manager** must:

- Coordinate with the non-DoD agency which holds the contract to ensure that:
 - a. The contract includes the proper *scope* to cover the DoN requirement;
 - b. The contract possesses sufficient remaining *ceiling* to cover the DoN requirement;
 - c. The contract *ordering period* extends far enough to cover the Program Office's planned schedule;
- If the order is being placed under the Economy Act, ensure that a D&F has been drafted and approved by the HCA or 2.0/2.0A for Navy/DoD orders, prior to issuance of an RFP.
- Ensure that the business decision to use a non-DoD contract is thoroughly described within the procurement documentation (Acquisition Plan and Acquisition Strategy as necessary, and PPSM documents).

The **Business Financial Manager** must:

- Ensure that funds are available and appropriate for the procurement action.

The **Contracting Officer** must:

- Coordinate with the Program Manager and the non-DoD agency which holds the contract to ensure that the requirement, timeframe, and contract specifics are understood.
- Coordinate with the Business Financial Manager to ensure that the funding is provided to the SPAWAR Contracting Office for placement on the non-DoD contract.
- Prior to placing an order against another agency's contract vehicle, the Contracting Officer shall make a determination that use of another agency's vehicle is the best procurement approach. This determination includes analysis of the suitability of the contract vehicle; the value of using the contract vehicle (any cost savings from using an existing vehicle and reasonable access fees); the expertise of the requesting agency to place orders and administer them.
- Take the action to place the order on the non-DoD contract, to include ensuring all procurement documentation (including the D&F) is complete and accurate prior to RFP.
- Review terms and conditions as well as ensuring the use of appropriate/required clauses.
- Check the OSD website to ensure the non-DoD agency has certified that they will comply with defense procurement regulations including DoD Financial Management requirements (See http://www.acq.osd.mil/dpap/cpic/cp/interagency_acquisition.html).

3.2.2 ASSISTED ACQUISITIONS

The **Program Manager** must:

- Coordinate with the non-DoD agency which holds the contract to ensure that:
 - a. The contract includes the proper *scope* to cover the DoN requirement;
 - b. The contract possesses sufficient remaining *ceiling* to cover the DoN requirement;
 - c. The contract *ordering period* extends far enough to cover the Program Office's planned schedule;



- d. Points of Contact (POC) within the servicing agency Contracting Office are identified;
- e. Any *fees* associated with ordering are properly understood, which may include contract usage fees and servicing fees (to pay the agency for the work performed by its contracting staff).
- If the order is being placed under the Economy Act, ensure that a D&F has been drafted and approved by the HCA or 2.0/2.0A for Navy/DoD orders, prior to issuance of an RFP. As a reminder, the D&F in support of an assisted inter-agency acquisition must contain a set of specific provisions in addition to those necessary for a direct inter-agency acquisition, as described within [FAR 17.502-2\(c\)\(1\)\(iii\)](#). The Economy Act D&F is to be approved at the SPAWAR HCA level or SPAWAR 2.0/2.0A level for Navy/DoD Economy Act D&Fs.
- Ensure that the business decision to use a non-DoD contract is thoroughly described within the procurement documentation (Acquisition Plan and Acquisition Strategy as necessary, and PPSM documents), which may include justification for fees associated with the assisted acquisition.

The **Business Financial Manager** must:

- Ensure that funds are available and appropriate for the procurement action.
- When required by the servicing agency, issue a IPR/MIPR to the servicing agency in order to allow the Contracting Officer at that agency to place the funds on contract.

The **Contracting Officer/SPAWAR 2.0** must:

- Make a determination that use of an interagency acquisition represents the best procurement approach. At a minimum the determination shall include an analysis of procurement approaches, including and evaluation by the requesting office that the acquisitions satisfies the schedule, performance and delivery requirements; is cost effective; and will result in the appropriate use of funds, taking into account appropriations limitations.
- Provide the non-DoN component with any unique requirements, terms and conditions associated with the acquisition.
- Where a IPR/MIPR is required, 2.0/2.0A is responsible for providing approval for the IPR/MIPR action to provide the money to the servicing agency.

4. PROCEDURE

4.1 Ensure Continuous Collaboration between Process Stakeholders

It is critical that the DoN Program Office which holds the requirement coordinate with the Business Financial Manager, the cognizant Contracting Office and the Legal department early in the planning process to ensure that all parties understand their roles and responsibilities as well as any unique terms and conditions associated with the contract vehicle. All parties should reach a common understanding of the process necessary to place the order on contract before beginning to draft supporting documentation.

4.2 Conduct Strategic Market Research to Identify Contracts Suitable for Use

The Program Office should regularly review existing contract vehicles both within and outside of DoD to determine if any of these vehicles may possess suitable scope to cover its set of requirements. This type of review may be conducted as part of the [Strategic Market Research](#) process. The following tools may be applied:

- Review links to the Air Force, Army and other Navy sites on the [E-Commerce Central](#) website.
- Review existing [MACs](#) and [GWACs](#) for direct acquisitions.



- Review the list of non-Defense agencies that have certified compliance with DoD procurement requirements and established agency agreements on the [DPAP Interagency Acquisition](#) page.

4.3 Developing and Documenting the Business Decision

It is important for the Program Office to obtain detailed information from the agency which holds the contract during the planning phase in order to make a sound business decision. This business decision should include an assessment of the length of time estimated to place the order on contract to ensure that this timeframe is acceptable for the requirement in question. The decision-making process should also involve analysis of any fees that may be associated with contract usage. For example, some non-DoN contracts may require funding for all the contract administration functions. While agreeing to pay these fees may allow the Program Office to access certain contract vehicles and benefit from the contracting organization's unique expertise, the decision to pursue this type of arrangement should be weighed against the Program Office's budgetary constraints to ensure the best usage of available dollars.

The Program Office must carefully document the outcome of its strategic analysis when preparing to issue the RFP, including within the D&F (where applicable).

The documentation must show:

- That the planned contract action is in the best interests of DoD in terms of satisfying customer requirements;
- Cost effectiveness (including all fees);
- Delivery schedule, availability of suitable contracts within DoD;
- Contract administration; and
- Any other applicable considerations.

The end-users of the product/service being acquired must also be fully aware of all additional costs/fees associated with the type of acquisition that is planned (See [DPAP Memorandum - Interagency Acquisitions dated 11 Jun 2014](#)).

4.4 Additional Contracting Considerations

Applicable DoD/DON/SPAWAR unique terms and conditions should be provided to the assisting activity and incorporated into the contract. These may include the following considerations.

- Service Contracts must (1) obtain PBSA waiver approvals required by [NMCARs 5237.170-2\(b\)](#) following [Performance Based Service Acquisition](#) SCPPM and (2) ensure acquisition strategy aligns with [MOPAS 2](#) SCPPM.
- Draft [FSS](#) order and include DFARS clauses and provisions - see [Toolbox](#).

Note: Non-DoN Organizations may have **local procedures** that require additional documentation or affect the contracting/ordering process.

1. **Army** requires an Economy Act [D&F](#), even though the Navy does not require it (see [Fiscal Management Policy Manual Sec 03161.1a - D&F Requirements under Economy Act Order - DASN\(FM&C\) Manual dated Dec 2015](#))
2. **Department of Energy (DoE)** has special rules and documentation described in [DoD-Wide Policy for Using DoE's WFO Program to Access DoE-Owned Research, Development, and Production Facilities through Interagency Agreements](#).
3. Interagency requests for furniture to **Department of Interior (DoI)** Acquisition Services Directorate (AOD) are prohibited *after July 1* of any FY.

4.5 Interagency Agreements

An Interagency Agreement (IA) is a document which defines the terms of cooperative work which will occur between Federal agencies or between departments



within the same Federal agency. These documents describe the scope of the work that is to be performed and roles and responsibilities of each of the parties to the agreement. Examples of IAs include a Memorandum of Understanding (MOU), Memorandum of Agreement (MOA), GWAC, and cooperative research and development agreement.

A particular planned contract action may already be covered by an IA. Check [DPAP Interagency Acquisition](#) page for existing interagency agreements and related memos. In a direct acquisition, the SPAWAR Contracting Officer administers the order under an existing contract with an established IA. In order to develop a new IA, follow [OFPP](#) guidance, [Improving the Management and Use of Interagency Acquisitions](#) and the guidelines provided in [Meeting DoD Requirements Through Interagency Acquisition](#).

5. APPROVALS

Any funds sent outside the command, to a non-DoD agency, requires SPAWAR 2.0/2.0A review and approval. SPAWAR 2.0/2.0A uses the [IPR](#) for Non-DoD Contracts (🔗 [2.0 Review of IPR for Non-DoD Contract Action](#)). Financial Managers (HQ and Echelon 3) shall reject any [IPR](#) over [SAT](#) that would result in an order placed outside the command until the action has been approved by SPAWAR 2.0/2.0A (See ✅ [Proper Use of Non-DoD Contracts](#) SCPPM for further information)

The following approval thresholds apply for both intra-agency and inter-agency procurements.

5.1 Direct Acquisitions

Threshold (x)	Review Authority	Approval Authority
5.1.1 SPAWAR HQ AND PEO		
$\$5M < x \leq \$50M$	SPAWAR 2.0 PCO	SPAWAR 2.0 Branch Head
$x > \$50M$	SPAWAR 2.0 Branch Head	SPAWAR 2.0/2.0A
5.1.2 SPAWAR FIELD ACTIVITIES*		
$\$3M < x \leq \$50M$	TBD by Local Procedures	Executive Director SSC/Chief of the Contracts Office
$x \leq \$3M$	TBD by Local Procedures	TBD by Local Procedures

* SSC-PAC guidance is in the [Toolbox](#) below.

5.2 Assisted Acquisitions

Threshold (x)	Review Authority	Approval Authority
5.2.1 SPAWAR HQ AND PEO		
$x > \$500M$	2.0/HCA/DASN ACQ	ASN(RDA)
$\$50M < x \leq \$500M$	PEO/SPAWAR 2.0/HCA Commander SPAWAR	DASN(AP)
$\$15M < x \leq \$50M$	PEO/SPAWAR 2.0	HCA – Commander SPAWAR HQ (Delegated to 2.0/2.0A)
$\$5M < x \leq \$15M$	PM/DPM	SPAWAR 2.0/2.0A
$\$150K < x \leq \$5M$	PM/DPM	PM/DPM
5.2.2 SPAWAR FIELD ACTIVITIES		
$x > \$550M$	2.0/HCA/DASN ACQ	ASN(RDA)
$\$50M < x \leq \$550M$	PEO/SPAWAR 2.0/HCA	DASN(AP)



Threshold (x)	Review Authority	Approval Authority
	Commander SPAWAR HQ	
$\$5M < x \leq \$50M$	SPAWAR 2.0	HCA Commander SPAWAR HQ
$x < \$5M$	TBD by Local Procedures	Commanding Officer/Executive Director

6. TOOLBOX

6.1 Memos and Guides

1. [Interagency Acquisitions](#) – DPAP, Jun 2014
2. [Interagency Acquisitions Guide](#) - OMB – OFPP, Nov 2008
3. [Meeting DoD Requirements Through Interagency Acquisition](#) - USD(AT&L), Oct 2008
4. [Management and Use of Interagency Acquisitions](#) – OFPP, Jun 2008
5. [Interagency Acquisition Memos](#) - DASN(AP), Nov 2008; DPAP, Oct 2008; and OFPP, Jun 2008
6. [Interagency Acquisition with Dept. of Interior/Acquisition Services Directorate](#) - DASN(AP), Apr 2008 (Furniture restriction)
7. [Proper Use of Non-DoD Contracts](#) – SPAWARCOM, Dec 2004
8. [Proper Use of Non-DoD Contracts](#) - ASN(RDA), Dec 2004
9. [Proper Use of Non-DoD Contracts](#) – USD(AT&L), Oct 2004
10. [Non-Economy Act Orders with Non-DoD Agencies](#) – Jan 2007
11. [DoDI 400.19 Support Agreements](#) – USD(AT&L), Apr 2013
12. [Fiscal Management Policy Manual Sec 03161.1a - D&F Requirements under Economy Act Order - DASN\(FM&C\) Manual](#) – Dec 2015
13. [SPAWAR Delegation of Authority for Procurement Matters memo](#) - 1 May 2015

6.1.1 DIRECT ACQUISITIONS

1. [Suggested DFARS Clauses and Agency unique provisions to include in GSA FSS orders/contracts](#)
2. [DoD-Wide Policy for Using DoE's WFO Program to Access DoE-Owned Research, Development, and Production Facilities through Interagency Agreements](#) – DPAP, Jul 2014
3. [Revision to DoD Prohibition on DoI Acquisition Services Directorate](#) – DPAP, Mar 2008

6.1.2 SSC-PACIFIC

1. [Procedures for Acquiring Supplies and Services from an Agency Outside DOD](#) – SSC PAC, Nov 2005

6.2 Templates

1.  [Direct Acquisition for Supplies & Services Sample Memo to File](#)
2.  [2.0 Review of IPR for Non-DoD Contract Action](#) – SPAWAR, Jul 2014

6.3 Related SCPPMs

1.  [Determination and Findings](#)
2.  [Proper Use of Non-DoD Contracts](#)
3.  [Services Acquisition via Non-DoD Contract](#)
4.  [Performance Based Service Acquisition](#)
5.  [MOPAS 2](#)

7. CHANGE HISTORY

Updated material is highlighted by *purple text* and an Alert/New  icon.



Date	Description of Changes
June 2016	New SCPPM that combines the Proper Use of Non-DoD Contracts and the Economy Act section of the Determination and Finding SCPPM in order to cover all aspects of Intra-agency and inter-agency acquisitions.