

## PART 2917—SPECIAL CONTRACTING METHODS

Sec.

2917.000 Scope of part.

### Subpart 2917.2—Options

2917.207 Exercising options.

### Subpart 2917.5—Interagency Acquisitions Under The Economy Act

2917.500 Scope of subpart.

2917.501 Definitions.

2917.502 General.

2917.503 Determinations and findings requirements.

2917.504 Ordering procedures.

2917.504–70 Signature authority and Internal Procedures.

**Authority:** 5 U.S.C. 301; 31 U.S.C. 1535; 40 U.S.C. 486(c).

### 2917.000 Scope of part.

This part implements policies and procedures stated in FAR Part 17.

### Subpart 2917.2—Options

The HCA may, in unusual circumstances, approve option quantities in excess of the 50 percent limit prescribed in FAR 17.203(g)(2). The documentation required by FAR 17.205(a) must include a written justification to fully support the need for such action.

### 2917.207 Exercising options.

The contracting officer must use a standardized determination and finding before exercising an option in accordance with FAR 17.207(f).

### Subpart 2917.5—Interagency Acquisitions Under the Economy Act

### 2917.500 Scope of subpart.

This subpart establishes DOL policy and procedures to assure the appropriate and consistent use of interagency acquisitions under the Economy Act (31 U.S.C. 1535) as prescribed by FAR 17.5.

### 2917.501 Definitions.

*Interagency Acquisition* means a procedure by which a DOL agency obtains needed supplies or services from, or through, another DOL agency or Federal agency, and appropriated funds are obligated.

*Interagency Agreement* means the legal instrument used for an interagency acquisition to exchange funds or property between two DOL organizations, or between a DOL agency and another Federal agency. This instrument is used when the DOL organization meets the definition of either the Requesting Agency or the Servicing Agency.

*Interagency Agreement* and *Interagency Acquisition* does not include:

(1) Agreements involving supplies and services acquired from or through mandatory sources, as described in FAR Part 8;

(2) Contracts with the Small Business Administration based upon Section 8(a) of the Small Business Act or a HUBZone small business under the Historically Underutilized Business Zone (HUBZone) Act of 1997;

(3) Cooperative agreements and grants; or

(4) Any agreement or acquisition, where a statute authorizes exception.

*Military Interdepartmental Procurement Request (MIPR)* means a type of interagency agreement used to place orders for supplies and non-personal services with a military department.

*Requesting Agency* means the Federal agency that needs the supplies or services, and is obligating the funds to provide for the costs of performance.

*Servicing Agency* means the Federal agency which is providing the supplies, or performing the services, directly or indirectly, and will be receiving the funds to provide for the costs of performance.

### 2917.502 General.

(a) *Policy.* It is the policy of DOL to require that interagency agreements are written to assure that the obligation of fiscal year funds is valid, that statutory authority exists to obtain or perform the stated requirements, that the stated requirements are consistent with DOL's mission responsibilities, and that each agreement complies with applicable laws and regulations.

(b) *Applicability.* The provisions of this subpart apply to interagency acquisitions and agreements under the Economy Act.

(c) *Appropriations principles.* The appropriate use of interagency acquisitions embodies several principles of Federal appropriations law.

(1) In order to record a valid obligation of appropriations, 31 U.S.C. 1501 imposes the requirements that interagency agreements be:

(i) A binding written agreement for specific goods or services to meet an existing *bona fide* need;

(ii) For a purpose authorized by law; and

(iii) Executed and obligated by the receiving agency before the expiration of available funds.

(2) The Economy Act authorizes interagency acquisitions, and provides for payment in advance, as well as reimbursement to the appropriation

account to which the performance costs have been charged. The Economy Act further authorizes the servicing agency, as an alternative to fulfilling the requirement through internal resources, to obtain the needed supplies or services by contract.

(3) An agreement entered into under the Economy Act is recorded as an obligation by the requesting agency the same as a contract. However, under the Economy Act, the obligated appropriations must be deobligated upon the date of "expiration" of the appropriation account to the extent that the servicing agency has not incurred obligations through charged costs or under a contract.

(4) Within DOL, the DOL agencies have a number of statutory authorities available for entering into interagency agreements. Each DOL agency, in consultation with the Office of the Solicitor, must be responsible for determining those authorities, as well as constraints applicable to the use of advance payments and contractors, and set-up procedures.

### 2917.503 Determinations and findings requirements.

*Applicability.* Before the execution of an interagency agreement under the Economy Act, the contracting officer, or other authorized official, must sign the determination required in FAR 17.503 and 31 U.S.C. 1535.

### 2917.504 Ordering procedures.

(a) Requests for the processing of interagency agreements must be submitted to the procurement office serving the requisitioning office.

(b) The Procurement Request (PR) must state whether the work is to be performed by a DOL organization, a Federal agency other than DOL, or through one of these entities by a contractor.

(c) Where the Economy Act is to be used as the authority for an interagency acquisition, the requisitioning office must include the facts which support the conclusion that it is more economical to obtain the required supplies or services through the proposed interagency agreement, rather than by direct contract with a commercial concern. Current market prices or recent procurement prices may be used in this process.

(d) Orders placed under interagency agreements may take any form that is legally sufficient and reflects the agreement of the parties.

(e) The contracting officer, or authorized official, must assure compliance with the ordering procedures and payment provisions