

GSA ORDER

Subject: General Services Administration Acquisition Manual; GSAM Case 2011-G504,
Streamlined Interagency Acquisitions

1. Purpose. This General Services Administration (GSA) order transmits a revision to the General Services Administration Acquisition Manual (GSAM) to implement procedures to address situations where GSA and funding agency policy differs. This order also formalizes other required practices in interagency acquisition (IA).
2. Background. A core GSA service offering is performing assisted acquisition for other federal agencies.

There have been a number of policy changes related to assisted acquisition in recent years. Therefore, GSA initiated an internal review of how its acquisition policies support this vital service. The review found that greater clarity in GSAM 517.502 related to funds acceptance and reasonable time frames to obligate accepted funds would simplify and streamline the assisted acquisition process.

Funds Acceptance - This order adds a requirement that all activities performing interagency acquisition establish and publicize cut-off-dates based on the type of funding provided. It also formalizes the reasonable time standard to obligate funds which are accepted.

Agency Policy Inconsistencies - The review also found that sometimes there are inconsistencies between the policies of the funding agency and the policies of GSA. Some of these inconsistencies cause confusion. This order provides a framework to address these inconsistencies.

It is useful to think of these inconsistencies in four major categories:

- *The funding agency has a more restrictive policy than GSA.* This situation is often encountered in supporting the Department of Defense (DoD). DoD has numerous restrictions on how it can use its funding and on processes it must follow. For example, DoD applies domestic-source requirements to many commodities e.g., textiles used in automobile seats when purchased with DoD funds. The Berry Amendment¹ requires GSA acquisition personnel to review IAs from DoD for Berry

¹ [Berry Amendment-10 USC 2533a](#)

Amendment applicability and include the appropriate Defense Federal Acquisition Regulation Supplement (DFARS) clause(s) in the resulting procurements.

Whenever the funding agency has a more restrictive policy than GSA, follow the procedures of the funding agency.

- *Higher dollar authority.* At times, the funding agency has authority to exercise actions at higher dollar levels than does GSA. For example, DoD issued class deviation 2020-O0009 which establishes the threshold of \$100 million for COs to execute a justification and obtain approval for a sole source contract under the Small Business Administration (SBA) 8(a) Program. The Federal Acquisition Regulation (FAR)², which GSA follows, requires a justification and approval at \$22 million.

When spending another agency's dollars, you have the authority to follow their dollar authorities, if it makes good business sense.

- *Streamlined approaches.* In some circumstances funding agencies require less documentation for certain acquisition actions. For example, the fourth exception to full and open competition is international agreements. Use of this authority requires written justification and approval except if the contracts are for DoD, NASA, or the Coast Guard.

When spending another agency's dollars, you have the authority to follow their streamlined approaches.

- *Speciality program authority.* A number of agencies have authorities which GSA does not have. For example, DoD, DHS, and others have Other Transactional Authority (OTA). GSA does not have OTA authority.

Because GSA does not have the management infrastructure in place to effectively oversee and manage speciality program authorities, assisted acquisition in this space is not authorized.

Exceptions may be approved, on a case by case basis, by the Senior Procurement Executive upon submission of a business case which includes demonstration of an appropriate control environment.

Finally, this GSA order identifies a consolidated Acquisition Portal topic page for IAs.

3. Effective date. Date of signature.

² See 6.302-5(b)(4), 6.303-1(b), 6.303-2(d), and 19.808-1(a).

4. Applicability. This amendment to the GSAM applies to all new IAs between GSA and customer agencies.
5. Explanation of changes. This amendment includes non-regulatory changes. For full text changes of the amendment see Attachment A, GSAM Text Line-In/Line-Out.

This amendment revises the non-regulatory language of the following GSAM section, changes summarized below:

517.502 Procedures

- (a) General - added GSA's responsibility in providing interagency acquisition, also known as assisted acquisitions or interagency agreements, and reference to interagency topic page on Acquisition Portal.
 - (b) Cut-Off Dates - added the requirements to establish cut-off dates for the acceptance of funds to include:
 - Acceptance of funds near year end
 - Non-acceptance of expired funds
 - Acceptance of multiple year funds
 - Non-applicability of cut-off dates of multiple year or no year funds
 - (c) Reasonable time - added a new definition of reasonable time to mean the amount of acquisition lead time required for GSA to obligate the specific IA funds and included the criteria for meeting reasonable time requirements.
 - (d) Order of Precedence - added procedures for contracting officers to follow in the event of any inconsistency in the applicability or appropriateness of customer agency and GSA policy when the customer agency's policy is more restrictive, less restrictive or based on program authority.
6. Cancellations. Acquisition Letter V-09-06 and its Supplement 1 are hereby cancelled.
 7. Point of contact. Any questions should be directed to Ms. Johnnie McDowell, GSA Acquisition Policy Division, at gsarpolicy@gsa.gov.

Jeffrey A. Koses
Senior Procurement Executive
Office of Acquisition Policy
Office of Government-wide Policy

Attachment A - GSAM Case 2011-G054
“Streamlined Interagency Acquisitions”

GSAM Text, Line-In/Line-Out

GSAM Baseline: Change 114 effective 10/19/2020

- Additions to baseline are indicated by [bold text in brackets]
- Deletions to baseline made by final rule are indicated by ~~strikethroughs~~
- Five asterisks (* * * * *) indicate that there are no revisions between the preceding and following sections
- Three asterisks (* * *) indicate that there are no revisions between the material shown within a subsection

Part 517- Special Contracting Methods

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Subpart 517.5 - Interagency Acquisitions

517.502 Procedures.

[(a) *General.*

(1) GSA provides interagency acquisition (IA) services to support the mission of federal agencies, foster competition and use of economies of scale, and provide options for agencies to meet their administrative and procurement needs.

(2) The Office of Acquisition Policy maintains tools and resources for the acquisition workforce on the GSA Acquisition Portal (<http://insite.gsa.gov/interagencyacquisition>).

(b) *Cut-Off Dates.*

(1) Heads of Contracting Activities shall devise and publicize cut-off dates to accept interagency acquisitions for their respective organization(s) in support of this subpart. The decision to accept funds near the end of the fiscal year must be determined on a case-by-case basis taking into consideration the following at a minimum:

- (i) funding agency assurance that the funds are current;
- (ii) understanding of the type of funds (e.g. one-year, multi-year, no-year);
- (iii) time required for GSA to properly obligate the funds; and
- (iv) confirmation that the customer has submitted a “bona fide needs” statement.

(2) Cut-off dates do not apply when accepting no-year funds. Cutoff dates do not apply to multi-year funds not near expiration.

(3) Once accepted, GSA must expeditiously and diligently begin work on all IAs it accepts.

(c) *Reasonable Time.*

(1) Policy. When establishing interagency agreements, contracting activities must obligate funds in a reasonable time.

(2) Definition. A reasonable time is considered to be 90 calendar days unless otherwise established in the interagency agreement. Contracting activities must examine with particular care if the 90 calendar day acquisition lead time can be achieved by:

(i) using an existing contract or task/delivery order which can be awarded or modified expeditiously to meet the customer/funding agency's requirement (see GSAM 5071.71 for additional guidance); and

(ii) validating that the customer-specific fiscal policy attached to the funds (e.g., DoD 7000.14-R Financial Management Regulation Volume 11A Chapter 18) does not have any applicable restrictions which would prevent the use of 90 calendar days as a "reasonable time".

(3) Criteria for establishing "reasonable time". For IAs in which the contracting activity has determined the "reasonable time" to be in excess of 90 calendar days, the contracting officers must:

(i) ensure that the "reasonable time" is mutually agreed upon and documented between the customer/funding agency and the GSA contracting activity at the time funds' are accepted (e.g., in the case of a DoD customer, signing DD Form 448-2, "Acceptance of MIPR"; for RWAs, date specified on GSA Form 2957, box 30B);

(ii) ensure that the customer-specific fiscal policy restrictions are adhered to (e.g., DoD 7000.14-R Financial Management Regulation Volume 11A Chapter 18); and

(iii) document the rationale for establishing a "reasonable time" which is in excess of 90 calendar days.

(d) *Periodic Reviews.* Contracting officers must review all IA obligations for goods or services that have been ordered but not yet received (undelivered orders/unfilled customer orders) at fiscal year-end. Generally speaking, if the IA is for goods or services that were not delivered within the funds period of availability, the funds must be deobligated and current funds used, unless the goods could not be delivered because of delivery, production or manufacturing lead time, or unforeseen delays that are out of the control and not previously contemplated by the contracting parties at the time of contracting.

(e) *Order of Precedence.* Any inconsistency in the applicability of customer agency and GSA policy shall be resolved by giving precedence in the following order when the customer agency's policy is more restrictive, less restrictive or based on program authority specific to the customer.

(1) *The funding agency has a more restrictive policy than GSA.* When the customer agency's policy is more restrictive than GSA's policy, the contracting officer shall follow the more restrictive policy.

(2) *Higher dollar authority.* When the customer agency's policy is less restrictive than GSA's policy, the contracting officer has discretion on which policy to follow. However, the contracting officer must consult with Service-level acquisition management (e.g., FAS OPC, PBS OAM) and OGC if following the

less restrictive policy to ensure GSA has adequate controls in place and has the authority to utilize the less restrictive policy.

- (3) *Streamlined approach.* In some circumstances funding agencies require less documentation for certain acquisition actions.
- (4) *Specialty program authority.* A number of agencies have authorities which GSA does not have. GSA cannot use a customer agency's given program authority (e.g., Other Transaction Authority (OTA)) unless the authority is specifically delegated to GSA. If the contracting officer determines that the specialty program authority, not delegated to GSA formally, should be considered for use in an IA action, prepare an exception request for approval by the Senior Procurement Executive.

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