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U.S. DEPARTMENT OF EDUCATION

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Approved by: _____/s/_____
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Interagency Agreements

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Supersedes OPEPD:1-101, Interagency Agreements, dated 03/17/2006.

For technical questions regarding this directive, please contact Trina Lawson at trina.lawson@ed.gov or at 202-401-1055.

I. Purpose

This directive sets forth policy and procedural guidance for all U.S. Department of Education (ED) principal offices (POs) entering into interagency agreements with other Federal agencies, international organizations, and foreign governments.

II. Policy

It is the policy of ED that offices may enter into interagency agreements with other Federal agencies, international organizations, and foreign governments only when it is legally permissible and in the best interest of the U.S. government (e.g., is cost effective, or provides enhanced or more efficient program support). Interagency agreements and transfers of funds must be executed in accordance with applicable Federal regulations and legal and fiscal requirements, program statutes and regulations, and applicable ED directives. POs must ensure that interagency agreements follow sound management and program principles and the procedures described in this directive.

III. Authorization

A. Interagency Agreements

1. The authorities most commonly used by ED to enter into interagency agreements are found in the following statutes:
 - a. The Department of Education Organization Act (DEOA) (P.L. 96-88, Sections 415 and 419, codified at 20 U.S.C. §3475, 3479) provides the legal authority for most interagency agreements to which ED is a party, particularly those where ED is the [buying agency](#) in an interagency agreement. (See [Appendix A](#).)
 - b. Section 430 of the General Education Provisions Act (GEPA) (20 U.S.C. §1231) provides ED with general authority to transfer and receive funds from other Federal agencies to jointly fund program projects of common interest. Section 430 also requires notice to Congress of joint funding agreements. (See [Appendix A](#).)
 - c. Other statutes relevant to ED that provide authority for specific types of interagency agreements with other Federal agencies:
 - (1) Agreements by which the Office of Inspector General (OIG) obtains services necessary to carry out the Inspector General Act of 1978, which are authorized by Section 6 of that Act (5 U.S.C. App. 3) (see [Appendix A](#));
 - (2) Agreements with the National Science Foundation for scientific or engineering research or education, which are authorized by Section 14(f) of the National Science Foundation Act of 1950 (42 U.S.C. §1873 (f)) (see [Appendix A](#)); and
 - (3) Agreements with other executive agencies for information technology activities are authorized by 40 U.S.C. §11318 (formerly part of the Clinger-Cohen Act) (see [Appendix A](#)).

- d. The Economy Act (31 U.S.C. §1535, 1536) provides government-wide authority for Federal agencies to purchase goods and services from other Federal agencies. Interagency agreements entered into under the authority of the Economy Act must be implemented in accordance with the Federal Acquisition Regulations (48 CFR Subpart 17.5). The Economy Act is the authority generally used by other agencies buying services from ED; **ED does not use this authority if the DEOA, GEPA, or other specific authority can be used.** (See [Appendix A.](#))

Note: There are many other statutes that provide authority for interagency agreements. If the statutes mentioned in [Section III.A.1](#) do not provide the necessary ED authority, POs should consult the Office of the General Counsel (OGC)/Division of Business and Administrative Law (DBAL) for guidance.

2. Specific authority to enter into interagency agreements may be provided in a program's authorizing or appropriation statute. Such statutes may also limit a program's authority to transfer funds to another agency.

B. Transfers of Funds Pursuant to an Interagency Agreement

Guidance on transfers of funds can be found in the following sources:

1. Office of Management and Budget (OMB) Circular A-11 provides definitions and information about the handling of transfers of funds in budget presentations, and guidance for the budget execution and reporting of interagency funds transfers. This circular can be found at: www.whitehouse.gov/omb/circulars/index.html.
2. Treasury Financial Manual (TFM), Volume I, Part 2, Chapters 2000 and 2500, provides guidance on transfers of funds between different appropriations. The TFM can be found at: <http://www.fms.treas.gov/tfm/index.html>.
3. TFM, Volume I, Bulletin No. 2007-03, found at <http://www.fms.treas.gov/tfm/vol1/07-03.pdf>, provides revised mandatory requirements for the Intragovernmental Business Rules as indicated in OMB Memorandum M-07-03, found at: <http://www.whitehouse.gov/omb/memoranda/fy2007/m07-03.pdf>.
4. Principles of Federal Appropriations Law, published by the Government Accountability Office (GAO), is a basic reference covering areas of law in which the Comptroller General renders decisions. Volume II, Chapter 7, addresses Interagency Transactions. It can be found at: www.gao.gov/legal.html.
5. OMB Guidance on Interagency Acquisitions provides information and requirements to help agencies make sound business decisions to support the use of interagency acquisitions and strengthen the management of assisted acquisitions. This guidance should be followed when the performing agency will be utilizing a contractor to perform all or part of the work for the requesting agency. It can be found at: http://www.whitehouse.gov/omb/procurement/interagency_acq/iac_revised.pdf.

IV. Delegations of Authority

- A. The Secretary delegates authority for approval of interagency agreements to the ED Principal Officer to whom responsibility for the affected ED program or activity has been statutorily assigned or officially delegated. The Principal Officer may, in turn, redelegate the authority to an appropriate officer.
- B. When interagency agreements involve a transfer of funds, the following approvals also apply:
 - 1. The Budget Service Director has the authority to approve transfers of funds between ED and other Federal agencies, international organizations, or foreign governments pursuant to interagency agreements;
 - 2. The PO financial officer who is responsible for certifying the availability of funds has the authority to obligate the ED funds to be transferred pursuant to an approved interagency agreement; and
 - 3. When funds are being transferred to obtain services under a contract administered by the Performance-Based Organization (PBO), established by Section 141 of the Higher Education Act of 1965 (HEA), Section 142(j) of the HEA (20 U.S.C. 1018a(j)) requires approval, in advance, by the senior procurement official of the agency transferring the funds.

V. Applicability

- A. This directive applies to all interagency agreements that ED enters into with other Federal agencies, except as noted in paragraphs “D” and “E” below. Generally, it applies to interagency agreements for the following purposes:
 - 1. Providing the most efficient and effective delivery of goods or services,
 - 2. Carrying out programs or projects of common interest,
 - 3. Supplying or obtaining supplies, services, facilities, equipment, or other assistance (including personnel detail assignments) for carrying out the program or the administrative functions of either agency, or
 - 4. Supporting multi-agency collaboration investments (e.g., E-Gov initiatives).
- B. This directive applies to all interagency agreements that ED enters into with foreign governments and international organizations (for purposes of this directive, included in all references to “agencies”); however, such interagency agreements are not subject to TFM Bulletin 2007-03.
- C. This directive applies, in part, to interagency agreements that do not involve a transfer of funds. (See [Section X](#).)

- D. This directive does not apply to:
1. Intergovernmental Personnel Act (IPA) agreements. Contact the Administrative Analysis Branch (AAB) budget analyst for forms and instructions; and
 2. Agreements with State and local governments.
- E. ED orders for certain, specified goods and services **routinely** provided by Federal agencies **and paid for with administrative funding** are generally exempt from the interagency agreement procedures established by this directive. Such goods and services include the following:
1. Printing services provided by the Government Printing Office;
 2. Mail services provided by the U.S. Postal Service;
 3. Supplies, furniture, and motor pool services provided by the General Services Administration;
 4. Use of transport planes provided by the Department of Defense;
 5. International travel services provided by the Global Fiscal Services Office within the State Department; and
 6. Individual training classes (including OPM Federal Executive Institute), copier services, and rent and related building facility services.
- Note: For the types of procurements listed above, POs should follow applicable Department policies and procedures governing contracts and acquisitions unless precluded from doing so by the other agency or so advised by OGC/DBAL.
- F. Contact the appropriate Budget Service Budget Execution Analysis Branch (BEAB) or AAB budget analyst if you are uncertain of the applicability of an activity. The Budget Service analyst will inform the PO of the applicability of this directive to particular situations and will obtain advice from the OGC/DBAL, if necessary.

VI. Definitions

- A. *Administrative Fee.* A fee that the selling agency charges the buying agency to cover that portion of the administrative costs the selling agency incurs when it awards contracts or grants, or when it directly carries out activities (e.g., conferences) that are supported with the transferred funds. (See [Appendix F](#).)
- B. *Advance of Funds.* For purposes of this directive, an advance of funds occurs when a transfer of funds is made to the selling agency before the goods are delivered or the services are rendered.
- C. *Appropriation Account.* An appropriation account is a separate financial reporting unit established by the Department of the Treasury (Treasury) for budget, management, or

- accounting purposes that records budgetary resources (including appropriations and other resources provided by law) and the financial transactions affecting those resources.
- D. *Approving Official*. The person who has been delegated the authority to manage the program or activities covered by the interagency agreement (i.e., the Assistant Secretary, Deputy Assistant Secretary, Assistant Deputy Secretary, Principal Officer, delegated program officer, or other designee).
- E. *Buying (Requesting) Agency*. The agency that asks for or receives the services, supplies, equipment, or other assistance from another agency, or that provides funds to support projects administered by another agency. When ED is the buying agency, the funds are outgoing.
- F. *Contracting Officer (CO)*. A Federal employee delegated authority pursuant to FAR 1.6 to award, administer, and terminate contracts, purchase orders, delivery orders, task orders and modifications; obligate Government funds; and make determinations and findings.
- G. *Contracts and Purchasing Support System (CPSS)*. CPSS is ED's central procurement system. CPSS is used to obligate funds for all outgoing transfers and funds from those incoming transfers that are being used for procurement activity.
- H. *Data Universal Numbering System (DUNS) Number*. A nine-digit number assigned by Dun and Bradstreet, Inc., to identify business entities. To ensure payment to and collection of funds from the appropriate agency, a DUNS number is required for each agency involved in the interagency agreement. Each PO has been issued a unique DUNS number to be used for its interagency agreements. (See [Appendix H](#).)
- I. *Grant Administration and Payment System (GAPS)*. GAPS is an ED client-server system designed to handle the management of ED grant programs. For interagency agreements, GAPS is used to obligate incoming funds from those transfers that are being used for grants.
- J. *Incoming Funds*. Term used in this directive to indicate that funds are coming to ED from another agency pursuant to an interagency agreement. When funds come to ED, ED is the selling agency.
- K. *Interagency Agreement (IAA)*. A written agreement between agencies for the purpose of establishing the respective responsibilities of each agency in carrying out a project or activity of mutual interest. Agreements may cover the conditions for joint project support, or the provision of supplies, services, facilities, equipment, or other assistance in carrying out the administrative or program functions of the agencies that are party to the agreement.
- L. *Interagency Agreement Coordinator (IAC)*. The individual within each PO who is designated to monitor and facilitate the processing of all IAAs for the PO. (See [Section VII.B](#).)
- M. *Interagency Agreement Forms*. The BS-008 EDBUYER, BS-008 EDSSELLER, and BS-008 Payment Addendum forms (see [Appendix B](#)) are used by ED to summarize and convey essential information about IAAs involving a transfer of funds.

- N. *Interagency Order Number*. A number provided by the buying agency to identify the order placed pursuant to an IAA. When ED is the buying agency (i.e., outgoing funds), the award number generated when the order for the IAA is created in CPSS during the Documents Preparation and Review stage of the IAA business process must be used as the ED Interagency Order Number (see [Section VIII.B.2](#)). ED will use the order number to track the financial transactions associated with the IAA.
- O. *Interagency Reference Number*. A number provided by the selling agency to identify the sale of goods or services pursuant to an IAA. When ED is the selling agency (i.e., incoming funds), the award number generated when the order for the IAA is created in CPSS during the Documents Preparation and Review stage of the IAA business process must be used as the ED Interagency Reference Number (see [Section VIII.B.2](#)). ED will use the reference number along with a Budget Service assigned activity code to track the financial transactions associated with the IAA.
- P. *Intra-governmental Exchange Activity*. The buying or selling of goods and services or the transfer of resources between agencies in support of joint projects of mutual interest.
- Q. *Intra-governmental Payment and Collection (IPAC) System*. A system maintained by the Treasury for processing intra-governmental transfers of funds (payments and collections). Most transfers of funds pursuant to IAAs are accomplished via the IPAC system.
- R. *Memorandum of Understanding (MOU)*. For purposes of this directive, an MOU is a written document that describes the activities covered under an IAA; also referred to as a Statement of Work (SOW).
- S. *Outgoing Funds*. Term used in this directive to indicate that ED funds are being sent to another agency pursuant to an IAA. When ED funds go to another agency, ED is the buying agency.
- T. *Performance-Based Organization (PBO)*. A results-driven government program, office, or other discrete management unit that commits to clear objectives, specific measurable goals, customer service standards, and targets for improved performance. Within ED, Federal Student Aid (FSA) is a PBO (Higher Education Act of 1965, Sec.141 (a)).
- U. *Performing (Selling) Agency*. See definition of [Selling Agency](#).
- V. *Point of Contact/Order Contact (P/OC)*. For purposes of this directive, when ED is the buying agency, the P/OC should be knowledgeable about the details of the order and serve as a point of contact for inquiries concerning the order. When ED is the selling agency, the agreement contact person performs these duties.
- W. *Principal Office (PO)*. A major organizational unit of ED (usually headed by an Assistant Secretary, Deputy Assistant Secretary, or Assistant Deputy Secretary) that has responsibility for administering funds used in, or programs benefiting from, an IAA. (For purposes of this directive, includes the PBO.)
- X. *Reimbursement*. For purposes of this directive, a reimbursement occurs when a transfer of funds is made to the selling agency after the goods are received or services rendered.

- Y. *Requesting (Buying) Agency*. See the definition of [Buying Agency](#).
- Z. *Selling (Performing) Agency*. The agency that provides the services, supplies, equipment, or other assistance to another agency, or that handles the administrative tasks associated with carrying out a project supported by more than one agency. When ED is the selling agency, the funds are incoming.
- AA. *Senior Procurement Executive (SPE)*. The individual who is responsible for the management direction of the procurement system of the Department, including implementation of the unique procurement policies, regulations, and standards of the executive agency.
- BB. *Statement of Work (SOW)*. See definition of MOU.
- CC. *Transfer of Funds*. A shifting of funds from one agency or appropriation account to another.
- DD. *Waiver Request*. A request that an IAA be accepted for review and processing after the August 1st deadline for initiating the year's IAAs has passed that is submitted to the Executive Secretariat for approval by the Chief of Staff. (See [Appendix G](#).)

VII. Responsibilities

A. **The PO** shall:

1. Designate an individual to function as the PO IAC—see [Section VII.B](#);
2. Include planned IAAs in its contract acquisition plans in accordance with the Departmental Directive on Acquisition Planning;
3. Consult appropriate ED offices and conduct discussions and negotiations with the other agency on the particulars of the IAA;
4. When funds are being transferred from ED to another agency (i.e., outgoing), ensure that the PO has sufficient funds available to pay for the services, supplies, equipment, assistance, or project to be provided or carried out under the IAA;
5. Prepare the IAA documents;
6. Route the IAA documents to obtain appropriate clearances and approvals from both agencies;
7. Follow ED procedures to ensure processing of the IAA, creation of the order in CPSS, and the obligation of the funds in CPSS for procurements or in GAPS for grants;
8. Prepare the Determinations and Findings (D&F) (see [Appendix D](#)) as required by the FAR, Subpart 17.5, if the ED statutory authority cited is the Economy Act;
9. Monitor the programmatic, administrative, and financial processing of the IAA;

10. Provide a copy of the final IAA documents to the Office of Communications and Outreach (OCO) Executive Officer, for ED's central files, and to the other agency;
 11. Prepare, in consultation with the OGC and the Budget Service, the Congressional notice required for transfers of funds that are made pursuant to the GEPA Joint Funding Authority (see [Appendix A](#)); and
 12. When IAAs are to be initiated (see [Section VIII.B.7.](#)) after the August 1st deadline for their submission, prepare and submit a waiver request to the Executive Secretariat to obtain approval from the Chief of Staff to proceed with the IAA. (See [Appendix G.](#))
- B. The **IAC** shall:
1. Be a point of contact in the PO for all IAA-related matters and be the liaison who will respond to or direct inquiries pertaining to the IAA to the appropriate PO staff;
 2. Provide administrative and technical support to PO staff, in consultation with other Department offices as necessary, on IAA-related matters;
 3. Perform a quality review of the IAA documents to ensure accurate completion of required information;
 4. Monitor and facilitate the processing of all IAAs involving the PO; and
 5. Coordinate the submission of waiver requests to the Executive Secretariat for approval by the Chief of Staff for IAAs to be initiated after the August 1st deadline.
- C. The **Executive Secretariat (Exec. Sec.)** shall review waiver requests for IAAs to be initiated after the August 1st deadline for presentation to the Chief of Staff for approval (see [Appendix G](#)).
- D. The **OGC** shall:
1. Provide advice to POs on the legality of entering into an IAA;
 2. Assist POs with the development and negotiation of proposed IAAs;
 3. Review and approve all applicable IAAs, as specified in [Section V.](#), for content and conformance with applicable statutes and regulations;
 4. Provide advice to POs on preparation of the Congressional notice required for transfers of funds that are made pursuant to the GEPA Joint Funding Authority; and
 5. Provide advice to Budget Service in determining the applicability of an IAA in particular situations.
- E. **The OIG** counsel performs the same functions as described in [Section VII. D.](#), for IAAs that involve the OIG and for IAAs involving a PO's acquisition of audit services from another Federal agency (see Departmental Directive OIG: 1-101 http://wdcrobiis08/doc_img/acs_oig_1_101.doc). However, OGC must still review all IAAs before they are sent to the Budget Service.

F. The **Budget Service** shall:

1. Inform POs of the applicability of this directive with respect to particular IAAs or in particular situations;
2. Provide assistance on the IAA business process and instructions for completing the IAA forms;
3. Review IAAs for conformance with authorizing and appropriation statutes and apportionment requirements, if applicable;
4. Review the IAA documents to ensure that they provide accurate and adequate budget and financial information and the required data elements for intra-governmental exchange activity;
5. For IAAs with incoming funds:
 - a. Request OMB to apportion the funds,
 - b. Establish a unique activity code for the IAA (to be used by the PO when committing and obligating the funds), and
 - c. Request that the Office of the Chief Financial Officer (OCFO) establish the unfilled customer order in the financial system;
6. Issue allotments to enable execution of approved IAAs;
7. Send a copy of approved IAAs to OCFO for processing and return the original IAA documents to the PO; and
8. Provide advice, and review and comment on the Congressional notice required for transfers of funds that are made pursuant to the GEPA Joint Funding Authority.

G. **Senior Procurement Executive (SPE)**, shall:

1. Review all IAAs covered by this directive for compliance with the Federal Acquisition Streamlining Act, the Federal Acquisition Regulations (FAR), and OMB Circular A-76;
2. Inform POs about any similar IAAs either completed or under consideration elsewhere in ED based on review of the draft IAA documents;
3. Ensure that the IAA is not circumventing competition rules; the services, supplies, equipment, or assistance to be provided under the IAA can most efficiently and effectively be provided in cooperation with or by another agency; and, if an IAA will add funds to an existing contract, it does not constitute a material change;
4. Review the PO's contract acquisition plans to ensure inclusion of IAAs as specified in the Departmental Directive on Acquisition Planning (see http://connected.ed.gov/doc_img/acs_ocfo_2_107.doc); and

5. For incoming IAAs, ensure that the appropriate contracting entity obligates the ED procurement when the IAA involves a procurement that exceeds the PO's purchasing authority.

H. Financial Management Operations (FMO), OCFO shall:

1. Review and validate the financing data on the IAA documents to ensure that the payment or collection can be processed between the agencies;
2. Follow ED procedures to:
 - a. Process the IAA documents in preparation for the anticipated payment or collection, including for incoming funds, establishing an unfilled customer order in the financial system; and
 - b. Process the payments or collections using ED's financial system and the IPAC system;
3. Maintain and manage the IPAC system for ED transactions; and
4. Establish and maintain accounting and reporting for payments and collections associated with IAAs, and Department-wide financial system instructions and procedures for transferring (i.e., obligating and expending) funds to other agencies and for receiving funds transferred from other agencies pursuant to IAAs.

I. The Office of the Chief Information Officer (OCIO) shall:

1. Provide review and clearance of all IAAs that involve Information Technology (IT) acquisitions that require a new or renewed contract to ensure compliance with the Federal Information Security Management Act (FISMA), OMB Circular on Management of Federal Information Resources (A-130), applicable parts of the FAR (particularly Part 39), and U.S.C., Title 40, Section 11318 (formerly part of the Clinger-Cohen Act); and
2. Provide guidance on IT-related requirements needed for the IAA (e.g., specific language, security arrangements, reporting requirements, submission of an Interconnection Security Agreement (ISA), and other forms required for IT acquisitions).

Note: An ISA is required for IAAs involving the interconnection of two systems owned by two different agencies. The ISA provides the technical solution and security requirements for the interconnection. Information on ISAs can be accessed on ConnectED at: http://connected.ed.gov/doc_img/acs_hb_ocio_15.doc.

- J. The Office of Management (OM)/Regulatory Information Management Services (RIMS) shall provide review and clearance of all IAAs that involve data collections and collections of personally identifiable information (PII).**

K. The OCO shall:

1. Receive from the PO a final copy of all applicable (see [Section V.](#)) IAA documents;
2. Establish and maintain centralized records of all applicable IAAs, including those for which transfers of funds are not involved; and
3. Respond to requests for Department-wide information about applicable IAAs.

VIII. Business Process for Agreements with a Transfer of Funds

The process is presented in the order in which it should be performed. See [Appendix E](#) for a flowchart of the business process outlined below.

A. Initial Process

1. PO consults:
 - a. The appropriate OGC/DBAL attorney (and program attorney, when program funds are involved) on the legality of entering into the proposed IAA (also consults OIG counsel, if applicable);
 - b. The contracting officer responsible for the PO, if the funds will be used for a procurement by either agency, to validate that the good or service can most efficiently and effectively be provided in cooperation with or by another agency, to discuss certain requirements of the MOU (e.g., the scope of work, labor rates, etc.) and to find out if an ED contract for the good or service already exists; and
 - c. Its internal PO Computer Security Officer (CSO) if the funds will be used for an acquisition involving IT goods or services. The CSO will determine the need for and provide guidance on any specific requirements (e.g., language, security, reporting, etc.) that must be addressed or included in the IAA.
2. PO conducts discussions and negotiations with the other agency on the particulars of the IAA, including:
 - a. The details on the respective responsibilities of each agency in carrying out the project or activity;
 - b. Ensuring that the transferred funds will be used by the selling agency for purposes that are consistent with the authorizing statute, appropriation, applicable agency policies and regulations, etc.;
 - c. The administrative fee that will be charged the buying agency in association with the services or joint program projects (see [Appendix F](#));
 - d. The amount of funding to be transferred and when the transfer of funds will occur (i.e., advance of funds or reimbursement. See [Sections VI.B.](#) and [VI.V.](#));

- e. The expiration date of the buying agency's appropriation. The selling agency must obligate the funds before the appropriation expires; and
- f. The cancellation date of the buying agency's appropriation. All obligations related to the IAA must be expended before the appropriation is cancelled. When an appropriation is cancelled, all unliquidated balances are returned to Treasury and are not available for obligation or expenditure for any purpose.

B. Documents Preparation and Review

1. PO prepares the draft MOU/SOW (see [Appendix C](#)) that shall provide, at a minimum, the following information:
 - a. Purpose and objective of the IAA, including a description of its relation to the mission and goals of ED, and, if applicable, the mutual interests in carrying out a joint project;
 - b. Description of the scope of work or services, supplies, equipment, and assistance that each agency will supply or obtain under the IAA, how and when the items will be supplied, their estimated or actual cost (with a general explanation of how the cost was determined), identification of any policies, rules or procedures that will govern the performance of the work, and the estimated amount of FTE that will be used by the selling agency to perform the work under the IAA;
 - c. Name, responsibilities, and statutory authority of each participating agency;
 - d. Performance period for the IAA, providing the from (beginning) and through (ending) dates, considering the timeframe that the IAA is likely to be signed by the Budget/Finance Officer certifying the availability of the funds and the agencies' approving officials. Generally, the "from" date cannot be prior to the date of the latest of these three signatures. Generally, the "through" date cannot be more than one year from the "from" date. Consult OGC/DBAL for exceptions; and
 - e. Estimated total cost, including the administrative fee for incoming funds. If the IAA will be funded from the current and future fiscal years' appropriations, a total estimated cost for each year must be provided and the estimated funding for the future years must be stated as "subject to availability of funds."
2. PO creates an order in CPSS for the IAA (even for IAAs involving grants) without obligating funds:

OUTGOING

Use the CPSS Award PIIN Code, with 8th position character "J", for the order number and record the number on the BS-008 EDBUYER Form as the "Order Number." (See [Section VIII.B.4.](#))

INCOMING

Use the CPSS Award PIIN Code, with 8th position character "K", for the order number and record the number on the BS-008 EDBUYER Form as the "Interagency Reference Number." (See [Section VIII.B.4.](#))

3. PO establishes the GSA Optional Form OF-347 (Order for Supplies or Services) from CPSS as an electronic attachable document.

4. PO prepares the draft Transfer of Funds Forms:
 - a. BS-008 EDBUYER or BS-008 ESELLER form; and
 - b. BS-008 Payment Addendum.
 - c. New transfer of funds forms are required for each new fiscal year of funding of an IAA, even for continuation MOUs covering multiple years of activity.
 - d. Currently, there is no IAA standard form used by the Federal Government. Therefore, ED requires submission of the BS-008 forms. If the other agency prefers to use its form, then both agencies' forms should be completed and included in the IAA package.
5. PO prepares the Determinations and Findings (D&F) as required by the FAR, Subpart 17.5, if the ED statutory authority cited is the Economy Act.
6. PO completes an IT Clearance Form for IAAs that involve the acquisition of IT goods and services. The IT Clearance Form is located on ConnectED at <http://connected/index.cfm?articleobjectid=83F9A04D-AAC6-EFAF-099C708E72808402>.
7. PO initiates the IAA:
 - a. PO establishes the IAA package consisting of the draft MOU/SOW, OF-347, BS-008 Transfer of Funds forms, and, if applicable, the D&F and IT clearance forms.
 - b. PO ensures that all IAA documents are clearly identified as “drafts” and emails the documents **simultaneously** to the appropriate reviewers.
 - (1) All IAAs must be reviewed by the PO’s appropriate internal offices and IAC, OGC/DBAL, SPE, Budget Service (AAB, BEAB, and policy analysts), and the other agency.
 - (2) If applicable, the draft documents must also be reviewed by the OGC program attorney (if program funds are involved), OIG counsel (if the IAA involves the OIG or acquisition of audit services), OCIO (if the IAA involves an IT acquisition), and OM/RIMS (if the IAA involves data collection or collection of personal identifiable information).
 - c. PO should provide a “reply by” date when the documents are sent for review, allowing reviewers **at least 10 working days** to complete their review. PO should follow-up with reviewers who have not responded by the “reply by” date.
 - d. PO must ensure that Budget Service and OGC receive the draft IAA documents (see [Section VIII.B.7.a.](#)) on or before August 1st to be in compliance with the deadline for initiating IAAs. Submit the documents electronically, providing as much preliminary information as possible.
8. Reviewers should provide a reply of “concur without comment,” “concur with comment,” or “non-concur with comment:”

- a. ED reviewers review draft materials with special attention to the responsibilities of their office, as described in [Section VII](#).
 - b. PO ensures that the other agency reviews draft materials, with particular attention to completion of their financing information on the BS-008, completion of the OCFO required information on the BS-008 Payment Addendum, and providing comments, edits, and other missing information.
 - c. Reviewers should reply electronically as promptly as possible to the PO contact and IAC. If the reviewer is unable to respond by the “reply-by” date, the reviewer should inform the PO contact and IAC of the need for additional time.
9. PO considers the edits and comments from all reviewers, resolves all non-concurrence issues, makes appropriate revisions, and prepares the final documents.

Note: If substantive revisions are made, the PO should consider providing revised draft documents to the reviewers for information only (i.e., no additional review time or action is required).

- c. **Documents Clearances and Approvals.** Circulate the final documents in hardcopy for initials/signatures. No more than one original package per agency should be provided.
- 1. PO obtains the appropriate internal PO reviews and clearances (internal PO clearances, except IAC initials, may be provided electronically at the PO’s discretion).

2.

OUTGOING

PO obtains the ED Certification of Availability of Funds via signature and date on the BS-008 EDBUYER form.

INCOMING

PO sends the documents to the other agency to obtain: a funds availability certification signature and date on the BS-008 ESELLER form, the approving official’s signature* and date on the MOU/SOW and BS-008 ESELLER form, a Finance Officer’s signature and date on the Payment Addendum, and any missing information (scanned and faxed documents are acceptable).

- 3. PO secures the ED PO approving official’s signature* and date on the MOU/SOW and BS-008 EDBUYER or ESELLER form.

4.

OUTGOING

PO sends the documents to the other agency to obtain: the approving official’s signature* and date on the MOU/SOW and BS-008 EDBUYER form, a Finance Officer’s signature and date on the Payment Addendum, other internal clearances, and any missing information (scanned and faxed documents are acceptable).

INCOMING

PO proceeds to step 5.

- * Note: The order of which approving official signs first is negotiable between the agencies. However, both approving officials' signatures must be obtained before the IAA is circulated for ED Clearances (i.e., steps 6, 7, and 8).
5. PO reviews the dates that the IAA was signed by the person certifying the availability of funds and the approving officials for each agency, and ensures that the IAA performance period "from" date is not prior to the date of the latest of these signatures. Consult OGC/DBAL for exceptions.
 6. PO obtains OIG, OCIO, and OM/RIMS clearances (approximately 3 working days for each), if applicable (see Sections [VII.E.](#), [VII.I.](#), and [VII.J.](#)). The applicable clearances must be obtained before forwarding the IAA to SPE, OGC, and Budget Service.
 7. PO obtains SPE clearance (approximately 3 working days).
 8. PO sends the IAA documents to OGC/DBAL for review and clearance (approximately 5 working days). OGC forwards cleared IAA documents to the Budget Service (FOB-6, 5W251).
 9. The Budget Service (approximately 3 working days):
 - a. Performs a final review of the IAA documents;
 - b. For incoming funds, creates an activity code for the IAA and records it on the BS-008 EDSELLER form; and
 - c. Obtains the appropriate internal clearances and approvals.

Note: If there are any modifications to the IAA documents after the Budget Service approval has been secured, OGC/DBAL and the Budget Service policy analyst must be notified of the changes. If it is determined that the changes are substantial enough to require another departmental review, the PO will be informed of this requirement. This determination will be made on a case-by-case basis. If the modification occurs after the August 1st deadline, the PO will also be told by BEAB whether an approved waiver will be required.

D. Processing the Final Approved Documents

1. Budget Service returns the original IAA documents to the IAC and sends a copy of the IAA documents to OCFO.
2. OCFO:
 - a. Reviews and validates the financing data on the IAA to ensure that the payment or collection can be processed between the agencies; and
 - b. Follows OCFO established procedures to process the IAA documents in preparation for the anticipated payment or collection, including:
 - (1) For incoming funds, recording an Unfilled Customer Order in the General Ledger; and

- (2) Preparing a Standard Form 1081 (Voucher and Schedule of Withdrawals and Credits) or IAA Summary Information Sheet, depending on which agency is to initiate the payment.
- 3. Budget Service issues the allotment for the IAA if it is not already covered by an allotment.
- 4. The PO:
 - a. Ensures the funds are obligated pursuant to the allotment issued (except, do not obligate funds being used for reimbursable payroll):

OUTGOING

(1) Use the order established for the IAA and reflected as the Order Number on the BS-008 EDBUYER and Payment Addendum forms. Outgoing funds are obligated in CPSS for procurements and grants; and

(2) The funds must be obligated by both agencies before the ED appropriation expiration date (as indicated on the BS-008 EDBUYER form).

INCOMING

(1) Obligations must be recorded using the reimbursable limitation into which the resources were allotted and the activity code that was recorded on the BS-008 EDESELLER form by the Budget Service. Incoming funds are obligated in CPSS for procurements; in GAPS for grants; and

(2) The funds must be obligated by both agencies before the buying agency's appropriation expiration date (as indicated on the BS-008 EDESELLER form).

- b. Retains the original IAA documents and any copies required by PO procedures, sends a copy of the final IAA documents to the OCO Executive Officer for ED's central files and sends a copy (or other original) of the final documents to the other agency.
- c. Monitors the execution of the IAA:

OUTGOING

(1) Ensure that all expenditures are posted in FMSS for the IAA before the ED appropriation cancellation date (as indicated on the BS-008 EDBUYER form);

(2) Go to step 3; and

INCOMING

(1) Ensure that all expenditures are posted in FMSS for the IAA before the buying agency's appropriation cancellation date (as indicated on the BS-008 EDESELLER form);

(2) When incoming funds will be used to offset obligations that have posted in a direct limitation (e.g., for payroll), the PO must provide OCFO/FMO the amounts to be offset, so that the obligations and expenditures can be reallocated from the direct limitation to the reimbursable limitation. POs should contact the AAB analyst responsible for the account for guidance; and

- (3) For obligation/payable balances that have shown no activity for more than 180 days, the buyer shall determine the reason for the lack of activity on the order. Once the buyer determines an order has been fulfilled, the buyer will inform the seller that the unused funds will be deobligated within 30 days. If the seller provides proof of continuing or unbilled work, the balances shall remain available. Otherwise, the buyer will deobligate the unused funds.

- d. If the GEPA Joint Funding Authority is the ED authority used for the IAA, PO works with OGC and the Budget Service to prepare the Congressional notice (See [Appendix A](#)).
5. OCFO utilizes ED's financial system and the IPAC system to:
 - a. Process the payments or collections, making sure they correspond with the terms of the IAA; and
 - b. For incoming funds, reconcile expenses with collections.

IX. Interagency Agreements Involving Grants

IAAs involving grants are subject to the business process provided in [Section VIII](#)., as well as the additional requirements, as follows:

A. IAAs that involve funds for ED administered grants must:

1. Be executed in accordance with ED's grants policy, practice, and guidance (consult the Office of the Secretary/Risk Management Service/Grants Policy and Procedures Team for assistance); and
2. Meet certain statutory and regulatory requirements (consult the appropriate OGC program and DBAL attorneys).

B. When funds are transferred into ED to jointly fund one or more discretionary grants, a copy of the approved IAA must accompany the proposed grant award or slate of grant awards, and the IAA must be reviewed by the PO program officer to determine if there are any restrictions on the use of funds that must be reflected in the grant awards. For continuation grants, a provision must be included to indicate that additional funding is contingent on receipt of funds from another agency. When the transfer of funds is made under Section 430 of GEPA (the GEPA Joint Funding Authority, 20 U.S.C. 1231), the PO, in consultation with OGC and the Budget Service, prepares the Congressional notification as required by the statute. Consult the OGC program attorney for additional assistance.

X. Business Process for Agreements without a Transfer of Funds

There may be instances in which each agency has mutual responsibilities and costs in carrying out a project or activity, and each agency will bear its own costs, which will not result in a transfer of funds initially or in the future. When IAAs do not involve a transfer of funds, the business process is as follows:

A. **Initial Process**

1. The PO consults:
 - a. The appropriate OGC attorney;
 - b. The OIG counsel if the IAA involves the OIG or audit services from another Federal agency; and

- c. Their internal CSO if the IAA will involve IT goods or services. The CSO will determine the need for and provide guidance on any specific requirements (e.g., language, security, reporting, etc.) that must be addressed or included in the IAA.
2. The PO conducts discussions and negotiations with the other agency on the particulars of the IAA, including the details on the respective responsibilities of each agency in carrying out the project or activity.

B. Document Preparation and Review

1. The PO drafts the MOU/SOW that shall provide, at a minimum, the following information (see [Appendix C](#)):
 - a. Purpose and objective of the IAA, including a description of its relation to the mission and goals of ED;
 - b. Name, responsibilities, and statutory authority of each participating agency;
 - c. Description of the scope of work or services, supplies, equipment, and assistance that each agency will supply or obtain under the IAA, how and when the items will be supplied, and the mutual interests in and responsibilities for carrying out a joint project;
 - d. Identification of any policies, rules, or procedures that will govern the performance of the work; and
 - e. Performance period for the IAA, providing the from (beginning) and through (ending) dates. Consider the timeframe that the MOU/SOW is likely to be signed by the agencies' approving officials. Generally, the "from" date cannot be prior to the date of the latest of these signatures. Generally, the "through" date cannot be more than one year after the "from" date. Consult the OGC attorney on exceptions.
2. PO prepares an IT Clearance Form for IAAs that involve IT goods and services. The IT Clearance Form is located on ConnectED at <http://connected/index.cfm?articleobjectid=83F9A04D-AAC6-EFAF-099C708E72808402>

Note: The OF-347 and BS-008 forms are not required.

3. PO initiates the IAA.
 - a. PO ensures that the MOU/SOW is clearly identified as "draft" and emails the document simultaneously to the appropriate reviewers.
 - (1) All MOUs/SOWs must be reviewed by the PO's appropriate internal offices and IAC, OGC attorney, SPE, Budget Service policy analysts, and the other agency; and
 - (2) If applicable, the draft document must also be reviewed by the OIG counsel (if the IAA involves the OIG or acquisition of audit services), OCIO (if the IAA

involves an IT acquisition), and OM/RIMS (if the IAA involves data collection or collection of personal identifiable information).

- b. PO should provide a “reply by” date when the MOU/SOW is sent for review, allowing reviewers at least 10 working days to complete their review. PO should follow-up with reviewers who have not responded by the “reply by” date.
4. Reviewers should provide a reply of “concur without comment,” “concur with comment,” or “non-concur with comment.”
 - a. ED reviewers review draft materials with special attention to the responsibilities of their office, as described in [Section VII](#).
 - b. PO ensures that the other agency reviews draft materials and provides comments and edits.
 - c. Reviewers should reply electronically as promptly as possible to the PO contact and IAC. If the reviewer is unable to respond by the “reply-by” date, the reviewer should inform the PO contact and IAC of the need for additional time.
 5. PO considers the edits and comments from all reviewers, resolves all non-concurrence issues, makes appropriate revisions, and prepares the final document.

Note: If substantive revisions are made, the PO should consider providing revised draft documents to the reviewers for information only (i.e., no additional review time or action is required).

C. Document Clearances and Approvals

1. PO emails the final MOU/SOW simultaneously for clearance to the appropriate reviewers (see [Section X.B.3.a](#)). The PO should allow at least 3 working days for clearances (5 working days for OGC), and follow-up accordingly.
2. After all clearances are obtained, PO generates the MOU/SOW in hardcopy and secures the signatures of the agencies’ approving officials (faxed and scanned documents are acceptable).
3. PO reviews the dates that the MOU/SOW was signed by the approving official for each agency, and ensures that the performance period “from” (beginning) date is not prior to the date of the latest of these signatures. Consult the OGC attorney on exceptions.

- D. **Processing the Final Approved Document:** The PO shall retain the original final MOU/SOW and any copies required by PO procedures, provide a copy (or other original) to the other agency, and provide a copy to OCO Executive Officer for inclusion in ED’s central records.

Appendix A: Principal Authorities

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Department of Education Organization Act

SEC. 415. (20 U.S.C. 3475)

(a) Subject to the provisions of the Federal Property and Administrative Services Act of 1949, the Secretary is authorized to make, enter into, and perform such contracts, grants, leases, cooperative agreements, or other similar transactions with Federal or public agencies (including State and local governments) and private organizations and persons, and to make such payments, by way of advance or reimbursement, as the Secretary may determine necessary or appropriate to carry out functions of the Secretary or the Department.

(b) Notwithstanding any other provision of this Act, no authority to enter into contracts or to make payments under this title shall be effective except to such extent or in such amounts as are provided in advance under appropriation Acts. This subsection shall not apply with respect to the authority granted under section 421.

SEC. 419. (20 U.S.C. 3479)

(a) With their consent, the Secretary may, with or without reimbursement, use the research, equipment, services, and facilities of any agency or instrumentality of the United States, of any State or political subdivision thereof, or of any foreign government, in carrying out any function of the Secretary or the Department.

(b) The Secretary is authorized to permit public and private agencies, corporations, associations, organizations, or individuals to use any real property, or any facilities, structures, or other improvements thereon, under the custody and control of the Secretary for Department purposes. The Secretary shall permit the use of such property, facilities, structures, or improvements under such terms and rates and for such period as may be in the public interest, except that the periods of such uses may not exceed five years. The Secretary may require permittees under this section to recondition and maintain, at their own expense, the real property, facilities, structures, and improvements used by such permittees to a standard satisfactory to the Secretary. This subsection shall not apply to excess property as defined in section 3(e) of the Federal Property and Administrative Services Act of 1949.

(c) Proceeds from reimbursements under this section may be credited to the appropriation of funds that bear or will bear all or part of the cost of such equipment or facilities provided or to refund excess sums when necessary.

(d) Any interest in real property acquired pursuant to this Act shall be acquired in the name of the United States Government.

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General Education Provisions Act: Joint Funding of Programs

SEC. 430. (a) (1) The Secretary is authorized to enter into arrangements with other Federal agencies to jointly carry out projects of common interest, to transfer to such agencies funds appropriated under any applicable program, and to receive and use funds from such agencies, for projects of common interest.

(2) Funds transferred or received pursuant to paragraph (1) shall be used only in accordance with the statutes authorizing the appropriation of such funds, and shall be made available by contract or grant only to recipients eligible to receive such funds under such statutes.

(3) If the Secretary enters into an agreement under this subsection for the administration of a project, the agency administering the project shall use such agency's procedures to award contracts or grants and to administer such awards, unless the parties to the agreement specify the use of procedures of another agency that is a party to the agreement.

(4) If the Secretary has entered into an agreement authorized under this subsection and the Secretary and the heads of the other agencies participating in the agreement determine that joint funding is necessary to address a special need consistent with the purposes and authorized activities of each program that provides funding under the joint project, the Secretary and the heads of the other participating agencies may develop a single set of criteria for the jointly funded project and require each applicant for such project to submit a single application for review by the participating agencies.

(b) The Secretary may develop the criteria for, and require the submission of, joint applications under two or more applicable programs under which funds are awarded on a competitive basis, and may jointly review and approve such applications separately from other applications under such programs, when the Secretary determines that such joint awards are necessary to address a special need consistent with the purposes and authorized activities of each such program. Any applicant for such a joint award shall meet the eligibility requirements of each such program.

(c) The Secretary may construe the provisions of this section to take precedence over the limitation on joint funding contained in an applicable statute.

(d) (1) The Secretary shall provide notice to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Human Resources [Health, Education, Labor and Pensions] of the Senate of each joint funding agreement made with other Federal agencies not later than 60 days after the making of such agreements.

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(2) Such notice shall include--

(A) a description of the purpose and objectives of the joint funding arrangement;

(B) the amounts and sources, by program, of the funds dedicated to such arrangement; and

(C) the criteria developed to govern the award of contracts and grants.

(20 U.S.C. 1231)

Inspector General Act of 1978

SEC. 6. (a) [. . . each Inspector General, in carrying out the provisions of this Act, is authorized --] (9) to the extent and in such amounts as may be provided in advance by appropriations Acts, to enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this Act.

(5 U.S.C. App. 3)

The Economy Act

Agency Agreements (31 U.S.C. 1535)

(a) The head of an agency or major organizational unit within an agency may place an order with a major organizational unit within the same agency or another agency for goods or services if--

(1) amounts are available;

(2) the head of the ordering agency or unit decides the order is in the best interest of the United States Government;

(3) the agency or unit to fill the order is able to provide or get by contract the ordered goods or services; and

(4) the head of the agency decides ordered goods or services cannot be provided by contract as conveniently or cheaply by a commercial enterprise.

(b) Payment shall be made promptly by check on the written request of the agency or unit filling the order. Payment may be in advance or on providing the goods or services ordered and shall be for any part of the estimated or actual cost as determined by the agency or unit filling the order. A bill submitted or a request for payment is not subject to audit or certification in advance of payment. Proper adjustment of amounts paid in advance shall be made as agreed to by the heads of the agencies or units on the basis of the actual cost of goods or services provided.

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(c) A condition or limitation applicable to amounts for procurement of an agency or unit placing an order or making a contract under this section applies to the placing of the order or the making of the contract.

(d) An order placed or agreement made under this section obligates an appropriation of the ordering agency or unit. The amount obligated is deobligated to the extent that the agency or unit filling the order has not incurred obligations, before the end of the period of availability of the appropriation, in--

(1) providing goods or services; or

(2) making an authorized contract with another person to provide the requested goods or services.

(e) This section does not--

(1) authorize orders to be placed for goods or services to be provided by convict labor; or

(2) affect other laws about working funds.

Crediting payments from purchases between executive agencies (31 U.S.C. 1536)

(a) An advance payment made on an order under section 1535 of this title is credited to a special working fund that the Secretary of the Treasury considers necessary to be established. Except as provided in this section, any other payment is credited to the appropriation or fund against which charges are made to fill the order.

(b) An amount paid under section 1535 of this title may be expended in providing goods or services or for a purpose specified for the appropriation or fund credited. Where goods are provided from stocks on hand, the amount received in payment is credited so as to be available to replace the goods unless--

(1) another law authorizes the amount to be credited to some other appropriation or fund; or

(2) the head of the executive agency filling the order decides that replacement is not necessary, in which case, the amount received is deposited in the Treasury as miscellaneous receipts.

(c) This section does not affect other laws about working funds.

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National Science Foundation Authorization Act of 1950, Section 14

Transfer of research and education funds of other Government departments or agencies

Funds available to any department or agency of the Government for scientific or engineering research or education, or the provision of facilities therefor, shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Foundation for such use as is consistent with the purposes for which such funds were provided, and funds so transferred shall be expendable by the Foundation for the purposes for which the transfer was made.

(42 U.S.C. 1873(f))

U.S.C., Title 40, Section 11318 (formerly part of the Clinger-Cohen Act)

SEC. 11318. Interagency Support.

The head of an executive agency may use amounts available to the agency for oversight, acquisition and procurement of information technology to support jointly with other executive agencies the activities of interagency groups that are established to advise the Director of the Office of Management and Budget in carrying out the Director's responsibilities under this chapter. The use of these amounts for that purpose is subject to requirements and limitations on uses and amounts that the Director may prescribe. The Director shall prescribe the requirements and limitations during the Director's review of the executive agency's proposed budget submitted to the Director by the head of the executive agency for purposes of section 1105 of title 31.

(40 U.S.C. 11318)

Appendix B: Interagency Agreement Forms

The departmentally prescribed interagency agreement forms are the BS-008 EDBUYER, BS-008 EDSELLER, and BS-008 Payment Addendum. They are issued and maintained by the Budget Service, Budget Execution Analysis Branch, and provide the pertinent information needed to execute an interagency agreement between agencies.

1. The BS-008 EDBUYER form is used to provide the details of the order when ED is the buying (i.e., requesting) agency, which means the funds are outgoing.
2. The BS-008 EDSELLER form is used to provide the details of the sale when ED is the selling (i.e., performing) agency, which means the funds are incoming.
3. The BS-008 EDBUYER Payment Addendum and BS-008 EDSELLER Payment Addendum are used to provide payment information on the transfer of the funds and standard terms and conditions.

These forms are designed to capture the data required by ED and the Department of the Treasury for transmitting and processing intra-governmental exchange activity (ordering and billing). New transfer of funds forms are required for each new fiscal year of funding for an IAA, even for continuation MOUs covering multiple years of activity. Currently, there is no IAA standard form used by the Federal Government. Therefore, ED requires submission of the BS-008 forms. If the other agency prefers to use their form, then both agencies' forms should be completed and included in the IAA package. To ensure use of the most recently prescribed versions of the ED forms and instructions on completing them, the forms and instructions should be retrieved at <http://edreports.ed.gov/LegacyRpt/interagencyformsddf.html>.

Appendix C: Sample MOU Format

(Use of this format is not required. It is provided as a guide.)

MEMORANDUM OF UNDERSTANDING

Between
U.S. Department of Education
And
Name of Other Agency

I. Purpose

State the purpose of the MOU—e.g., The purpose of this Memorandum of Understanding (MOU) is to serve as a written understanding between the Department of Education and (name of the other agency). This MOU documents the responsibilities of the agencies involved in the (acquisition of, use of...).

II. Objective

State the objective of the goods or services, including a description of its relation to the mission and goals of ED and, if applicable, the mutual interests in carrying out a joint project.

III. Scope of Work or Services/Performance Work Statement

Describe the scope of work or services, supplies, equipment, and assistance that each agency will supply or obtain under the IAA, how and when the items will be supplied, each item's estimated or actual cost with a general explanation of how the costs were determined, any policies, rules, or procedures that will govern the performance of the work, and provide the estimated FTE that will be used by the selling agency to perform the work.

IV. Responsibilities

State the name, responsibilities and statutory authority of each participating agency.

V. Performance Period

State the performance period for the IAA, providing the from (beginning) and through (ending) dates.

VI. Estimated Total Cost

Provide the estimated total cost (including the administrative fee). If the IAA will be funded from the current and future fiscal years, a total estimated cost for each year must be provided. The estimated funding for the future years must be stated as "subject to availability of funds."

VII. Agency Approvals

Name and Title of Approving Official
Name of the Agency

Date

Name and Title of Approving Official
Name of the Agency

Date

Appendix D: Determinations and Findings for Interagency Acquisitions under the Economy Act (31 U.S.C. 1535)

Interagency Agreement (IAA) Number:

I, the undersigned, certify that:

1. The use of this interagency acquisition is in the best interest of the Government;
2. The supplies or services cannot be obtained as conveniently or economically by contracting directly with a private source; and
3. The Economy Act order does not require contract action by the servicing agency; or
4. 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 YES NO
 - b. The servicing agency has capabilities or expertise to enter into a contract for such supplies or services which is not available within the requesting agency YES NO
 - c. The servicing agency is specifically authorized by law or regulation to purchase such supplies or services on behalf of other agencies YES NO

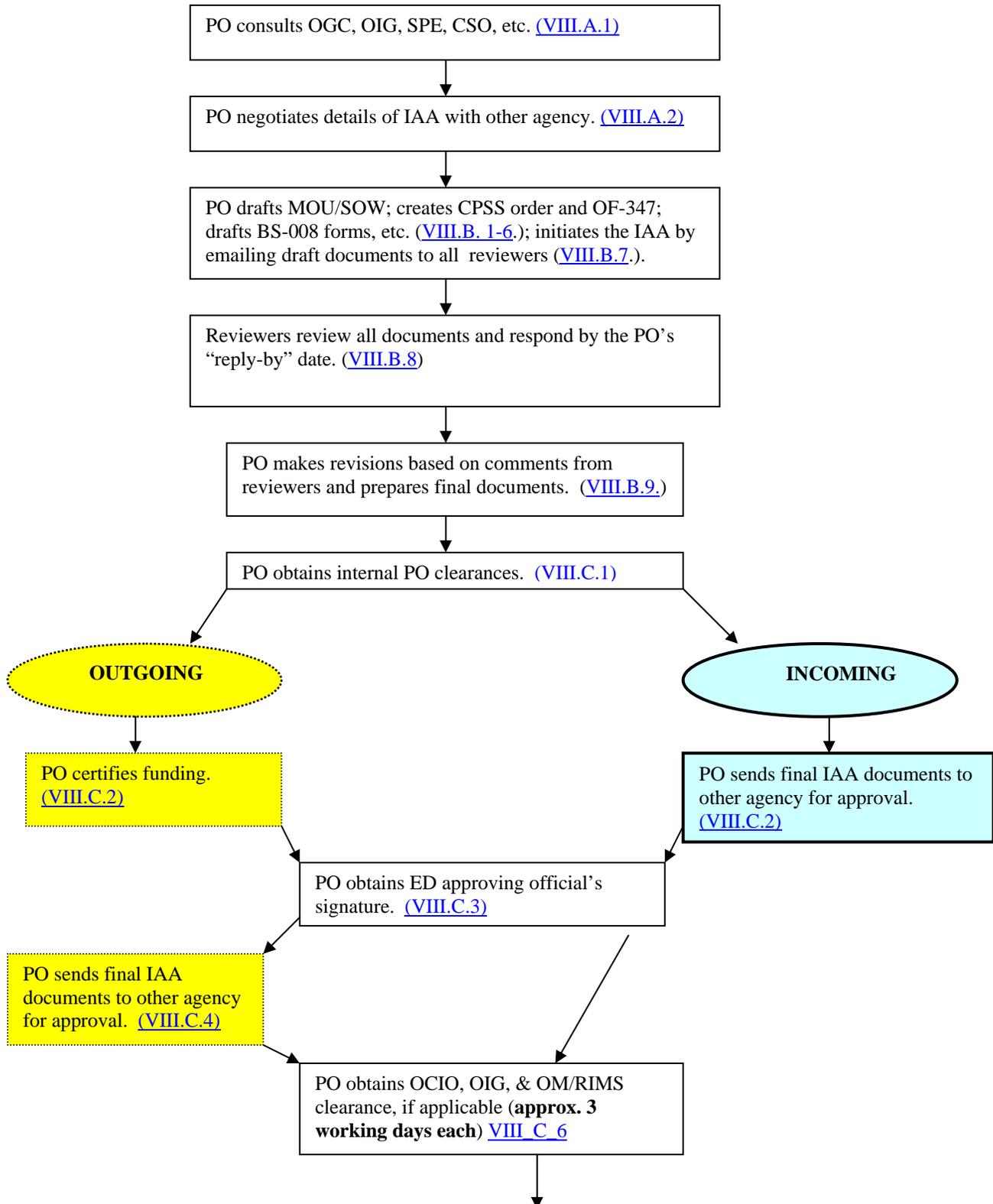
Contracting Officer

Date

Appendix E: Interagency Agreement Business Process Flowchart

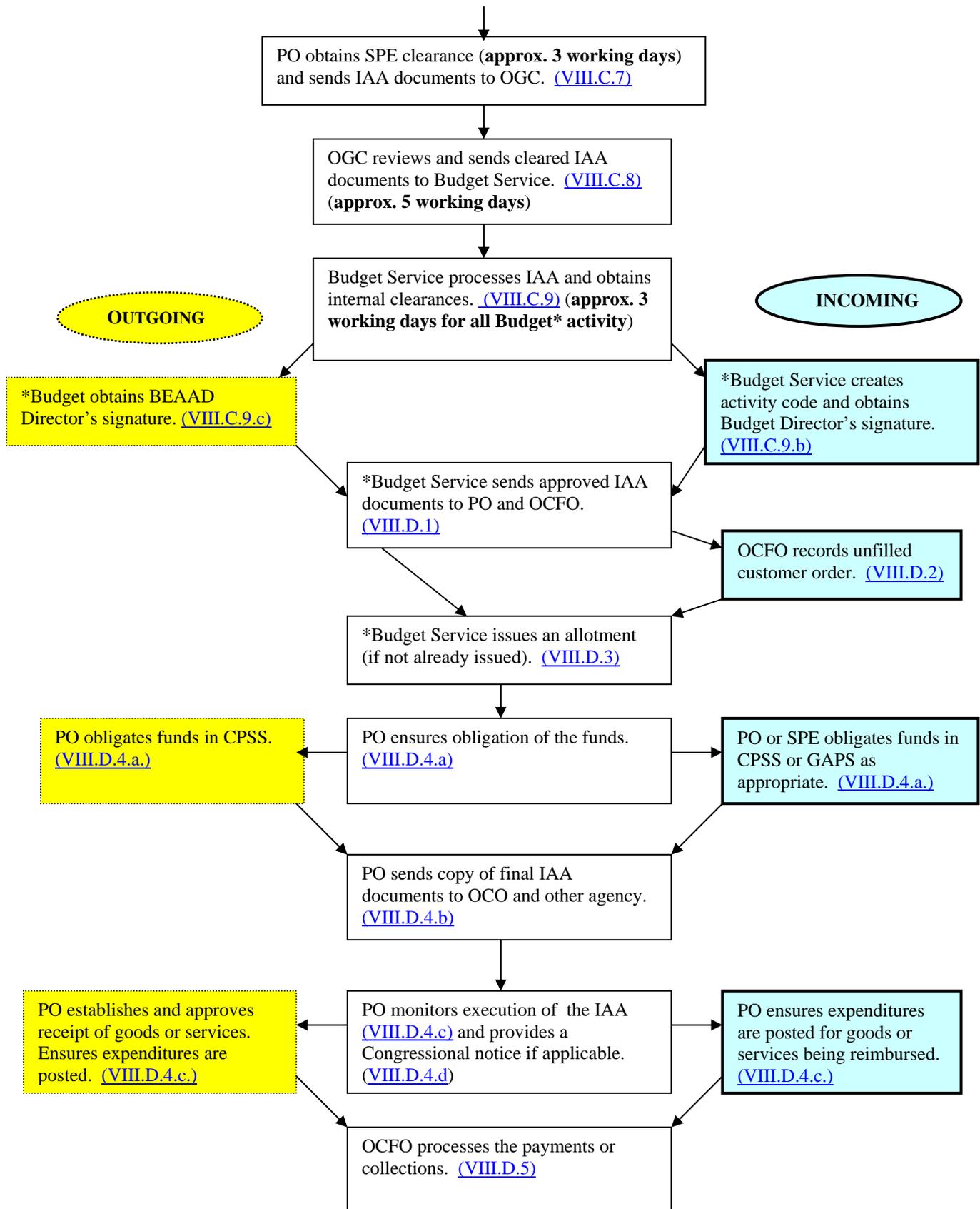
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Use the hyperlinks provided or refer to Section VIII of this directive for detailed explanations of each step shown below.



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Appendix F: Interagency Agreement Administrative Fees

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Federal agencies normally charge for the full costs of goods and services that they provide to other agencies. One reason is that failure to recover the costs improperly augments the appropriation of the buying agency. (57 Comp. Gen. 674, 682 (1978).) ED has a significant number of interagency agreements under which other agencies provide support or services for ED's programmatic activities. On the other hand, ED has a limited number of interagency agreements under which it provides what are generally considered to be "goods and services" to other Federal agencies, and for which it charges the estimated costs of providing such services. Pursuant to the latter interagency agreements, ED enters into contracts, makes grants, or provides direct services (such as conferences or reports) in a specific program area, using both its funds and those of the other agency. ED charges an administrative fee associated with providing such services, and this appendix is designed to respond to questions that have been asked about these fees.

Why charge other agencies for administrative expense fees? What legal authority do we have to collect administrative expense fees?

Agencies charge fees to cover the costs of projects that are supported by other agencies under interagency agreements, acknowledging that administrative costs, including staff time, are incurred with managing and carrying out the provisions of the interagency agreements. Charging a fee acknowledges that ED resources are used in providing the services needed to carry out the interagency agreement and that the supporting Federal agency is achieving similar costs savings by not carrying out the specific activities itself. The legal authority for charging and collecting the fee is the same as that providing the authority for the interagency agreement, whether it be the Economy Act relied on by some agencies or the DEOA or other specific authority cited by agencies for programmatic activities. Various Comptroller General opinions have addressed this issue since its 1978 opinion, including 72 Comp. Gen. 159 (1993), which applied its reasoning to actions taken under a statutory authority other than the Economy Act.

How much should ED charge for the administration of the reimbursable activities?

While some other agencies assess administrative fees as a percentage of direct cost for services or goods, ED's policy is to develop an appropriate estimate for each interagency agreement based on a determination of the reasonable and justifiable costs associated with executing a particular interagency agreement. ED offices should assess fees based on an estimate of the cost per hour and hours of work required to administer interagency agreements. To determine the hours, include the time the PO staff spends drafting, reviewing, and processing the interagency agreement; the staff in OGC, OIG, OCIO, OM, SPE, and the Budget Service spend for reviews and comments; the PO staff spend in contract or grant monitoring; and the OCFO staff spend in processing and accounting for the funds. The charges for this time are negotiated between ED and the other agency. The Budget Service reviews the assessments of the administrative costs for reasonableness. If the hours being worked are substantially different from the estimate in the interagency agreement, the administrative fee should be renegotiated. Currently, the cost of employees' time is approximately \$74 per hour (including amounts for rent, phones, computers, etc.). The office should charge only for work directly related to the interagency agreement.

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For example, if an interagency agreement adds money to grants already being made, but requires nothing additional from the grantee, then the Department cannot charge the other agency for monitoring, because Department employees already are monitoring the grants. If the reimbursable interagency agreement results in additional monitoring or in other responsibilities, then the time for the monitoring or other activities must be charged in the administrative fee.

Here's an example of the estimated staff time spent in the preparation, clearance, and processing of an interagency agreement.

- Staff time preparing the IAA documents, communicating with ED reviewers and the other agency--**15 hours** (3 hours a day, 5 days total); modifying the contract and additional monitoring of the contract because of the additional work being performed -- **5 hours**
- Executive/program office time including reviewing the draft and final forms, tracking the interagency agreement through signature and obligation, monitoring project performance or receipt of goods and services, and tracking expenditures -- **10 hours**;
- OIG review of draft and final MOU (if applicable—see Section [VII. E](#)) -- **3 hours**;
- OCIO review of draft and final MOU (if applicable—see Section [VII. I](#)) -- **1 hour**;
- OM/RIMS review of draft and final MOU (if applicable—see Section [VII. J](#)) -- **3 hours**
- SPE review of draft and final MOU -- **1 hour**;
- OGC review of draft and final MOU -- **4 hours**;
- Budget Service review of draft and final MOU, policy review and execution activities -- **4 hours**;
- OCFO collection of funds from other agency, Treasury reporting; financial statements -- **4 hours**.

The interagency agreement has consumed 48 hours of ED work time. At \$74 per hour, the administrative expenses are \$3,552.

How will the administrative fees be used?

It can be difficult for POs to efficiently use the small amounts of administrative fees collected individually. During the first three quarters of the fiscal year, administrative fees will be allotted to the office responsible for providing the service, to be used for obligations associated with the administration of the interagency agreement. To minimize the potential lapse of administrative fees late in the fiscal year, **during the fourth quarter, the Budget Service intends to aggregate and use administrative fees** to reimburse Department-wide common support expenses that are typically associated with the administration of interagency agreements (e.g., equipment, communications, utilities, supplies). Offices with valid reimbursable obligations may appeal to have the fourth quarter funds allotted to them. Requests should be sent to the appropriate AAB budget analyst and will be considered on a case-by-case basis. Decisions will be made and communicated to requesting POs by September 1st each year.

Appendix G: Interagency Agreement Waiver Policy

In order to allow sufficient processing time for interagency agreements (IAAs), including all reviews and approvals, August 1st of each year will be the annual ED deadline for initiating IAAs (see [Section VIII.B.7](#)). (Note: Inclusion of an IAA in the PO's contract acquisition plan does not meet the August 1st requirement.) After August 1st, POs must obtain an approved waiver before initiating an IAA. Principal Offices should ensure that the Federal agencies with whom ED will be entering into IAAs are aware of ED's annual deadline and that Senior ED Management approval to proceed will be required for IAAs to be initiated after August 1st.

Submitting Waiver Requests

If an IAA is not initiated on or before August 1st, the Assistant Secretary/Deputy Assistant Secretary/Assistant Deputy Secretary/Principal Officer must provide a written waiver request to the Office of the Secretary's Executive Secretariat (Exec. Sec.) to request approval from the Chief of Staff to initiate the IAA. The waiver request must be approved before the IAA is initiated. The request and reply may be processed via email. At a minimum, the waiver request must contain the information listed below under "Waiver Request Materials." An approved waiver request must accompany the IAA documents when circulated in ED for review.

Waiver Request Materials

To assist in the decision of whether to approve a waiver request, the following information must be provided to the Exec. Sec.:

Background information

- Name of the ED PO and the other agency
- The purpose of the IAA
- Specify whether the activity involves a grant or contract
- If a transfer of funds is involved:
 - Indicate whether the transfer is incoming or outgoing
 - The amount of funds being transferred
- If jointly funded, amount provided by each agency
- Indicate whether the IAA is:
 - A new agreement for the current FY
 - An incremental agreement (i.e., adding current FY funding to a multi-year agreement that was subject to availability of funds)
 - A recurring agreement (i.e., one that is done every year)
- A copy of the previous year's approved BS-008 and MOU/SOW for incremental or recurring agreements

Rationale -- provide an explanation of:

- Why the deadline could not be met
- Why the interagency agreement must be processed in the current fiscal year
- The ramifications if the request is not approved

Contact Information -- Name and phone number of the ED IAA P/OC and IAC

Attachments -- A copy of the draft MOU/SOW, if completed

Appendix H: DUNS Numbers by Principal Office

U.S. DEPARTMENT OF EDUCATION DUNS NUMBERS BY PRINCIPAL OFFICE

| LINE # | DUNS # | AGENCY | PRINCIPAL OFFICE |
|--------|-----------|----------------------------------|---|
| 1 | 042685169 | Education, United States Dept of | Office for Civil Rights |
| 2 | 006487131 | Education, United States Dept of | Office of Elementary and Secondary Education |
| 3 | 006486893 | Education, United States Dept of | Office of English Language Acquisition |
| 4 | 125193057 | Education, United States Dept of | Office of Federal Student Aid |
| 5 | 125193172 | Education, United States Dept of | Office of Innovation and Improvement |
| 6 | 125195755 | Education, United States Dept of | Office of Inspector General |
| 7 | 602397635 | Education, United States Dept of | Office of Communications and Outreach |
| 8 | 006484062 | Education, United States Dept of | Office of Legislation and Congressional Affairs |
| 9 | 125195961 | Education, United States Dept of | Office of Management |
| 10 | 125193362 | Education, United States Dept of | Office of Postsecondary Education |
| 11 | 602397429 | Education, United States Dept of | Office of Planning, Evaluation, and Policy Development |
| 12 | 125193487 | Education, United States Dept of | Office of Safe and Drug-Free Schools |
| 13 | 006484849 | Education, United States Dept of | Office of Special Education and Rehabilitative Services |
| 14 | 125193610 | Education, United States Dept of | Office of the Chief Financial Officer |
| 15 | 125193735 | Education, United States Dept of | Office of the Chief Information Officer |
| 16 | 125190889 | Education, United States Dept of | Office of the Deputy Secretary |
| 17 | 125193677 | Education, United States Dept of | Office of the General Counsel |
| 18 | 001044168 | Education, United States Dept of | Office of the Secretary |
| 19 | 125192943 | Education, United States Dept of | Office of the Under Secretary |
| 20 | 006484377 | Education, United States Dept of | Office of Vocational and Adult Education |
| 21 | 057366221 | Education, United States Dept of | National Institute for Literacy |
| 22 | 614745263 | Education, United States Dept of | Institute of Education Sciences |

Appendix I: Acronyms

- A. [A-76](#) – OMB Circular on “Performance of Commercial Activities”
- B. [A-130](#) – OMB Circular on “Management of Federal Information Resources”
- C. [AAB](#) – Administrative Analysis Branch
- D. [BEAB](#) – Budget Execution Analysis Branch
- E. [CO](#) – Contracting Officer
- F. [CPSS](#) – Contracts and Purchasing Support System
- G. [CSO](#) – Computer Security Officer
- H. [DBAL](#) – Division of Business and Administrative Law
- I. [DEOA](#) – Department of Education Organization Act
- J. [DUNS](#) – Data Universal Numbering System
- K. [D&F](#) – Determinations and Findings
- L. [ED](#) – Department of Education
- M. [EXEC SEC](#) – Executive Secretariat
- N. [FAR](#) – Federal Acquisitions Regulations
- O. [FISMA](#) – Federal Information Security Management Act
- P. [FMO](#) – Financial Management Operations
- Q. [FSA](#) – Federal Student Aid
- R. [GEPA](#) –General Education Provisions Act
- S. [IAA](#) – Interagency Agreement
- T. [IAC](#) – Interagency Agreement Coordinator
- U. [IPA](#) – Intergovernmental Personnel Act
- V. [IPAC](#) – Intra-governmental Payment and Collection System
- W. [ISA](#) – Interconnection Security Agreement
- X. [IT](#) – Information Technology
- Y. [MOU](#) – Memorandum of Understanding
- Z. [OCFO](#) – Office of the Chief Financial Officer
- AA. [OCIO](#) – Office of the Chief Information Officer
- BB. [OCO](#) – Office of Communications and Outreach
- CC. [OGC](#) – Office of the General Counsel
- DD. [OF 347](#) – Order for Supplies or Services
- EE. [OIG](#) – Office of Inspector General
- FF. [OM](#)– Office of Management
- GG. [OMB](#) – Office of Management and Budget
- HH. [PBO](#) – Performance-Based Organization
- II. [PO](#) – Principal Office
- JJ. [P/OC](#) – Point of Contact/Order Contact
- KK. [RIMS](#) – Regulatory Information Management Services
- LL. [SOW](#) – Statement of Work
- MM. [SPE](#) – Senior Procurement Executive
- NN. [TFM](#) – Treasury Financial Manual