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	Work for Others SUPPORT FOR OTHERS: REIMBURSABLE WORK	
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DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers
Washington, D.C. 20314-1000

CECW-I

Regulation
No. 1140-1-211

22 June 1992

Work for Others
SUPPORT FOR OTHERS: REIMBURSABLE WORK

1. Purpose. This regulation provides guidance on USACE performing reimbursable work for non-DOD Federal agencies, States, Commonwealths, Territories, and local governments of the United States. This work is further defined and described in paragraphs 4 and 5, and shall be known as the "Support for Others" (SFO) Program.
2. Applicability. This regulation applies to HQUSACE/OCE elements, major subordinate commands, districts, and field operating activities (FOA).
3. References.
 - a. 10 U.S.C. 3036(d)
 - b. 31 U.S.C. 1535
 - c. 31 U.S.C. 6505
 - d. P.L. 93-288, Disaster Relief and Assistance Act (88 Stat. 143, 42 U.S.C. 5121)
 - e. P.L. 95-269 (91 Stat. 218-1-219)
 - f. OMB Circular A-97 Revised, Rules and regulations permitting Federal agencies to provide specialized or technical services to State and local units of government under Title III of the Intergovernmental and Cooperation Act of 1968

This regulation supersedes ER 1140-1-211, 7 Jan 88

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g. DOD Instruction 7730.53, Specialized or Technical Services Provided by Department of Defense Components to State and Local Units of Government

h. AR 37-1, Army Accounting and Fund Control

i. AR 415-28, Department of the Army Facility Classes and Construction Categories

j. ER 1-1-6, Transfer of Missions & Functions Providing & Obtaining Support Services

k. ER 5-7-1(FR), Project Management, Advance Copy

l. ER 37-2-10, Accounting and Reporting Civil Works Activities

m. ER 37-345-10, Accounting and Reporting - Military Activities

n. ER 70-1-5, Corps of Engineers Research and Development Program

o. ER 405-1-12, Real Estate Handbook

p. ER 415-2-4, Corps Support for EPA Construction Grants Program

q. ER 500-1-1, Natural Disaster Procedures

r. ER 550-1-1, International Agreements

s. ER 1105-2-100, Planning Guidance Notebook

t. ER 1110-2-500, Corps/EPA Superfund Program Funding and Reporting Requirements

u. ER 1165-2-30, Acceptance and Return of Required, Contributed or Advanced Funds for Construction or Operation

4. Definitions.

a. Memorandum of Agreement (MOA). A written agreement between the U.S. Army and another Federal agency, State or local government, for transferring a technical mission to the U.S. Army Corps of Engineers (USACE)

or the assignment of future technical work with funds to USACE. Support for others arrangements will generally be defined in an MOA. When the MOA does not address specific projects and/or resources, a Support Agreement will generally be prepared to supplement the MOA.

b. Interagency Agreement. A numbered form, which may include a narrative addendum, co-signed by appropriate representatives of the U.S. Army and the other agency, by which specific technical, administrative and/or logistical support is provided by the USACE with funds provided by the other agency, state or local government. ENG Form 4914-R, U.S. Army Corps of Engineers Interagency Agreement (Appendix A) or similar interagency agreement document (from another agency) must be used for this purpose. ENG Form 4914-R may be locally reproduced.

c. Support for Others (SFO). SFO includes work performed by USACE under applicable Federal law and funded by non-Department of Defense (DOD) Federal agencies, and State and/or local governments of the U.S. For purposes of this regulation, the term "states" includes any of the 50 States of the United States, plus the District of Columbia; the Commonwealths of Puerto Rico and Northern Mariana Islands; the Territories of the U.S. Virgin Islands, Guam and American Samoa.

5. SFO Program Coverage.

a. Work covered by this regulation. Includes the work as defined in paragraph 4c above and as further outlined and described below.

(1) Non-DOD Federal agencies. The Economy Act (31 U.S.C. 1535) and 10 U.S.C. 3036(d) give USACE authority to provide reimbursable services to non-DOD Federal agencies.

(2) State and local governments of the U.S. The Intergovernmental Cooperation Act (31 U.S.C. 6505) and 10 U.S.C. 3036(d) give USACE authority to provide reimbursable services to State and local governments. ER 1165-2-30 describes existing authorities for acceptance and for return of appropriate portions of required cash contributions or advanced funds for performing work for State and local governments in connection with authorized civil works projects.

b. Work not covered by this regulation. This regulation is not applicable to the activities outlined below.

(1) USACE legislatively mandated programs. SFO does not include activities for which USACE receives funds directly from Congress.

(2) Emergency work.

(a) Emergency work requested by the Director, Federal Emergency Management Agency, or by the Director's authorized representative, under the provisions of Public Law 93-288, and performed in accordance with ER 500-1-1.

(b) Emergency dredging work performed under the provisions of Public Law 95-269. This work shall be reported to CDR HQUSACE (CECW-OD) Washington, D.C. 20314-1000 upon completion.

(c) Other emergency work such as cleanup of spills or emergency relocations.

(3) Work for DOD agencies. The SFO Program and this regulation are not applicable to work for DOD agencies. NOTE: National Guard activities are considered DOD activities and therefore are not part of the SFO Program.

(4) Reimbursable assistance by USACE laboratories. This regulation is not applicable to this work, except for general resource accounting guidance of Appendix B. ER 70-1-5 is applicable to this work.

(5) Foreign military sales and security assistance programs.

(6) Other assistance to foreign nations.

(7) Private entities.

6. Guidance on Considering SFO Opportunities.

a. General. Within the guidelines listed below, USACE Commands and members are encouraged to be active participants in the program by:

(1) applying the engineering and other related capabilities of USACE to accomplish missions of national significance;

(2) maintaining or enhancing USACE ability to perform its assigned missions or enhancing USACE capabilities to respond to new challenges consistent with USACE's purpose.

b. Criteria for evaluating potential requests for Support for Others work. (See Appendix C.)

c. Management objectives. Potential clients should be advised at the outset of discussions that the SFO work performed for them by the USACE will be managed following the Project Management Policies and Procedures specified in ER 5-7-1(FR), as appropriate, including assignment of a project manager, monitoring and accountability for costs and schedules, and upward reporting through the appropriate channels to HQUSACE. While the primary objective is to provide the client a quality product, on time, and within the established budget, other equally important objectives that the potential client should be cognizant of include:

(1) Use of the full breadth of USACE technical and project management skills and review procedures at the appropriate level. However, work may be accepted, and the client charged appropriately, where only one or a few of USACE technical skills are desired.

(2) Use of the design and construction talents of the private sector where feasible.

(3) Recognition that the client will retain responsibility for program planning, development, budgetary justification, and legal liability.

d. USACE responsibility to customers.

(1) maintaining open communications and frequent reporting; know what's going on and be heard;

(2) fostering a corporate spirit and personal attitude of cooperation;

(3) providing fair and reasonable answers;

(4) participating in meetings about the SFO work;

(5) ensuring meaningful participation in decisions about all aspects of the SFO work development, including a sharing, where desired by the client, of project planning, standards and execution;

(6) ensuring quality technical, managerial, and administrative work and products;

(7) fostering creativity and flexibility;

(8) not diluting the attention given to existing missions.

e. Competitive proposals. USACE Commands should not submit proposals in response to Requests for Proposals (RFP). USACE Commands should also not respond to requests for assistance when an agency is in the process of negotiating with a private firm for the same services without specific approval from HQUSACE.

7. Approval Authorities.

a. MSC authorities. Major Subordinate Commands (MSC) Commanders and heads of FOA are encouraged to accept reimbursable work when all the following conditions are met. MSC Commanders may delegate their authority to district commanders.

(1) The work must comply with the criteria checklist and accompanying instructions in Appendix C.

(2) The work can be accomplished within the existing MSC resource allocations until the next Forces Configuration (FORCON) or Corps of Engineers Resource and Military Manpower System (CERAMMS) cycle without compromising any goals or otherwise creating delays in the Corps civil works or military programs functions.

(3) The work will not require a commitment, regardless of the time period during which the work is performed, in excess of ten (10) work-years of USACE effort.

(4) The work is within the MSC's civil works boundary, unless other customer boundaries (e.g., Superfund) have been established by HQUSACE.

(5) Other applicable requirements of the Engineer Regulations referenced in paragraphs 3 and 8 of this regulation are met. ER 1-1-6 provides specific guidance on authorities.

b. HQUSACE/Army approval. Opportunities exceeding the authority cited in paragraph 7a may be approved by HQUSACE provided the opportunity requires a maximum cumulative commitment of less than 25 work-years of USACE effort, complies with criteria checklist, and falls within ASA(CW) aggregate resource ceilings. Opportunities exceeding HQUSACE authorities require approval of the Assistant Secretary of the Army (Civil Works).

8. HQUSACE Management of Selected Reimbursable Programs. Certain programs are centrally managed by HQUSACE. For these programs, USACE entities should undertake work in accordance with HQUSACE guidance for each program. Appendix D provides a listing of these programs.

9. HQUSACE Execution Oversight Authority. Oversight of SFO projects/activities which are not centrally managed by HQUSACE (Appendix D) will be accomplished by the Directorate of Military Programs or the Directorate of Civil Works. For work requiring HQUSACE or ASA(CW) approval, the appropriate directorate for oversight will be determined during the approval process. The MSC Commander will determine the directorate for oversight and upward reporting for work within the MSC Commander's approval authority, based on the guidelines below. SFO activities for which the appropriate oversight responsibility is unclear should be forwarded to CECW-ID for resolution.

a. Directorate of Military Programs. The Directorate of Military Programs will have execution oversight and project management responsibility for SFO projects which are typical of military construction and/or primarily vertical construction, as described in AR 415-28, Department of the Army Facility Classes and Construction Categories. Exceptions would be those facility types which are typical of the civil works program or for which the Directorate of Civil Works has special expertise (primary certain facility types contained in Category Codes 150 (Waterfront Operational facilities), 160 (Harbor and Coastal Facilities), and 871 (Grounds Drainage). Under these guidelines, projects under Military Programs oversight would include (but not be limited to) buildings, utilities, industrial facilities, underground facilities, medical facilities, nuclear weapons facilities, bridges and highways, pavements, wastewater treatment,

secure facilities, schools, aviation facilities, housing, steam power plants, space launch facilities, hazardous, toxic, and radiological waste, environmental restoration and waste management, and national cemeteries. SFO activities assigned to the Directorate of Military Programs will be managed in accordance with ER 5-7-1(FR), Project Management, as discussed in paragraph 14.h. below. All SFO projects for which the Directorate of Military Programs has execution oversight responsibility will be reported to HQUSACE in the Automated Management and Progress Reporting System (AMPRS). Within the Directorate of Military Programs, responsibility for SFO activities is assigned to CEMP-MD (Medical and Support for Others Branch, Project Management Division) except for environmental work which is assigned to CEMP-R (Environmental Restoration Division).

b. Directorate of Civil Works. The Directorate of Civil Works (CECW) will have execution oversight and project management responsibility for projects which are typical of the civil works program and/or horizontal construction, such as water resources (planning, design, construction, and operations), navigation, dredging, coastal engineering, tunnels, flood control, shore and harbor protection, port facilities, hydroelectric power facilities, environmental planning, regulatory functions, disaster recovery, emergency planning, magnetic levitation, and water supply. Also included will be those projects which are described in AR 415-28 but are facility types associated with the civil works program, as defined in paragraph 9.a. SFO activities assigned to the Directorate of Civil Works will be managed in accordance with ER 5-7-1(FR), Project Management, as discussed in paragraph 14.h. below. For those projects which will be included in the Civil Works Project Review Board reporting systems, project data will be included for the Life Cycle Reporting System (LRS). Within the Directorate of Civil Works, execution oversight responsibility for SFO activities is assigned to CECW-L (Life Cycle Project Management Division).

10. Work for State and Local Governments.

a. Work not involving Federal funding assistance. OMB Circular A-97 Revised (Appendix E) and DOD Instruction 7730.53 provide general guidance and define the scope of technical services which may be provided. This includes studies and planning activities, engineering and design (including plans and specifications), construction management assistance and training. Construction management assistance is limited to technical advice to improve State and local management capability in contract preparation, negotiating, and evaluation;

contract administration; quality assurance; and supervision and inspection. Commanders must concur in the certification required by paragraph 7c of Appendix E. USACE Commands may not acquire real estate nor be the construction contracting agency for a State or local government under 31 U.S.C. 6505. Questionable cases should be referred to CDR HQUSACE (CECW-ID) Washington, D.C. 20314-1000 for resolution.

b. Work involving Federal funding assistance. 10 U.S.C. 3036(d) provides authority for USACE to be the construction contracting agency for a State or local government, provided the work involves Federal funding assistance and the department or agency providing the Federal funding does not object to the provision of these services by USACE. The requesting entity must certify, in accordance with the procedures set forth in paragraph 7c of Appendix E that the services to be provided by USACE cannot be procured reasonably and expeditiously through ordinary business channels. The services would normally be those associated with Government management functions which involve the exercise of discretion in applying Government authority and the use of value judgments in project management in the role of contracting officer.

11. Personnel Resourcing. Work initiated after staffing allocations have been made for the fiscal year will be resourced from within division staffing allocations. For subsequent fiscal years, the work must be included in the FORCON or CERAMMS submittals, as appropriate, following the guidance in Appendix B.

12. Funding. As a general principal, USACE should recover all applicable reimbursable costs for SFO work. For non-Federal reimbursable work, funds must be on deposit with the Treasury in advance of USACE Commands incurring obligations for the work, in accordance with AR 37-1, unless there is specific statutory authority to the contrary. Major funding transfers from Federal agencies will be accomplished by using SF 1151, Nonexpenditure Transfer Authorization. The SF 1151 will be prepared and forwarded by the transferring agency through the U.S. Treasury to CDR HQUSACE (CERM-FC) Washington, D.C. 20314-1000 for allotment. For individual taskings less than \$250,000 in total or less than \$50,000 in contracts, funding will be provided by reimbursable order with billings to be made by either SF 1080, Voucher for Transfers Between Appropriations and/or Funds, or SF 1081, Voucher and Schedule of Withdrawals and Credits. Funding may also be accomplished by use of a direct fund cite from the Federal agency.

13. Finance, Accounting and Manpower. Financing and accounting for support for others shall be in accordance with ER 37-2-10 and other appropriate staffing and financial AR's listed in paragraph 3 of this regulation. Non-DOD funded national defense activities will in most cases be classified as military reimbursable projects for the purpose of financial management. Guidelines for classifying support for others are outlined in Appendix B.

14. Notification and Approval Procedures.

a. Work approved within MSC Commanders authority. Following acceptance of the work (within 30 days) USACE Commands will provide information including the scope, estimated staffing requirements, and Circular A-97 certification with Commander concurrence where applicable (see paragraphs 10a and 10b above) to CDR HQUSACE (CECW-ID) Washington, D.C. 20314-1000. CECW-ID will distribute the information within HQUSACE as appropriate.

b. Work within HQUSACE approval authority. When it appears that the work exceeds the approval authority of the MSC, the MSC Commander shall submit an approval request to CDR HQUSACE (CECW-ID) Washington, D.C. 20314-1000. The request should address the nature of the work, the USACE role in the work, projected resource requirements (dollars and work-years of effort), Circular A-97 certification where applicable (see paras 10a and 10b above) and USACE entity implementation plans. CECW-I will coordinate the request within HQUSACE as necessary. Requests will be expeditiously processed.

c. Work requiring ASA(CW) approval. CECW-ID will provide guidance regarding the development, review and processing of a decision memorandum and/or an MOA for approval by the ASA(CW).

d. Real estate work. In providing reimbursable real estate services, normal USACE policies and procedures will be followed (see ER 405-1-12). Any deviation must be approved by CERE-ZA.

e. Hazardous, toxic and radioactive wastes (HTRW). Acceptance and performance of hazardous, toxic and radioactive waste work will be in accordance with ER 1110-2-500. See Appendix D.

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f. Other reimbursable opportunities. Nothing in this regulation is intended to change existing notification and approval procedures for reimbursable work not specifically addressed in paragraph 4c. This includes work for DOD agencies, research and development work, and assistance to foreign nations.

g. Annual report. By 1 November of each year, MSC Commanders are to submit to CDR, HQUSACE (CECW-ID), Washington, D.C. 20314-1000, a report on SFO activities, RCS: CECW-I-7. This report should be a brief narrative that summarizes the past fiscal year SFO activities and plans for SFO activities in the current fiscal year. The report should also include an update of the MSC's April FORCON submittal on SFO.

h. Project management. Project Management policy and procedures, as detailed in ER 5-7-1(FR), will be applied to management of SFO work. HQUSACE Project Review Board involvement will be determined on a case-by-case basis consistent with the guidelines contained in ER 5-7-1(FR), based on MSC recommendations or upon request by the HQUSACE Project Review Board (PRB). Reporting will be to the Military Programs PRB or the Civil Works PRB, based on which directorate has execution oversight responsibility for the project (see paragraph 9 above). Reporting format will be in accordance with ER 5-7-1(FR). Reporting of projects to the HQUSACE PRB does not relieve the MSC from reporting in the AMPRS or LRS systems for projects managed by the Directorate of Military Programs or the Directorate of Civil Works, respectively.

FOR THE COMMANDER:


MILTON HUNTER
Colonel, Corps of Engineers
Chief of Staff

5 Appendices
Appendix A - ENG Form 4914-R
Appendix B - Guidelines for
Classifying Support for Others
Appendix C - Application of SFO Criteria,
Checklist Instructions
Appendix D - Reimbursable Programs
Centrally Managed by HQUSACE
Appendix E - OMB Circular A-97 Revised

APPENDIX A

<p align="center">U.S. ARMY CORPS OF ENGINEERS INTERAGENCY AGREEMENT (ER 1140-1-211)</p>		1. AGREEMENT NO.	
		2. <input type="checkbox"/> INITIAL AGREEMENT <input type="checkbox"/> AMENDMENT NO. _____	
3. PROJECT TITLE		4. EFFECTIVE DATE	
		5. COMPLETION DATE	
6. NAME AND ADDRESS OF USACE ORGANIZATION		7. NAME AND ADDRESS OF OTHER AGENCY	
8. SCOPE OF WORK (Additional pages may be used as needed)			
9. SPECIAL PROVISIONS (Additional pages may be used as needed)			
<p>FOR ILLUSTRATION PURPOSES ONLY (Local reproduction authorized - blank masters available from local FMO)</p>			
10. USACE PROJECT OFFICER	TELEPHONE	11. OTHER AGENCY PROJECT OFFICER	TELEPHONE
ADDRESS		ADDRESS	

12. REPORTS (Requirements and Frequency)			
13. FUNDS (Page(s) with cost breakdown may be attached as necessary)			
SOURCE	PREVIOUS AMOUNT	AMOUNT THIS ACTION	AMENDED TOTAL
a. USACE AMOUNT			
b. OTHER AGENCY AMOUNT			
c. TOTAL PROJECT COST			
14. FUNDING			
Funds will be provided by: a. <input type="checkbox"/> Transfer Appropriation (SF 1151, Now-Expenditure Transfer Authorization) <input type="checkbox"/> Reimbursable Order (31 USC 1535 - Economy Act) <input type="checkbox"/> Other (describe) b. Appropriation:			
15. BILLING			
a. Request for payment will be made by: <input type="checkbox"/> SF 1080 <input type="checkbox"/> SF 1081 <input type="checkbox"/> Other (describe)			
b. Frequency: <input type="checkbox"/> Monthly <input type="checkbox"/> Quarterly <input type="checkbox"/> Upon work completion <input type="checkbox"/> Other (describe)			
c. Request for payment will cite the following accounting information (describe necessary documentation):			
d. Submit to:			
16. AUTHORITY			
17. APPROVALS			
a. NAME AND TITLE OF AUTHORIZING OFFICIAL FOR USACE	SIGNATURE	DATE	
b. NAME AND TITLE OF AUTHORIZING OFFICIAL FOR OTHER AGENCY	SIGNATURE	DATE	

APPENDIX B

GUIDELINES FOR CLASSIFYING SUPPORT FOR OTHERS

1. Non-Department of Defense (DOD) Civil Support for Others. If the work to be performed by the Corps is strictly civil oriented (not related to national defense), the work will be accounted for as "civil support for others," using civil work years and personnel compensation. Civil support for others includes the following:
 - a. Work from a non-Federal agency such as a city, county or state.
 - b. Work from a Federal agency which is funded from a non-DOD appropriation and the physical work cannot be considered defense related. (An example is the EPA Superfund program.)
2. Non-DOD National Defense Related Support for Others. If work is funded by non-DOD appropriations and the work can be considered national defense related, the work should be accounted for as "military" unless other guidance is provided by HQUSACE. It may be necessary to determine this classification by using the appropriation account definition, legislation authorizing the program, Committee report language from appropriations acts, or internal agency documents. If Civil Works personnel work on a non-DOD national defense related project, the in-house labor costs are charged to a military account. If military full-time permanent or temporary personnel work on a non-DOD project, the in-house costs are charged to the military account and the effort is supported by military allocations.
3. Work Funded by DOD Appropriations. This work will be accounted for as "military" and will use applicable regulations for military accounting.

APPENDIX C

APPLICATION OF SFO CRITERIA

CHECKLIST INSTRUCTIONS

PURPOSE: It is anticipated that the bulk of the SFO work done by the Corps is conventional types of assistance to existing agency customers. However, a certain percentage of SFO opportunities involve new types of work or new types of customers, and thus require a policy determination from higher authority. The purpose of the criteria is to segregate those unusual SFO opportunities requiring further guidance from the more routine SFO work. These criteria do not change the existing approval thresholds (i.e. MSC/10 work years; HQUSACE/25 work years) except where policy considerations require HQUSACE or ASA(CW) decision.

1. The criteria are first applied by the office (District, Division or HQUSACE) receiving the incoming request from the customer. For the purpose of these instructions, assume the initial SFO request is received by a District office.
2. The District SFO Coordinator will use the criteria as a checklist prior to making any commitments or initiating any substantive discussions with the requesting agency. If a "YES" answer can be provided in response to each of the key criteria, then the District may proceed with negotiations with the customer. Note that some of the criteria include several elements; in some cases, a "YES" answer is necessary for all sub-elements; in other cases, a "YES" is necessary for only one of the sub-elements.
3. If one or more "NO" answers arise from the initial application of the criteria, the proposed SFO case should be elevated to the next level (i.e., Division). If the Division cannot reach a decision on a given case, it should then be forwarded to HQUSACE for guidance. Telephonic contacts are encouraged to expedite responses. Several outcomes are possible from this point:

a. Reversal of "NO" answers. Based on knowledge of other work nationwide, the Division or HQUSACE may have additional information to reverse negative answers to specific criteria. A decision will then be provided to the District to proceed with negotiations.

b. Confirmation of "NO" answers. Based on knowledge of other decisions made nationwide, the Division or HQUSACE may be able to confirm specific "NO" answers, leading to the conclusion that a specific SFO opportunity should not be pursued further. A decision will then be provided to the District to terminate further discussions on that particular SFO opportunity.

c. Forward to ASA(CW) for decision. Despite one or more "NO" answers to the criteria, a given SFO opportunity may still be worth considering. For such cases, HQUSACE will prepare a decision memorandum for ASA(CW), providing all pertinent information and justification for accepting the work.

4. Once negotiations are nearing completion, but prior to a signed commitment by the District to execute the SFO work, the District should again apply the checklist to ensure that the initial answers are still correct and that the criteria support execution.

5. SFO instances requiring clarification or additional guidance in completing the Criteria Checklist, should be forwarded to HQUSACE, ATTN: CECW-ID, for action.

CRITERIA

	YES	NO
NATURE OF WORK		
Previous Experience With This Kind of Work Before (<i>Has the office responding to the request (or another office in the Division) done this kind of work before</i>)	—	—
Previous Experience With This Customer (<i>Has the Corps done work before for the agency</i>)	—	—
Available Technology/Skill (<i>Are the skills required to do the work within the District/Division capabilities or can be readily acquired by contract</i>)	—	—
Politically Non-Sensitive (<i>Does the work have the potential to cause another agency to object to Corps participation or is it of the nature that there is either local or national controversy associated with the work</i>)	—	—
No International Activities or Related to International Activities (<i>Is the work to be done at an overseas location</i>)	—	—
Corps Most Appropriate Source of Service	—	—
Kind of Work Needed to Perform an Essential Government Function (<i>see Office of Federal Procurement Policy Letter</i>)	—	—
OR		
Possess a Unique Technical Capability	—	—
OR		
Related to Implementation or Operation of an Authorized Federal Project	—	—
Not in Competition with the Private Sector (<i>See ER 1140-1-211</i>)	—	—
STANDARD PROCEDURES		
Follows Provisions of ER 1140-1-211	—	—
Follows Key Wording of Standard MOA Provisions	—	—
If Work is Undertaken as a Subagreement Under an Umbrella MOA, Follows Terms and Procedures of Umbrella MOA	—	—
RESOURCES		
Work Can be Done Within Existing MSC Resource Allocations During the First Year	—	—
Work is Within Approval Threshold (<i>MSC 10 workyears/Headquarters 25 workyears</i>)	—	—
Work Does Not Have an Adverse Impact on Traditional (CW-MIL) Missions and On-going SFO Missions	—	—
If any of the Above Resource Criteria are "NO," Can Work be Brokered?	—	—
STATE AND LOCAL WORK		
Recognized Public Needs of Regional Significance	—	—
Support to State and Local Governments Within the Guidelines of OMB Circular A-97 (<i>See ER 1140-1-211</i>)	—	—
Does Not Involve a Program Defined as "Troubled" by the Federal Granting Agency	—	—
Does Not Assist State/Local Government Meet Federal Regulatory Requirements Where Funding is Local Responsibility	—	—

APPENDIX D

REIMBURSABLE PROGRAMS CENTRALLY MANAGED BY HQUSACE

<u>Program</u>	<u>HQUSACE Proponent</u>	<u>Applicable Documents</u>
Support to FEMA for National Flood Insurance Program	CECW-PF	<ul style="list-style-type: none">• ER 1105-2-100
Hazardous, Toxic, or Radiological Waste (HTRW)	CEMP-R	<ul style="list-style-type: none">• ER 1110-2-500• HTRW Management Plan (Current version)
Corps Support for EPA Construction Grants Program	CEMP-CM	<ul style="list-style-type: none">• ER 415-2-4
Real Estate Support to the Department of Energy	CERE-A	<ul style="list-style-type: none">• MOU, dated 23 November 1982. Copies available from CDRUSACE (CERE-A) Washington, D.C. 20314-1000
Hazardous, Toxic, and Radiological Waste Remediation Support to the Department of Energy	CEMP-R	<ul style="list-style-type: none">• MOU, dated 12 Jul 90 between DOE and USACE.

APPENDIX E

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

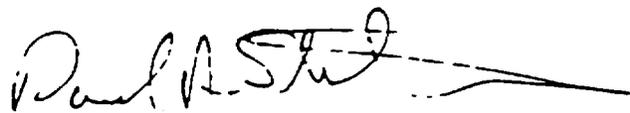
CIRCULAR NO. A-97
REVISED
TRANSMITTAL MEMORANDUM No. 1

March 27, 1981

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: Reports to Congress

This Transmittal Memorandum revises Circular No. A-97, "Rules and regulations permitting Federal agencies to provide specialized or technical services to State and local units of government under Title III of the Intergovernmental and Cooperation Act of 1968," by rescinding paragraph 8, Reports to Congress. The Congressional reporting requirement referenced in paragraph 8 of the Circular was mandated under Section 304 of the Intergovernmental Cooperation Act of 1968. Section 304 was repealed by the Congressional Reports Elimination Act of 1980. The reports to the Congress are no longer required by statute or by the Circular.



David A. Stockman
Director

ER 1140-1-211
22 Jun 92

EXECUTIVE OFFICE OF THE PRESIDENT
BUREAU OF THE BUDGET
WASHINGTON, D.C. 20503

August 29, 1969

CIRCULAR NO. A-97

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: Rules and regulations permitting Federal agencies to provide specialized or technical services to State and local units of government under Title III of the Intergovernmental Cooperation Act of 1968

1. Purpose. This Circular promulgates the rules and regulations which the Director of the Bureau of the Budget is authorized to issue pursuant to section 302 of the Intergovernmental Cooperation Act of 1968 (P.L. 90-577; 82 Stat. 1102). It also provides for the coordination of the action of Federal departments and agencies (hereinafter referred to as "Federal agencies") in exercising the authority contained in Title III of said Act as directed by the President's Memorandum of November 8, 1968 (33 F.R. 16487).

2. Background.

a. Title III of the Intergovernmental Cooperation Act of 1968 is intended to:

(1) Encourage intergovernmental cooperation in the conduct of specialized or technical services and provisions of facilities essential to the administration of State or local governmental activities.

(2) Enable State and local governments to avoid unnecessary duplication of special service functions.

(3) Authorize Federal agencies which do not have such authority to provide reimbursable specialized and technical services to State and local governments.

b. Title III of the Act authorizes the head of any Federal agency, within his discretion and upon written request from a State or political subdivision thereof, to provide specialized or technical services, upon payment to the Federal agency by the unit of government making the request, of salaries and all other identifiable direct or indirect costs of performing such services.

c. Title III of the Act requires that:

(1) Any services provided pursuant to Title III shall include only those which the Director of the Bureau of the Budget through rules and regulations determines Federal agencies have special competence to provide.

(2) The Director's rules and regulations shall be consistent with, and in furtherance of, the Government's policy of relying on the private enterprise system to provide those services which are reasonably and expeditiously available through ordinary business channels.

(3) All moneys received by any Federal agency in payment of furnishing specialized or technical services under Title III of the Act shall be deposited to the credit of the principal appropriation from which the cost of providing such services has been paid or is to be charged.

(4) The head of any Federal agency shall furnish annually to the respective Committees on Government Operations of the Senate and House of Representatives a summary report on the scope of the services provided under Title III.

3. Reservation of existing authority. The authority contained in Title III of the Act and this Circular is in addition to, and does not supersede, any existing authority now possessed by any Federal agency with respect to furnishing services, whether on a reimbursable or non-reimbursable basis, to State or local units of government. The reporting and other requirements and conditions contained in this Circular shall not apply to services furnished under such existing authorities.

4. Definitions. For purposes of this Circular:

a. The term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of a State.

b. The terms "political subdivision" or "local government" mean a local unit of government, including specifically a county, municipality, city, town, township, or a school or other special district created by or pursuant to State law, or combinations thereof.

c. "Specialized or technical services" means statistical and other studies and compilations, development projects, technical tests and evaluations, technical information, training activities, surveys, reports, documents, and any other similar service functions which any Federal agency is especially equipped and authorized by law to perform.

5. Policy. Federal agencies will cooperate to the maximum extent possible with State and local units of government to provide such specialized or technical services as may be authorized. Such services shall generally supplement, not supplant existing services, and Federal agencies should not provide services with full reimbursement under this Circular which have heretofore been furnished for less than full reimbursement under other authorities, unless specifically requested to do so.

6. Types of services that may be provided.

a. It is hereby determined that Federal agencies have the special competence to provide, and may provide the following specialized or technical services, and facilities related thereto, pursuant to Title III of the Intergovernmental Cooperation Act of 1968:

(1) Any existing statistical or other studies and compilations, results of technical tests and evaluations, technical information, surveys, reports, and documents, and any such materials which may be developed or prepared in the future to meet the needs of the Federal Government or to carry out the normal program responsibilities of the Federal agencies involved.

(2) Preparation of statistical or other studies and compilations, technical tests and evaluations, technical information, surveys, reports, and documents, and assistance in the conduct of such activities and in the preparation of such materials, provided they are of a type similar to those which the Federal agency is authorized by law to conduct or prepare.

(3) Training of the type which the Federal agency is authorized by law to conduct for Federal personnel and others or which is similar to such training.

(4) Technical aid in the preparation of proposals for development and other projects for which the Federal agency provides grants-in-aid or other assistance, provided such aid primarily strengthens the ability of the recipient in developing its own capacity to prepare proposals.

(5) Technical information, data processing, communications and personnel management systems services, and technical advice on improving logistical and management services which the Federal agency normally provides for itself or others under existing authorities.

b. Any of the above specialized or technical services provided to the States and their political subdivisions under existing authorities may also be provided under Title III of the Act and the terms of this Circular.

c. If a Federal agency receives a request for specialized or technical services which are not covered in subparagraph a above and which it believes is consistent with the Act and which it has a special competence to provide, it should forward such request to the Bureau of the Budget

for action. Similarly, if there is doubt as to whether the service requested is covered by subparagraph a, the request should be forwarded to the Bureau of the Budget for action.

7. Conditions under which services may be provided. The specialized or technical services provided under Title III of the Act and this Circular may be provided, in the discretion of the heads of Federal agencies, only under the following conditions:

a. Such services will be provided only to the States, political subdivisions thereof, and combinations or associations of such governments or their agencies and instrumentalities.

b. Such services will be provided only upon the written request of a State or political subdivision thereof. Requests will normally be made by the chief executives of such entities and will be addressed to the head of the agency involved.

c. Such services will not be provided unless the agency providing the services is providing similar services for its own use under the policies set forth in Bureau of the Budget Circular No. A-76, "Policies for acquiring commercial or industrial products and services for Government use" (Revised August 30, 1967). In addition, in accordance with the policies set forth in Circular No. A-76, the requesting entity must certify that such services cannot be procured reasonably and expeditiously by it through ordinary business channels.

d. Such services will not be provided if they require any additions of staff or involve outlays for additional equipment or other facilities solely for the purpose of providing such services, except where the costs thereof are charged to the user of such services. Further, no staff additions may be made which impede the implementation of or adherence to the employment ceilings contained in Bureau of the Budget allowance letters.

e. Such services will be provided only upon payment or provision for reimbursement to the Federal agency involved, by the unit of government making the request, of salaries and all other identifiable direct and indirect costs of performing such services. For cost determination purposes, Federal agencies will be guided by the policies set forth in Bureau of the Budget Circular No. A-25, "User Charges" (September 23, 1959).

f. Any payments or reimbursements received by Federal agencies for the costs of such services will be deposited to the credit of the principal appropriation or other account from which the costs of providing the services have been paid or are to be charged.

g. In the event a request for a service is denied, the Federal agency shall furnish the entity making the request with a statement indicating the reasons for the denial.

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8. Reports to Congress. The head of each Federal agency will furnish annually to the respective Committees on Government Operations of the Senate and House of Representatives a summary report on the scope of the services provided under Title III of the Act and this Circular. Such reports will be prepared as of the end of each calendar year and will indicate the nature of the services rendered, the names of the States and political subdivisions involved, where practical, and the cost of the work. Services provided under other authorities are not to be included in the reports. Copies of the reports will be submitted to the Bureau of the Budget not later than March 30 of each year.

9. Effective date. This Circular is effective immediately. It supersedes the "Interim Regulation under Title III of the Intergovernmental Cooperation Act of 1968 (P.L. 90-577)," dated December 19, 1968, concerning training by the U.S. Civil Service Commission.

10. Inquiries. Inquiries regarding this Circular may be addressed to the Office of Executive Management, Bureau of the Budget, Washington, D. C. 20503, or telephone (202) 395-4934 (Government dial code 103-4934).

ROBERT P. MAYO
Director