

# MS 103 INTERAGENCY AGREEMENTS

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**Date:** May 15, 2007

**Responsible Offices:** D/OGC; OACM

**Supersedes:** 1/19/2001; 12/2/83

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Issuance Memo: 05/15/2007

Related Manual Section: MS 777 Billing/Collection Procedures for Debts and Claims

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### 1.0 AUTHORITY

22 U.S.C. § 2509 (a), (e), and (f); Section 686 of the Economy Act, 31 U.S.C. §§ 1535 and 1536.

### 2.0 PURPOSE

This manual section sets forth the Peace Corps' policies and procedures governing interagency agreements.

### 3.0 DEFINITIONS

**3.1 Approve** means to consent in writing, based on programmatic and/or policy reasons, to an interagency agreement. See MS 114 Delegations of Authority.

**3.2 Authorize** means to certify in writing that an interagency agreement complies with regulatory, statutory, and technical requirements. See MS 114 Delegations of Authority.

**3.3** Fee-for-service agreement means an interagency agreement under which an agency provides goods or services to another agency on a fee-for-service basis.

**3.4** Interagency agreement means a written agreement between the Peace Corps and another federal agency for the performance of program activities or services, and/or the procurement, use, or transfer of commodities, property, personnel, or funds. The term interagency agreement includes program agreements, fee-for-service agreements, or personnel detail agreements.

**3.5** Personnel detail agreement means an interagency agreement for the assignment of an employee from one agency to perform a specific task or service for another agency for a specified time period.

**3.6** Program agreement means an interagency agreement for the performance or support of specified program activities or services.

**3.7** Unfunded agreement means an interagency agreement under which there is no agreement to reimburse costs or to transfer or reallocate funds. The term unfunded agreement includes program agreements or personnel detail agreements.

## **4.0 POLICIES**

**4.1** The Peace Corps may enter into interagency agreements that are consistent with applicable law and the purposes and goals of the Peace Corps.

**4.2** No funds may be used and no activities may be undertaken pursuant to an interagency agreement until the agreement has been approved and authorized as provided in this manual section. Any authorities expressed in dollars herein reflect cumulative dollar limits, including any options.

## **5.0 PROGRAM AGREEMENTS**

The Chief Acquisition Officer shall be responsible for coordinating the submission, review, approval, and authorization of program agreements.

### **5.1 Request for Approval of a Proposed Program Agreement**

**5.1.1** A request for approval of a proposed program agreement (request) should be submitted in writing to the Chief Acquisition Officer at least 45 days before the anticipated starting date of the agreement.

**5.1.2** Requests from an overseas post must be approved for submission by the Regional Director before being forwarded to the Chief Acquisition Officer. Requests initiated by an office at Peace Corps Headquarters or a regional office must be approved for submission by the director or head of the requesting office before being forwarded to the Chief Acquisition Officer.

**5.1.3** Each request submitted to the Chief Acquisition Officer shall include the following information:

(a) An executive summary that describes the program agreement, specific program activities or services to be funded, and any relevant history or background of such activities or services;

(b) A notice that the request has been approved for submission as required by paragraph 5.1.2;

(c) A statement of the purposes for which funds will be used or services provided, including a discussion of whether the purposes are those for which Peace Corps funds may be used and are available;

- (d) A description of the anticipated benefits of the agreement to the Peace Corps and any other organization or individual;
- (e) A description of any Peace Corps resources or logistical support required;
- (f) A description of the impact of the agreement on the applicable Peace Corps program, including any Volunteer activities that will be affected;
- (g) The proposed funding level and, when carryover funds are available for the same activities, an explanation of why additional funding is advisable;
- (h) A description of the proposed funding mechanism and method, including information on whether funds would be transferred or allocated and when and by whom the funds would be obligated;
- (i) A justification for the use or continued use of the funding mechanism proposed, including a discussion of alternatives, both programmatic and financial, that have been considered, including whether other funds are already available for the proposed activities;
- (j) A description of the reporting and oversight requirements;
- (k) An implementation timeline;
- (l) A copy of the proposed agreement;
- (m) The name of the advocate designated by the requester to present the proposed agreement to the Review Panel; and
- (n) Any other information that may be relevant to the Review Panel's consideration of the request.

**5.1.4** Any requester may seek assistance from the Chief Acquisition Officer in preparing a request to ensure that it is consistent with this manual section and other applicable legal requirements.

## **5.2 Review of Proposed Program Agreements**

**5.2.1** The Review Panel shall review each request to determine whether it meets the criteria set out in paragraph 5.2.4. The Review Panel shall be composed of representatives from the Office of Acquisitions and Contract Management; the Office of Chief Financial Officer; the Center for Field Assistance and Applied Research; the Office of the General Counsel; the office or region affected by the agreement; a representative from the Director's office for program agreements requiring the Director's approval; and, at the discretion of the Chief Acquisition Officer, any other office with a substantive interest in the specific request.

**5.2.2** The Chief Acquisition Officer shall convene the Review Panel to consider each pending request and shall give timely notice of the date, time, and location of each meeting to all members of the Review Panel and the advocate(s) for those requests.

**5.2.3** It is the advocate's responsibility to provide copies of the written request to all members of the Review Panel at least one week before the review date.

**5.2.4** The Review Panel shall consider the following criteria when reviewing a request:

- (a) Whether the proposed activities or services are consistent with the Peace Corps' policies, goals, and program objectives;
- (b) Whether the financial, cost calculation, invoicing, reporting, and other administrative requirements under the proposed program agreement would create an undue administrative burden;
- (c) Whether the program agreement is consistent with applicable legal requirements or restrictions;
- (d) Whether the proposed activities or services would have any adverse effect on the Peace Corps, its Volunteers, or its programs;
- (e) When the Peace Corps is the funding agency, whether the agreement is consistent with OMB Circular A-76, which provides standards and procedures for determining whether certain activities would be better performed by the private sector under contract with the Peace Corps;
- (f) Whether the program agreement is consistent with the best interests of the Peace Corps; and
- (g) Any other criteria that the Review Panel deems relevant to the particular request.

**5.2.5** When reviewing a request, the Review Panel shall provide the advocate a reasonable opportunity to explain the proposed agreement and respond to questions. The Review Panel may permit a requester to submit an amended request for review and may seek additional information and hold any additional meetings it deems necessary to determine whether to approve the agreement.

**5.2.6** When the Review Panel denies a request, its decision shall be in writing and shall be provided to the requester. When the Review Panel recommends approval of a request, it shall forward a written recommendation to the appropriate office for final approval (see paragraph 5.3).

### **5.3 Approval of Program Agreements**

**5.3.1** For program agreements, written final approval rests with the Chief Acquisition Officer, unless otherwise delegated by the Peace Corps Director. Approved program agreements shall be forwarded to the Office of Acquisitions and Contract Management for completion and authorization.

**5.3.2** For unfunded program agreements, final approval rests with the Chief Acquisition Officer, unless otherwise delegated by the Peace Corps Director.

### **5.4 Authorization of Program Agreements**

**5.4.1** The Chief Acquisition Officer is responsible for ensuring that each program agreement has been approved according to paragraph 5.3 and that each agreement sets forth:

- (a) The underlying statutory authority;
- (b) The activities to be performed or the services to be provided;
- (c) The mechanism for funding the agreement;
- (d) All costs to the Peace Corps; and

(e) The programmatic and fiscal oversight and reporting requirements.

**5.4.2** The Chief Acquisition Officer shall authorize and sign all final program agreements unless the authority to do so is otherwise delegated by the Peace Corps Director. See MS 114, Delegations of Authority.

**5.4.3** The Chief Acquisition Officer shall ensure that copies of all final program agreements, except unfunded agreements, are forwarded to the Office of the Chief Financial Officer for billing and accounting purposes.

**5.4.4** Major changes to a previously approved final program agreement requires submission, review and approval of the Review Panel in accordance with this manual section. At the discretion of the Chief Acquisition Officer, in consultation with the Office of the General Counsel, minor, technical or administrative changes such as changes in the effective date, period of performance and modifications to increase funding that do not include any new major requirements, do not require submission, review and approval of the Review Panel. Such revisions should be reviewed and approved by the Chief Acquisition Officer.

## **5.5 Administrative Record of Program Agreements**

The Office of Acquisitions and Contract Management shall maintain a complete record of the Review Panel's consideration of each program agreement, including, at a minimum:

- (a) The request for approval of the program agreement and any other relevant material provided to the Review Panel for its consideration;
- (b) The Review Panel's written determination; and
- (c) When applicable, the signed approval and authorization and the final signed program agreement.

## **6.0 PERSONNEL DETAIL AND FEE-FOR-SERVICE AGREEMENTS**

**6.1** All personnel detail agreements shall be submitted directly to the Chief Acquisition Officer for approval and authorization, and processing.

**6.2** Fee-for-service agreements for US and overseas requirements shall be submitted for approval and authorization to the Chief Acquisition Officer.

**6.3** The Chief Acquisition Officer shall be responsible for ensuring that each fee-for-service agreement:

- (a) Is consistent with the Peace Corps' purposes, policies, and goals and all applicable legal and fiscal requirements and restrictions;
- (b) Adequately describes the terms of the agreement; and
- (c) For an agreement initiated by the Peace Corps, is consistent with OMB Circular A-76, which provides standards and procedures for determining whether certain activities would be better performed by the private sector under contract with the Peace Corps.

**6.5** The Chief Acquisition Officer has authority to approve, authorize, and sign all final personnel detail and fee-for-service agreements, unless the authority to do so is otherwise delegated by the Peace Corps Director.

The Chief Acquisition Officer has authority to further delegate authority to approve, authorize and sign all final fee-for-service agreements to warranted contracting officers within the Office of Acquisitions and Contract Management and Country Directors. See MS 114, Delegations of Authority.

**6.6** The Chief Acquisition Officer shall ensure that copies of all final personnel detail and fee-for-service agreements are forwarded to the Office of the Chief Financial Officer for billing and accounting purposes.

## **7.0 EFFECTIVE DATE**

The effective date is the date of issuance.