



Service Contract Review and Execution Requirements

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Agenda



- » Service Contract Review Board (SRRB)
- » Command Accountability Execution Review (CAER)
Contract Initiatives
- » Request for Service Contract Approval Form (RSCAF)
- » Post Award Criteria



Service Requirements Review Board (SRRB)



SRRB Regulations



- » Army Directive 2017-15
Managing and Overseeing the Acquisition of Services
- » AFC Command Policy Memorandum (DRAFT)
Command Management and Oversight of Contracted Services -
Services Requirements Review Board Process



Army Directive 2017-15



- » **Requiring activities (RAs) establish Services Requirements Review Boards (SRRBs)** to ensure that services requirements are reviewed, validated, prioritized, and approved, and that the need for an appropriate level of services is verified.

- » Requiring Activity: An organizational unit that submits a written requirement or statement of need for services that is to be satisfied by a contract.

- » Requirements reviews should be tailored for specificity and include, but not be limited to:
 - » Mission Need
 - » Workforce Analysis
 - » Strategic Alignment
 - » Relationship to Other Requirements
 - » Prioritization
 - » Market Research



Army Directive 2017-15 Continued



- » Requirements approval **should be** obtained from the **SRRB chair before any acquisition action is initiated unless the decision authority directs otherwise**. SRRB approval will be **documented in the acquisition plan**.
- » The seniority of the SRRB approval authority should be based on the complexity, cost, and risks to mission performance.



AFC Command Policy Memorandum



- » **AFC RAs shall implement a SRRB process to review, validate, prioritize, and approve services contract requirements** to accurately inform the budget and acquisition processes. A SRRB process will:
 - » Increase visibility of services requirements among all stakeholders
 - » Validate requirements **before** execution of acquisition strategy or contract option
 - » Prioritize services requirements to support funding decisions
 - » Increase collaboration among stakeholders on key strategy decisions to optimize services acquisitions and enable efficiencies
 - » Foster proactive management for services acquisitions
 - » Identify and document opportunities for savings and cost avoidance that may be realized through reduction in service delivery levels, outright cancellation to bring services requirements in-house in accordance with Section 2463 of Title 10, U.S.C., or elimination of the services altogether to fund higher-priority services requirements
 - » Incorporate principles, processes and goals outlined in the AFC Category Management Implementation Plan (reference 1.e)



Command Accountability Execution Review (CAER)



CAER Overview



- » The Secretary of the Army directed the establishment of the CAER program on 14 December 2017. FY18 was the “Base Year”.
- » CAER holds leaders, at every echelon, responsible and accountable for stewardship of the tax dollars they receive.
- » CAER was established in response to the Army trend of de-obligating 3 to 5 percent of its Operations and Maintenance, Army (OMA) (Base and Overseas Contingency Operations) budget. De-obligations represent lost spending power.
- » AFC must submit CAER reports monthly and brief the Army G8 quarterly. MRDC reviews the data at the end of each month and provides input to AFC.
- » CAER only reviewing OMA at this time
- » Plan for expansion to include Army Research, Development, Test & Evaluation (RDTE)



CAER Focus and Goals: Key Performance Indicators (KPI)



KPI	Metric	Description	Goal/ Assessment
KPI 5	Senior Leader Contract Review Board	Senior-led Contract Review Board lowers risk by reviewing big \$ contracts vs. command priorities. These reviews should result in savings, realignments and best practices.	One Review per quarter in the current FY (total of 4 per year) Results (e.g. \$ savings, best practices) RED: Not acceptable, high risk, goal not achieved GREEN: Acceptable, low risk, goal achieved
KPI 6	Contract Workload Distribution	Lowering the risk of de-obligation by distributing the contract workload evenly across all quarters of the fiscal year. Mitigation of uneven distribution, especially in the fourth quarter.	Contract obligations evenly spread across the fiscal year (25% +/- 5% per quarter) RED: Not acceptable, high risk AMBER: Unacceptable, medium risk GREEN: Acceptable, low risk



CAER Focus and Goals: Key Performance Indicators (KPI)



KPI	Metric	Description	Goal/ Assessment
KPI 7	Obligations, Disbursements, Unliquidated Obligations	Continuous monitoring, throughout the fiscal year, of our obligation, expense and disbursement of funds, with the intent to fully utilize the funds allotted to us to achieve mission goals and fulfill command priorities.	Obligations in line with our Spend Plan 100% Obligation of funds at Year-End Close (YEC) Obligations at least 75% disbursed at YEC RED or AMBER: Gap against straight-lined execution GREEN: Straight-lined execution
KPI 8	Unmatched Transactions (UMTs)	Continuous monitoring and resolution of system errors that result in transactions that are “unmatched” / do not post correctly to the official accounting system.	Zero total absolute \$ value associated with system errors in the CY to make use of funds timely and in full support of Army’s priorities RED or AMBER: No/Not achieved GREEN: Yes/Achieved



Request for Service Contract Approval Form (RSCAF)



USAMRDC Regulation 570-4-3 Service Contract Certification and Thresholds

- » Accountable Official for Services Contract Approval (SCA) \$100K and above is the Commanding General.
- » Accountable Official for SCAs below \$100K has been delegated to the Commanders and Directors of the subordinate activities.
- » The RSCAF is required for ALL funded service procurement actions IAW AFARS Part 5107, Subpart 5107.5
- » A RSCAF must accompany all service contract actions and, if applicable, Assumption of Command Orders when signature authority is delegated.
- » The Accountable Official will approve service contract actions and certify that the requested action complies with the U.S. Code, Federal Acquisition Regulations (FARs), policies, and guidance using the RSCAF.
- » Execution of the RSCAF is required before new solicitations for service contracts or orders (delivery, purchase or task orders) or contract modifications are awarded. See backup slides for a list of exclusions.



What's in the RSCAF?



- » The RSCAF has three main components:
 - » The certification/approval (page one)
 - » The instructions (page two)
 - » The worksheets (pages three and following)
 - » MRDC processes RSCAFs electronically in LiveLink
- » There are eight worksheets on the following topics:
 - » Inherently Governmental Functions
 - » Closely Associated with Inherently Governmental Functions
 - » Personal Services
 - » Special Considerations
 - » Out-Sourcing and Conversion of Functions
 - » Critical Functions
 - » Security, Firefighting, and Publicity Functions
 - » Narrative Description of Work and Justification



RSCAF Success



- » Plan ahead
- » Know who your LiveLink Initiator is within your organization
- » Work with your Acquisition Management Liaison Officer (AMLO) and Resource Manager (S8) as early as possible
- » Include accurate information
- » Provide specific details for the last page of the RSCAF
- » Ensure the LiveLink Initiator has the following:
 - » Sound Performance Work Statement (PWS), Statement of Work (SOW), Statement of Objectives (SOO)
 - » Working Table of Distribution and Allowance (WTDA) if work is being performed onsite
 - » Other supporting documentation that will be useful to the Commander and Commanding General



Post Award



Post Award Criteria



- » Keep files current and complete
- » Monitor contract performance
 - » Timeliness of performance
 - » Actual vs contracted deliverables
- » Inspection and acceptance or rejection of deliverables and invoices
 - » Ensure invoice mirrors contract line item details
 - » Reduce invoice rejections
 - » Increase disbursement rate
 - » Eliminate errors
- » Monitor contract activity and burn rates
 - » Ensure disbursements coincide with level of effort
 - » Accurate and timely invoice processing is key
 - » Burn rate analysis
 - » Identify if vendor is executing as planned
 - » Identify funds available for other mission critical initiatives
 - » Ensure remaining funds are sufficient



Questions?



BACKUP



CAER Focus and Goals: Key Performance Indicators (KPI)



KPI	Metric	Description	Goal/ Assessment
KPI 1	Aged Supply Requisitions > 60 Days	Open GCSS-ARMY supply requisitions aged > 60 days (Current + last 5 FYs)	\$0 Aged Supply Requisitions RED: Not acceptable, high risk AMBER: Unacceptable, medium risk GREEN: Acceptable, low risk
KPI 2	Miscellaneous Obligating Documents (MODs)	A MOD is used to TEMPORARILY reserve Funds for valid obligations that will not post to the accounting system before the funds expire. These are sometimes used near fiscal year end, and reversed out shortly thereafter, when the actual transaction posts.	\$0 Miscellaneous Obligations RED: Not acceptable, high risk AMBER: Unacceptable, medium risk GREEN: Acceptable, low risk
KPI 3	Outbound MIPRs	A MIPR is used to send money to a non-Army (non-GFEBS) partner for goods or services. When that partner “accepts” the MIPR, we obligate the funds. When the partner invoices us for the goods/services, the funds are disbursed to that partner.	100% Disbursed RED: Not acceptable, high risk AMBER: Unacceptable, medium risk GREEN: Acceptable, low risk



CAER Focus and Goals: Key Performance Indicators (KPI)



KPI	Metric	Description	Goal/ Assessment
KPI 4	Reimbursable Support Agreements	Funds received against a reimbursable support agreement are recorded using a sales order. We monitor the receipt of funds from partners, and our execution of those funds / delivery of those reimbursable services via those sales orders.	<p>100% Collected, Obligated & Delivered Orders</p> <p>RED: Not acceptable, high risk AMBER: Unacceptable, medium risk GREEN: Acceptable, low risk</p>
KPI 5	Senior Leader Contract Review Board	Senior-led Contract Review Board lowers risk by reviewing big \$ contracts vs. command priorities. These reviews should result in savings, realignments and best practices.	<p>One Review per quarter in the current FY (total of 4 per year) Results (e.g. \$ savings, best practices)</p> <p>RED: Not acceptable, high risk, goal not achieved GREEN: Acceptable, low risk, goal achieved</p>
KPI 6	Contract Workload Distribution	Lowering the risk of de-obligation by distributing the contract workload evenly across all quarters of the fiscal year. Mitigation of uneven distribution, especially in the fourth quarter.	<p>Contract obligations evenly spread across the fiscal year (25% +/- 5% per quarter)</p> <p>RED: Not acceptable, high risk AMBER: Unacceptable, medium risk GREEN: Acceptable, low risk</p>



RSCAF Related Publications, Regulations and Policies



- » DoD Instruction 5000.74 Defense Acquisition of Services
- » Army Directive 2017-15 Managing and Overseeing the Acquisition of Services
- » MRDC Regulation 570-4-3 (Approval Authority and Reporting Requirements for Services Contract Approval Requests and Certification
- » Memorandum, ASA (M&RA), SAMR-FM, 10 February 2012, subject: Compliance with Contractor Inventory Policies
- » AFARS Part 5107, Subpart 5107.5 Acquisition Planning - Inherently Governmental Functions
- » AFARS Part 5137, Section 5137.9601 Service Contracting - Accounting for Contract Services
- » FAR Subpart 16.5 Indefinite-Delivery Contracts
- » Memorandum, ASA (M&RA), SAMR-FM, 20 August 2012, subject: Request for Services Contract Approval Form Update
- » OMB Circular A-76 Performance of Commercial Activities
- » Title 10, U.S. Code 2461 Public-Private Competition Required Before Conversion to Contractor Performance
- » Title 10, U.S. Code 2463 Guidelines and Procedures for Use of Civilian Employees to Perform Department of Defense Functions



RSCAF- Helpful Q&A



- » From the Assistant Secretary of the Army – Manpower and Reserve Affairs (ASA M&RA) FAQs, Question 5
 - » Q5: If we are awarding a contract on behalf of a non-Army customer within the Department of Defense (DoD)—or even a customer outside the DoD—is the Form still required?
 - » A5: The Form is required by the Army Federal Acquisition Regulation Supplement (AFARS). The simplest method to determine if the Form is required is to ask—for the contract in question—if the AFARS is being applied in other respects. If so, then a Form should be completed.
 - » A Form must be done for contracts when Army money is involved, or when work is being performed for an Army customer. A Form would not be necessary in a specific situation wherein the only Army connection to the contract relates to the awarding of the contract (e.g. the contracting officer happens to be an Army employee, but the contract is being awarded on behalf of the Air Force, for an Air Force customer, utilizing Air Force money).



Situations when you DO NOT have to use RSCAF



(as detailed on the Instruction Page on form)

- » Before new solicitations are issued or contracts are awarded
- » Before options are exercised
- » Before contracts are modified
- » When each task order/delivery order is issued
- » When funds are added (although the incremental funding of contracts does *not* require re-submission of the form)
- » When Army funds are being used to buy contractor labor, regardless of which organization is awarding or administering the contract
- » When Army is the requiring activity, or is the executive agent for the mission/organization requiring the services
- » When Army funds are being transferred to contracts outside of the Department of Defense
- » Manufacturing/production contracts
- » Utilities
- » Subscriptions
- » Off-the-shelf software



Situations when you DO NOT have to use RSCAF



(as detailed on the Instruction Page on form)

- » Construction projects funded using Military Construction Army funds (however, repairs, maintenance, construction, and demolition projects that utilize Operations and Maintenance funds do require the Form)
- » Help desk and customer service support incidental to equipment or off-the-shelf software purchases
- » Software licensing agreements and updates (customized software development, maintenance, and upgrades, however, are considered services)
- » Foreign Military sales/services
- » Manufacturer's warranties (extended maintenance/repair beyond the standard manufacturer's warranty, however, is considered a service)
- » Delivery services incidental to a supply purchase



Are there times when I don't have to use it?



- » The RSCAF is required only for service contracts paid for with Army funds, in circumstances where the Army is the requiring activity or where the Army is the Executive Agent of a joint organization which is the requiring activity.
- » If the only connection to the Army is that the contracting activity awarding or administering the contract is an Army organization, then the RSCA form is not required.
- » The contracting officer can always ask a requiring activity to answer the questions on the checklist as a method to gather information and perform analysis, but the CO can not require non-Army requiring activities to obtain SES/GO level certifications.
- » The RSCA business process is required by SecArmypolicy, so we can't impose it on other parts of DoD.



Who is responsible for the RSCAF?



- » The RSCA form is required only for service contracts paid for with Army funds, in circumstances where the Army is the requiring activity or where the Army is the Executive Agent of a joint organization which is the requiring activity.
- » If the only connection to the Army is that the contracting activity awarding or administering the contract is an Army organization, then the RSCA form is not required.
- » The contracting officer can always ask a requiring activity to answer the questions on the checklist as a method to gather information and perform analysis, but the CO can not require non-Army requiring activities to obtain SES/GO level certifications.
- » The RSCA business process is required by SecArmypolicy, so we can't impose it on other parts of DoD
- » Once the RSCA is completely filled out, it must be presented to the approving official for your requiring activity. Then, it is up to them to approve or disapprove and to sign it.
- » If it is approved, the RSCA is then forwarded to the Contracting Officer along with the PWS and the funding documents.



When to redo the RSCAF



- » The situations that lead to contracting can change, and the RSCA is designed to help you and your leadership make informed decisions about contracting that comply with all existing laws and regulations.
 - » In other words, just because you filled out the RSCA for a base year of a contract doesn't mean everything is the same when it comes time to exercise an option—maybe your agency's funding priorities are different now, or maybe there have been personnel changes which have impacted how the contract is being performed.
 - » The Instructions sheet lists when the RSCA is required, but, generally speaking, it is required for new contracts, as well as option years, task orders, and modifications. 27



RSCAF Example- Front Page



- » The top half of the front page has fields for technical information—like the project name, the UIC, and so on.
- » The bottom half of the page (beneath the “Decision” banner) is where the approving official either approves/disapproves and signs. (There is also space for the person who prepared the Form to input their information and sign.)
- » The “cost” boxes have fields for the contract cost for the base year, as well as up to five option years, and a final box for the total project cost.
- » The “total project cost” box should include all project costs, including ODCs, etc.
- » The “labor cost” box should be an estimate of one year of labor (including G&A).
- » Please note that all cost and CME info is For Official Use Only (FOUO) and is procurement sensitive. As such, it may only be disclosed to government personnel with a need to know.

REQUEST FOR SERVICES CONTRACT APPROVAL FORM						
Project Name for Contract/Task Order (indicate if this is for Base Year/Option Year/Modification)						
Name of HQDA Principal, Army Command, Army Service Component Command, or Direct Reporting Organization						Local ID:
Start:	End:	Cost:				
Dates and Cost of Requested Period of Performance (POP)			Contract Duration (base year including option years)			
Base Year Cost	Option Year 1 Cost	Option Year 2 Cost	Option Year 3 Cost	Option Year 4 Cost	Option Year 5 Cost	Total Project Cost
Estimated CPTEs	Labor Cost for Requested POP	Contract or Delivery/Task Order #	Unit Identification Code (UIC)	AMSCO	MDEP	
Justification for Contract (consider the following): 1) Has a Cost-Benefit Analysis been completed? (If yes, please provide the approval date.) And, if so, has the cost of labor been determined using the Directive-Type Memorandum 09-007, Change 3, or any successor? 2) Does this contract requirement support a core functionality of your mission or division? 3) Has this mission been mandated by regulation or directed by higher Headquarters? 4) In the event that this contract is not awarded, has the operational impact been considered?						
ACCOUNTABLE OFFICIAL DECISION						
I approve and certify that:			OR		I disapprove.	
1) this requirement does not include inherently governmental functions; 2) in the case of work closely associated with inherently governmental functions or non-competitive contracts, special consideration has been given to using Federal Government employees; 3) this requirement does not include unauthorized personal services, either in the way the work statement is written or in the way the contract operates; 4) this contract (check the applicable box): <input type="checkbox"/> a) has been reported in the Contract Manpower Reporting Application (CMRA); <input type="checkbox"/> b) has not been reported in CMRA, and an explanation is enclosed; <input checked="" type="checkbox"/> c) the CMRA reporting requirement has been included in the statement of work for this new requirement; <input type="checkbox"/> d) has not been reported in CMRA, because it is Civil Works funded and is exempt from CMRA reporting; 5) the workload for this requirement has been validated using an accepted form of analysis and the contract requirement has been documented in the Panel for Documentation of Contractors module of CMRA; 6) sufficiently trained and experienced officials (including, but not limited to, Contracting Officer's Representatives) are available within the agency to manage and oversee the contract administration function and evaluate the contractor work product.						
Name / Rank / Position			Signature		Date	
Worksheets prepared by:					Date	
Signature:						



RSCAF Example- Worksheet A



- » Worksheet A is for “inherently governmental (IG) functions.”
- » IG functions are those which cannot be performed by a contractor and must be performed by U.S. Federal Government employees (military or civilian).
- » When answering the questions, you should ask, “Does this situation apply to the function I want to contract?”, and then answer “yes” or “no” accordingly.
- » Worksheet A has three pages. You must answer all the questions on all three pages.
- » The questions are drawn from law and policy; links to the source documents are provided at the end of Worksheet A, for reference.
- » If you answer “yes” to any of the questions in Worksheet A, that means you may not contract for the function.
- » When answering questions on Worksheet A, remember: even a “purely commercial” function can be *performed* in a way that becomes inherently governmental in nature.

WORKSHEET A (1 OF 3)
INHERENTLY GOVERNMENTAL FUNCTIONS

An “inherently governmental function” is one that has been determined to be—through statute or otherwise—a function that must be performed by Government personnel, either civilian or military, and may not be performed by a contractor. All the sections of Worksheet A must be filled out and we designed to help determine whether or not a function is inherently governmental in nature.

Read each question and apply it to the function in question. Answer “Yes” or “No” to the work statement and the way the contract is performed. A “Yes” response to any of the questions indicates that the function must be performed in-house and may not be contracted.

Inherently Governmental		YES	NO
Does the function:			
1	Involve contractees providing legal advice and interpretation of regulations Government officials?		
2	Involve the direct conduct of criminal investigations?		
3	Involve the control of prosecution and performance of adjudicatory functions relating to arbitrators or other methods of alternative dispute resolution?		
4	Involve the command of military forces, especially the leadership of military members of the combat, combat support, or combat service support role?		

WORKSHEET A (2 OF 3)
INHERENTLY GOVERNMENTAL FUNCTIONS

Answer “Yes” or “No” to the functions that apply below, based on the work statement and the way the contract is performed. A “Yes” response to any of the below indicates that the function must be performed in-house and may not be contracted.

Inherently Governmental		YES	NO
Does the function:			
11	Constitute from the previous page) involve:		
(iv) Awarding contracts:			
	(v) Administering contracts (including ordering changes in contract performance or contract quantities, taking action based on evaluation of contract performance, and accepting or rejecting	<input type="checkbox"/>	<input type="checkbox"/>

WORKSHEET A (3 OF 3)
INHERENTLY GOVERNMENTAL FUNCTIONS

Answer “Yes” or “No” to the functions that apply below, based on the work statement and the way the contract is performed. A “Yes” response to any of the below indicates that the function must be performed in-house and may not be contracted.

Inherently Governmental		YES	NO
Does the function:			
12	Require the exercise of discretion in applying Federal Government Authority?	<input type="checkbox"/>	<input type="checkbox"/>
13	Require the making of value judgments in making decisions for the Federal Government?	<input type="checkbox"/>	<input type="checkbox"/>
14	Require making judgments relating to monetary transactions and settlements?	<input type="checkbox"/>	<input type="checkbox"/>
15	Involve the interpretation and execution of the laws of the United States so as to bind the US to take or not take some action by contract, policy, regulation, interpretation, order, or otherwise?	<input type="checkbox"/>	<input type="checkbox"/>
16	Involve the interpretation and execution of the laws of the United States to determine, protect, and advance the US’ economic, political, territorial, property, or other interests by military or diplomatic action, civil or criminal judicial proceedings, contract management or otherwise?	<input type="checkbox"/>	<input type="checkbox"/>
17	Involve the interpretation and execution of the laws of the United States to significant effect the life, liberty, or property of private persons?	<input type="checkbox"/>	<input type="checkbox"/>
18	Involve the interpretation and execution of the laws of the United States to commission, appoint, direct, or control officers or employees of the United States?	<input type="checkbox"/>	<input type="checkbox"/>
19	Involve the interpretation and execution of the laws of the United States to exact ultimate control over the acquisition, use, or disposition of the property—real or personal, tangible or intangible—of the US, including the collection, control, or disbursement of appropriations or other Federal funds?	<input type="checkbox"/>	<input type="checkbox"/>
20	Involve security operations performed in direct support of combat in part of a large integrated combat force or performed in circumstances where there is significant potential for the security operations to evolve into combat? (Where the US military is present, the judgment of the military commander should be sought regarding the potential for the operations to evolve into combat.)	<input type="checkbox"/>	<input type="checkbox"/>
21	Involve representation of the Government before administrative and judicial tribunals, unless a statute expressly authorizes the use of attorneys whose services are procured through contract?	<input type="checkbox"/>	<input type="checkbox"/>
22	Involve conduct?	<input type="checkbox"/>	<input type="checkbox"/>
23	Involve the investigation of detainees? (However, raise functions in support of interrogation may be performed by contractors, see item 20 on Worksheet B.)	<input type="checkbox"/>	<input type="checkbox"/>
24	Involve the conduct performed on the reflective or discretionary decision-maker?	<input type="checkbox"/>	<input type="checkbox"/>

11	Involve the control of prosecution and performance of adjudicatory functions relating to arbitrators or other methods of alternative dispute resolution?	<input type="checkbox"/>	<input type="checkbox"/>
12	Require the exercise of discretion in applying Federal Government Authority?	<input type="checkbox"/>	<input type="checkbox"/>
13	Require the making of value judgments in making decisions for the Federal Government?	<input type="checkbox"/>	<input type="checkbox"/>
14	Require making judgments relating to monetary transactions and settlements?	<input type="checkbox"/>	<input type="checkbox"/>
15	Involve the interpretation and execution of the laws of the United States so as to bind the US to take or not take some action by contract, policy, regulation, interpretation, order, or otherwise?	<input type="checkbox"/>	<input type="checkbox"/>
16	Involve the interpretation and execution of the laws of the United States to determine, protect, and advance the US’ economic, political, territorial, property, or other interests by military or diplomatic action, civil or criminal judicial proceedings, contract management or otherwise?	<input type="checkbox"/>	<input type="checkbox"/>
17	Involve the interpretation and execution of the laws of the United States to significant effect the life, liberty, or property of private persons?	<input type="checkbox"/>	<input type="checkbox"/>
18	Involve the interpretation and execution of the laws of the United States to commission, appoint, direct, or control officers or employees of the United States?	<input type="checkbox"/>	<input type="checkbox"/>
19	Involve the interpretation and execution of the laws of the United States to exact ultimate control over the acquisition, use, or disposition of the property—real or personal, tangible or intangible—of the US, including the collection, control, or disbursement of appropriations or other Federal funds?	<input type="checkbox"/>	<input type="checkbox"/>
20	Involve security operations performed in direct support of combat in part of a large integrated combat force or performed in circumstances where there is significant potential for the security operations to evolve into combat? (Where the US military is present, the judgment of the military commander should be sought regarding the potential for the operations to evolve into combat.)	<input type="checkbox"/>	<input type="checkbox"/>
21	Involve representation of the Government before administrative and judicial tribunals, unless a statute expressly authorizes the use of attorneys whose services are procured through contract?	<input type="checkbox"/>	<input type="checkbox"/>
22	Involve conduct?	<input type="checkbox"/>	<input type="checkbox"/>
23	Involve the investigation of detainees? (However, raise functions in support of interrogation may be performed by contractors, see item 20 on Worksheet B.)	<input type="checkbox"/>	<input type="checkbox"/>
24	Involve the conduct performed on the reflective or discretionary decision-maker?	<input type="checkbox"/>	<input type="checkbox"/>

The above functions examples are drawn from the following sources: The Federal Activities Inventory Reform (FAIR) Act (51 United States Code (52 U.S.C.) Section 502); the Federal Acquisition Regulation (FAR) Part 7.7; and the Office of Federal Procurement Policy (OFPP) Policy Letter 11-01.



RSCAF Example- Worksheet B



- » Worksheet B is about “closely associated with inherently governmental” (CAIG) functions.
- » CAIG functions may be contracted, but require special oversight (for example, to ensure that contracts do not perform IG functions).
- » The final box (questions 24-26) deals with this issue specifically. You must be able to answer “yes” to 24-26 if you have answered “yes” to any of 1-23.
- » Also, by statute, DoD is required to reduce the use of contractors to perform CAIG functions “to the maximum extent practicable.”
- » Worksheet B is two pages.
- » All questions must be answered. Like Worksheet A, the sources from which the questions are derived are at the end of the Worksheet.

WORKSHEET B (1 OF 2)
CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS

A “closely associated with inherently governmental function” is one that approaches being inherently governmental in nature because of the nature of the function, the manner in which the contractor performs the contract, or the manner in which the government initiates contract performance. A designation of closely associated with inherently governmental does not preclude from contracting for a function, but does require additional oversight, as well as special considerations for its execution. Pursuant to 10 U.S.C. § 2485(a), however, reliance on contractors to perform closely associated with inherently governmental functions should be reduced “to the maximum extent practicable.”

Answer “Yes” or “No” to the questions below, based on the work statement and the way the contract is performed.

	Closely Associated with Inherently Governmental		YES	NO
Does the performance involve:				
1	Services that involve or relate to budget preparation, including workload modeling, fact finding, efficiency studies, and workload analyses, etc.?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Services that involve or relate to organization and planning activities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Services that involve or relate to analysis, feasibility studies, and strategy options to be used by agency personnel in developing policy?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Services that involve or relate to the development of regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Services that involve or relate to the evaluation of another contractor’s performance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Services in support of acquisition planning?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Contractor providing assistance in contract management (such as where the contractor might influence official evaluations of other contractors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	Contractor providing technical evaluation of contract proposals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Contractor providing assistance in the development of statements of work?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Contractor providing support in preparing responses to Freedom of Information Act requests?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Contractor working in any situation that permits or might permit them to gain access to confidential business information and/or any other sensitive information (other than situations covered by the National Industry Security Program described in 44CFR53)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Contractor providing information regarding agency policies or regulations, such as attending conferences on behalf of an agency, conducting community relations campaigns, or conducting agency training courses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13	Contractor participating in any situation where it might be assumed that they are agency employees or representatives?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14	Contractor participating as technical advisors to a source selection board or participating on voting or non-voting members of a source evaluation board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

WORKSHEET B (2 OF 2)
CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS

Answer “Yes” or “No” to the questions below, based on the work statement and the way the contract is performed.

	Closely Associated with Inherently Governmental		YES	NO
Does the performance involve:				
15	Contractor providing assistance or providing alternative methods of dispute resolution?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16	Contractor providing support in preparing responses to Freedom of Information Act requests?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	Contractor providing support in preparing responses to Freedom of Information Act requests?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18	Contractor providing support in preparing responses to Freedom of Information Act requests?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19	Contractor providing support in preparing responses to Freedom of Information Act requests?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20	Contractor providing support in preparing responses to Freedom of Information Act requests?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21	Contractor providing counter and security training?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22	Contract logistics support required for weapons systems that deploy with operational units?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23	Work that is at risk of becoming inherently governmental?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Contracting for closely associated with inherently governmental functions is permissible, but levels of oversight must be employed to maintain the appropriateness of the contract. If the answer to any of the prior questions, 1-23, is “Yes” and the answer to any of the following questions, 24-26, is “No,” then the function may not be contracted.

	Oversight of Contracted Functions:		YES	NO
24	Are there sufficient organic Government expertise to oversee contractor performance of the contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25	Are there sufficient control mechanisms and sufficient numbers of military and civilian employees to ensure that contractors are not performing inherently governmental functions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26	Is there sufficient COR capability to ensure adequate oversight of contract performance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

“Closely associated with inherently governmental” is defined in Title 10, United States Code § 2485(b) and FAR 7.201. Additionally, pursuant to 10 U.S.C. § 2485, special consideration must be given to its contracting closely associated with inherently governmental functions.

On Worksheet B, please document the special consideration you gave to having do-while civilian employees perform the function.



RSCAF Example- Worksheet C



- » Worksheet C is about “personal services.”
- » A “personal services” contract occurs in execution if contractor personnel are treated like Government employees.
- » This is usually characterized by contractors being under constant (or near-constant) supervision and direction/control by Government employees.
- » For example, contractors serving as staff/action officers, or providing administrative support.
- » Personal services contracts are allowed in very limited circumstances (see the FAR part 37.104 for more detail).
- » It is especially important to answer these questions with a view of “How is this contract being (or going to be) performed?”
- » Worksheet C is only one page.
- » Questions 1-9 must all be answered.
- » Questions 10-14 are about exceptions to the prohibition against personal services contracts.
- » If you answer “yes” to any of the the questions from 10-14, then you may contract.

WORKSHEET C

PERSONAL SERVICES

A “personal services” contract is characterized by “the employer-employee relationship it creates between the Government and the contractor’s personnel.” This occurs when contractor personnel are being treated in a manner akin to that of a Government employee. A contract may involve unauthorized personal services either by its written terms or in the way it is actually performed. Care should be taken to avoid situations that may lead themselves to the performance of personal services (for example, having contractors on-site can lead to a “blended workforce” where contractors work side-by-side with government personnel and are treated in the same way).

Answering “Yes” to questions 2-9 may indicate a personal service and special scrutiny should be given to connected functions for which any/all such items have been selected in order to avoid a personal services contract. A “Yes” answer to question 1, however, indicates a personal service and precludes contracting for that function. See Worksheet H for further instructions.

Personal Services		YES	NO
1	The contractor personnel are subject to the relatively continuous supervision and control of a Governmental officer.	<input type="checkbox"/>	<input type="checkbox"/>
2	The contractor personnel are performing on a Government site.	<input type="checkbox"/>	<input type="checkbox"/>
3	The principal tools and equipment are furnished by the Government.	<input type="checkbox"/>	<input type="checkbox"/>
4	The services are applied directly to the integral effort of agencies or an organizational subset in furtherance of an assigned function or mission.	<input type="checkbox"/>	<input type="checkbox"/>
5	The need for the service provided can reasonably be expected to last beyond one year.	<input type="checkbox"/>	<input type="checkbox"/>
6	The inherent nature of the service, or the manner in which it is provided, reasonably requires (directly or indirectly) Government direction or supervision of contractor employees in order to: adequately protect the Government’s interest; retain control of the function involved; or, retain full personal responsibility for the function supposed in a duly authorized Federal officer or employee.	<input type="checkbox"/>	<input type="checkbox"/>
7	Comparable services meeting comparable needs are performed in this agency or similar agencies using civil service personnel.	<input type="checkbox"/>	<input type="checkbox"/>
8	The contractor personnel are providing administrative support to Government personnel.	<input type="checkbox"/>	<input type="checkbox"/>
9	Government personnel are giving contractor personnel tasks on an ad hoc basis.	<input type="checkbox"/>	<input type="checkbox"/>

The questions below detail the situations in which a personal services contract is permissible (pursuant to 10 USC § 1296). Answering “Yes” to any of questions 10-14 indicates the statutory exception that allows a personal services contract. Select “N/A” either if you do not have a personal services contract and/or if none of the exceptions apply.

Exceptions: Authorized Personal Services		YES	N/A
10	Experts or consultants where the services cannot be adequately provided by the Department.	<input type="checkbox"/>	<input type="checkbox"/>
11	Direct support of a defense intelligence component or counter-intelligence organization of the DoD where the services are urgent or unique and cannot be practically obtained within the DoD.	<input type="checkbox"/>	<input type="checkbox"/>
12	Direct support of special operations command where the services are urgent or unique and cannot be practically obtained within the DoD.	<input type="checkbox"/>	<input type="checkbox"/>
13	Services provided by individuals outside the United States regardless of their nationality.	<input type="checkbox"/>	<input type="checkbox"/>
14	Carrying out healthcare responsibilities in DoD medical treatment facilities per 10 U.S.C. § 1091.	<input type="checkbox"/>	<input type="checkbox"/>

Personal services are defined in FAR Part 37.104. A contract involving personal services, either by its written terms or in the way it is actually performed, must be modified, re-sourced, or directed, or the functions must be performed in such a way as to avoid creating an employer-employee relationship.



RSCAF Example- Worksheet D



- » Worksheet D deals with the special considerations that go into determining whether or not a contract should be in-sourced.
- » Special consideration should be given to in-sourcing a function if it meets one or more of the criteria listed under question 1.
- » Answering either “yes” or “no” to question 1 does not preclude contracting. However, senior leaders should keep these considerations in mind when making resourcing decisions.

WORKSHEET D SPECIAL CONSIDERATIONS				
<p>Pursuant to 10 U.S.C. § 2463, special consideration should be given to in-sourcing closely associated with inherently governmental and critical functions. The following items may also be relevant when an agency/organization is considering in-sourcing a function to governmental performance. An answer of either “Yes” or “No” to question 1 does not preclude contracting.</p>				
Special Considerations			YES	NO
1	Has in-sourcing been considered? Special consideration should be given to civilians in the following situations:		<input type="checkbox"/>	<input type="checkbox"/>
	i) This function has been performed by DoD civilian employees at any time during the previous ten-year period.		<input type="checkbox"/>	<input type="checkbox"/>
	ii) The function is closely associated with the performance of an inherently governmental function (see Worksheet B).		<input type="checkbox"/>	<input type="checkbox"/>
	iii) The function is performed pursuant to a contract awarded on a non-competitive basis.		<input type="checkbox"/>	<input type="checkbox"/>
	iv) The contracting officer has determined that the contract has been performed poorly because of excessive costs or inferior quality.		<input type="checkbox"/>	<input type="checkbox"/>
	v) The function is an acquisition workforce function.		<input type="checkbox"/>	<input type="checkbox"/>
	vi) The function is a critical function (see Worksheet F).		<input type="checkbox"/>	<input type="checkbox"/>
<p>Pursuant to 10 U.S.C. § 2383, the contracting officer for the contract must ensure there are no organizational conflicts of interest for the function at issue. In the event of an organizational conflict of interest, the requiring activity must take steps to remedy the situation: this may mean in-sourcing or divestiture of the function. However, a conflict of interest may be mitigated by utilizing a different contractor (i.e. a conflict of interest does not necessarily preclude contracting entirely, it may only preclude contracting with a specific contractor).</p>				
<p>A “No” answer to question 2 precludes contracting until such time as the requiring activity has taken steps to mitigate the conflict of interest.</p>				
Organizational Conflict of Interest			YES	NO
2	Has the agency addressed any potential organizational conflict of interest of the contractor in the performance of this function, consistent with FAR, Part 9, Subpart 9.5 and the best interests of the DoD?		<input type="checkbox"/>	<input type="checkbox"/>



RSCAF Example- Worksheet E



- » Worksheet E is to help determine if the contract involves illegal out-sourcing or improper conversion of functions.
- » It is currently illegal to convert a function that is performed by—or has been designated for performance by—a Government civilian to performance by a contractor.
- » Worksheet E is especially important in a budgetary environment that includes draw-downs, civilian personnel reductions, and fiscal constraints.
- » Worksheet E is only one page long.
- » If you answer “yes” to any of the questions 1-4, then you might have a case of out-sourcing. (You should discuss the issue with your manpower or personnel experts and contract law advisor.)
- » If you answer “yes” to questions 5 or 6, you may not contract.

WORKSHEET E
OUT-SOURCING AND CONVERSION OF FUNCTIONS

When contracting for services, care must be taken to ensure that no illegal out-sourcing or improper conversion is taking place. Illegal “out-sourcing” and improper conversion involves shifting work from civilian positions to contract personnel (this can happen even if the civilian position is not encumbered). In environments that involve fiscal uncertainty, declining budgets, or hiring freezes, special vigilance is required to ensure these things do not occur.

Due to congressional moratorium on A-76 public-private competitions, no out-sourcing is currently allowed. If the moratorium on A-76 public-private competitions ends, a competition is required. Work currently being performed by in-house civilian employees or designated for in-house civilian employee performance may not be directly converted to contractor performance. If law and policy is now changed to allow direct conversions to contract performance, a cost comparison must still be done under DoDI 7041.04 (Estimating and Comparing the Full Costs of Civilian and Active Duty Military Manpower and Contract Support, 3 July 2013), in order to establish which source of labor is the least costly.

A “Yes” response to questions 1-4 below may make contracting this function prohibited and agencies are recommended to discuss the issue with their employment and personnel law advisor and their contract law advisor. A “Yes” answer to either or both of questions 5 and 6 below indicates that contracting is not allowed.

Out-sourcing and Conversion of Functions:		YES	NO
1	Will any non-temporary or non-term appropriated fund employee currently performing any functions described in the contract Statement of Work be displaced, reassigned, subjected to a reduction in force, or otherwise adversely affected as a result of the proposed contract action?	<input type="checkbox"/>	<input type="checkbox"/>
2	Is the function proposed for contract performance meeting a requirement previously performed by a particular Army civilian position (or positions) when a program or budget decision eliminated the civilian position (whether that function was formerly documented with an authorization or was undocumented and performed by an overbill)?	<input type="checkbox"/>	<input type="checkbox"/>
3	Is the function proposed for contract performance meeting a requirement previously approved for in-sourcing but that was never encumbered?	<input type="checkbox"/>	<input type="checkbox"/>
4	Will the proposed contract action fundamentally change the nature of the work performed by appropriated fund employees?	<input type="checkbox"/>	<input type="checkbox"/>
5	Is this new contract (or this increase in level of effort on a pre-existing contract) the result of the establishment of numerical goals or budgetary savings targets regarding the civilian workforce?	<input type="checkbox"/>	<input type="checkbox"/>
6	Is this contract, modification, or this increase in level of effort on a pre-existing contract, the result of the imposition of a civilian hiring freeze?	<input type="checkbox"/>	<input type="checkbox"/>

Title 16, United States Code § 2461 prohibits converting a function performed by at least one appropriated fund government employee to contract performance unless there has been a public-private competition under Office of Management and Budget Circular 4-76. There is currently a Congressional moratorium on public-private competitions pursuant to the National Defense Authorization Act for Fiscal Year 2010, Section 227. However, “conversion” of functions does not include the augmenting of civilian staff with contractors unless government employees are displaced, reassigned, subjected to a reduction in force, or otherwise adversely affected.

(For additional information, please see the Government Accountability Office case study, F. Smith S-431617. Agencies are recommended to discuss the issue with their employment and personnel law advisor and their contract law advisor.)

If there is an applicable bargaining unit agreement concerning out-sourcing, the provisions of the agreement will prevail and must be adhered to for bargaining unit employees (though such an agreement does not take precedence over Title 16, U.S.C.).

Further prohibitions on contracting under certain conditions can be found in 10 U.S.C. § 120ag6.



RSCAF Example- Worksheet F



- » Worksheet F is only one page.
- » The designation of “critical” is something that should guide an agency’s consideration when deciding whether or not to contract.
- » Answering “yes” to questions 1, 2, or 3 may indicate that a function is critical. If a function is critical, you must be able to answer “yes” to questions 4 and 5 in order to contract the function.

WORKSHEET F
CRITICAL FUNCTIONS

A “critical function” is one that involves a function critical to an agency’s mission or operations. It is possible to contract the critical functions, but agencies should ensure they have an adequate number of Federal employees that understand the agency’s requirements and can monitor contractors supporting the Federal mission.

Answering “Yes” to questions 1-3 may indicate a critical function. If the function is critical, you must be able to answer “yes” to items 4 and 5 in order to contract the function. See additional instructions for documenting your analysis below.*

	Critical Functions	YES	NO
1	Is the function necessary to the Army being able to effectively perform and maintain control of its missions and operations and/or to maintain sufficient Government expertise/technical capabilities?	<input type="checkbox"/>	<input type="checkbox"/>
2	Is the function recurring and long-term in duration?	<input type="checkbox"/>	<input type="checkbox"/>
3	Does the performance of the function by a contractor entail operational risk to a core Army mission (for example, if the contractor were to quit or otherwise suddenly be unable to perform, how risky)?	<input type="checkbox"/>	<input type="checkbox"/>
4	Does the agency have an adequate number of positions filled with Federal employees with the appropriate training, experience, and expertise to continue critical operations with in-house resources, another contractor, or a combination of the two in the event of contractor default?	<input type="checkbox"/>	<input type="checkbox"/>
5	Does the agency have sufficient capability and internal expertise to oversee and manage any contractors being used to support the Federal mission, taking into account, among other things: (i) agency’s mission; (ii) complexity of the function and the need for special skills; (iii) current strength of the agency’s in-house expertise; (iv) current size and capability of the agency’s acquisition workforce; and (v) effect of contractor default on mission performance?	<input type="checkbox"/>	<input type="checkbox"/>

Permitted to H.E.S.C. § 3-61(b) and ODFP Policy Letter 11-01, special consideration should be given to answering “critical functions” to ensure that agencies have sufficient internal capability to maintain control over functions that are critical to the agency’s mission and operations.

In the event that a function is determined to be critical in nature, the proposer should ensure that adequate government oversight will be available, pursuant to ODFP Policy Letter 11-01.

Please explain in Worksheet H, your organization’s analysis in considering to-source this critical function and how you plan to ensure adequate government oversight regarding questions 4 and 5 above.



RSCAF Example- Worksheet G



- » Worksheet G is only one page.
- » Worksheet G deals with two distinct issues: security/firefighting functions (the top half—question 1), and publicity experts and propaganda (the bottom half—questions 2-4).
- » Both issues deal with specific functions/situations in which contracting may not be allowed at all.
- » If the function involves security or firefighting, contracting is not allowed unless one of the exceptions listed below question 1 applies.
- » Publicity experts may not be contracted for unless the money has been specifically appropriated by Congress for that purpose.
- » The final questions are about publicity and propaganda functions.

WORKSHEET G		
SECURITY, FIREFIGHTING, AND PUBLICITY FUNCTIONS		
<p>Security and firefighting functions may not be contracted unless they qualify for certain statutory exceptions. If the answer to question 1 is "Yes," then answer the subsequent questions to determine if one of the exceptions is applicable. If there are no applicable exceptions, then the functions may not be contracted.</p> <p><i>Title 48, United States Code § 2405(a) prohibits the use of contracts for the performance of security guard or firefighting functions except under certain circumstances (defined in the appropriate questions above). The prohibition was revised by Section 252 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2012 and then amended through FY13 by Section 246 of the FY2012 NDAA. The waiver has expired and is no longer in effect.</i></p>		
Security and Firefighting Functions	YES	NO
1. Is this contract for the performance of security guard or firefighting functions?	<input type="checkbox"/>	<input type="checkbox"/>
If the answer to the above question is "Yes," do any of the following exceptions apply?	<input type="checkbox"/>	<input type="checkbox"/>
(1) The contract is to be carried out at a location outside the "Closed Zone," its commercial facilities, possessions, and military installations, or which members of the armed forces would have to be used at the expense of our residents.	<input type="checkbox"/>	<input type="checkbox"/>
(2) The contract is to be carried out on a Government-owned but privately-operated installation.	<input type="checkbox"/>	<input type="checkbox"/>
(3) The contract (or renewal of the contract) is for the performance of a function under contract on September 24, 1993.	<input type="checkbox"/>	<input type="checkbox"/>
(4) This contract is for a firefighting function for a period of one year or less and covers only the performance of firefighting functions that, in the absence of the contract, would have to be performed by members of the armed forces who are not readily available to perform such functions by means of a deployment.	<input type="checkbox"/>	<input type="checkbox"/>
<p><i>Title 31, U.S.C. § 1107 prohibits the use of appropriated funds to pay for publicity experts unless such funds have been specifically appropriated for that purpose. If the answer to question 1 is "Yes" and the answer to question 2 is "No," then contracting is not allowed.</i></p>		
Publicity Experts	YES	NO
2. Is this a contract for a publicity expert?	<input type="checkbox"/>	<input type="checkbox"/>
If "Yes," were the funds for this contract specifically appropriated for this purpose?	<input type="checkbox"/>	<input type="checkbox"/>
<p>Publicity and propaganda (as well as appropriations for similar) are prohibited for the use of funds for publicity of an agency, purely partisan communication, and covert propaganda. (These restrictions do not apply to OSD/OTI activities.) If the answer to question 2 is "Yes," or 4 is "Yes," then contracting is not allowed.</p>		
Publicity and Propaganda	YES	NO
3. Does this contract involve advertising and marketing or public relations functions?	<input type="checkbox"/>	<input type="checkbox"/>
If the answer to the above question is "Yes," does it involve any of the following?	<input type="checkbox"/>	<input type="checkbox"/>
(1) Self-promotion or publicity of the agency, its personnel, or activities;	<input type="checkbox"/>	<input type="checkbox"/>
(2) Any activity that is purely partisan in nature (i.e. an activity that is designed to aid political party or candidates);	<input type="checkbox"/>	<input type="checkbox"/>
(3) Covert propaganda (i.e. communication that does not reveal that Government appropriations were expended to produce it);	<input type="checkbox"/>	<input type="checkbox"/>
4. Is the content of web or social media posts that could be interpreted to contain or convey any of the activities described in 3a, 3b, or 3c?	<input type="checkbox"/>	<input type="checkbox"/>



RSCAF Example- Worksheet H



- » Worksheet H is only one page.
- » Worksheet H, part A, should contain a brief generic description of the work the contractor will perform.
- » Worksheet H, parts B, C, and D addresses questions related to special consideration for in-house performance, elimination of the risk of contractors performing inherently governmental functions, mitigation of personal services factors, and internal controls of critical functions performed by contractor.

WORKSHEET H NARRATIVE DESCRIPTION OF WORK AND JUSTIFICATION	
A. Brief description of the work the contractor will perform:	
B. For work which is closely associated with inherently governmental functions (Worksheet E), explain: 1) how special consideration was given to using in-house governmental personnel, and 2) how the risk of contractors performing inherently governmental functions will be eliminated.	
C. For work with personal services indicators ("yes" answers to any of items 1 through 9 on Worksheet C), please explain how the contract will be administered and performed in a way that does not constitute a personal service.	
D. For work which is a Critical Function (Worksheet F) describe: 1.) steps the requiring activity will take to maintain internal control over missions and operations considering the factors outlined on Worksheet F and 2.) explain how special consideration was given to using in-house civilian personnel.	