

Procurement Advisory No. 91 B

Review of Advisory and Assistance Services and Certain Other Professional Services

1. PURPOSE

This Procurement Advisory supersedes Procurement Advisory 91B, dated June 15th, 2009, and establishes an interim procedure for Departmental oversight of proposed contracts for advisory and assistance services and certain other professional services exceeding \$500,000. Advisory Revision 03 institutes the need for OCIO Acquisition Approval Request (AAR) approval if information technology services are an integral part of the acquisition pertaining to the Advisory and Assistance Services Review (AASR).

2. AUTHORITY

This advisory is issued pursuant to the memorandums from Secretary Tom Vilsack, dated January 22, 2009, and June 5, 2009, entitled "Interim Procedures," and the Agriculture Acquisition Regulation (AGAR), Department of Agriculture Supplement to the Federal Acquisition Regulation (FAR), 48 CFR 401.371.

3. DEFINITIONS

a) "**Advisory and assistance services**," is fully defined in the Federal Acquisition Regulation (FAR) Subpart 37.2 and Subpart 2. These are services provided under contract by non-governmental sources to support or improve:

- Organizational policy development;
- Decision-making;
- Management and administration;
- Program and/or project management and administration; and/or
- Research and development (R&D) activities;
- Information technology services that are an integral part of a contract for the acquisition of advisory and assistance services.

"Advisory and assistance services" can also mean the furnishing of professional advice or assistance rendered to improve the effectiveness of Federal management processes or procedures (including those of an engineering and technical nature) and may take the form of information, advice, opinions, alternatives, analyses, studies, evaluations, recommendations, training, and the day-to-day aid of support personnel need for the successful performance of ongoing Federal operations. Included are efforts that support or contribute to improved organization of program management, logistics management, project monitoring and reporting, data collection, budgeting, accounting, performance auditing, and administrative technical support for conferences and training programs. Also included are contracted services that provide organized, analytical assessments/evaluations in support of policy development, decision-making, management, or administration, and acquisitions of models, methodologies, and related software supporting studies, analyses or evaluations.

"Advisory and assistance services" **do not include**:

- Routine information technology services unless they are an integral part of a contract for the acquisition of advisory and assistance services;

- Architectural and engineering services as defined in the Brooks Architect-Engineers Act (40 U.S.C. 1102);
- Research on theoretical mathematics and basic research involving medical, biological, physical, social, psychological, or other phenomena.

“Advisory and assistance services” **shall not be:**

- Used in performing work of a policy, decision-making, or managerial nature which is the direct responsibility of agency officials;
- Used to bypass or undermine personnel ceilings, pay limitations, or competitive employment procedures;
- Contracted for on a preferential basis to former Government employees;
- Used under any circumstances specifically to aid in influencing or enacting legislation;
- Used to obtain professional or technical advice which is readily available within the agency or another Federal agency.

b) “**Certain Other Professional Services**” means any program management and acquisition support services. “Certain Other Professional Services” do not typically include operational or support services such as security or guard service, architect and engineer services, janitorial, grounds keeping services, repair services, software development, systems operations and support, or network management support.

c) “**Requesting Activity**” means the program unit within the Agency or staff office that has the need for the advisory and assistance service or other applicable professional service.

4. POLICY

It is the policy of the Department that agencies acquiring advisory and assistance services shall comply with Subpart 37.2 of the FAR and this supplemental guidance.

5. RESPONSIBILITIES

a) **Requesting Activities**, through their Head of Contracting Activity Designee (HCAD), shall submit the information required in the template (Attachment A) prior to any proposed award for advisory and assistance services or certain other applicable professional services exceeding \$500,000. The HCAD is responsible for submitting the required documentation, with signatures, to the Chief, Procurement Policy Division (PPD). All submissions shall be emailed to procurement.policy@dm.usda.gov.

b) **Chief, Procurement Policy Division (OPPM/PPD)** is responsible for reviewing the submission for completeness and routing the documentation to the Assistant Secretary for Administration for review. If information technology services are an integral part of the acquisition pertaining to the AASR, the Associate Chief Information Officer will need to review and approve prior to the Assistant Secretary for Administration. Approval for AASR’s which contain information technology services will not be considered until OCIO AAR approval is provided. The PPD Chief will notify the HCAD when the review(s) is complete or will request additional information from the activities for action or resubmission, if needed. **No award shall be made prior to completion of this review process.**

6. SUBMISSION DEADLINES

Initial submission of a proposed contract award under this PROCUREMENT advisory should be submitted as soon as identified and, at a minimum, 30 business days prior to any proposed award. Agencies are encouraged to submit this information as early in the acquisition planning process as possible.

3. CONTACTS

If you have questions or comments regarding this advisory please contact Donna Calacone by telephone at 202.205.4036 or email at Donna.Calacone@dm.usda.gov, or send an email message to the OPPM Procurement Policy Division at procurement.policy@dm.usda.gov.

Procurement Advisories are issued by the Procurement Policy Division of the Office of Procurement and Property Management, Departmental Management, USDA, Dorothy Lilly, Chief, and posted on the USDA World Wide Web site at the following URL: <http://www.dm.usda.gov/procurement/policy/advisories.html>.

EXPIRATION DATE: Effective upon issue date until canceled.

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