

## Department of the Interior Departmental Manual

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**Effective Date:** July 27, 2011

**Series:** Aviation Management

**Part 351:** Aviation Operations

**Chapter 5:** Aviation Management Service Support for Non-Federal Government Entities

**Originating Office:** National Business Center

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### 351 DM 5

5.1 **Purpose.** This chapter describes policies and procedures for providing National Business Center (NBC) Aviation Management Directorate (AMD) service offerings to non-Federal Government Entities.

5.2 **Authority.**

A. Support to non-Federal Government Entities. NBC AMD's authority to support requests to provide aircraft and related services to non-Federal Government Entities (whether requested by our bureau customers or directly from the non-Federal entity) is based upon the Intergovernmental Cooperation Act (ICA) of 1968, as promulgated through Office of Management and Budget (OMB) Circular 97. The authority is identified as providing "specialized or technical services." In a decision by the OMB, dated September 24, 1983, it was stated that "such services (as those offered by NBC AMD) are included in the category of similar service functions which any Federal agency is especially equipped and authorized by law to perform." However, NBC AMD's approval or disapproval of these requests will have to be determined by considering several factors in addition to the above. These factors include:

- (1) The service should not be provided if it can be procured reasonably and expeditiously from ordinary business channels;
- (2) The direct and indirect cost of providing the service should be fully recovered; and
- (3) The provision of additional staff or equipment should not be necessary to provide the requested service.

B. Noncompetition Requirement of the ICA. Title III of the Act requires implementation procedures "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."

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C. Fire Presuppression Activities. Fire presuppression, detection, and suppression support to the States is specifically authorized by Public Law 90-577 promulgated by Title 42, Public Health and Welfare, Chapter 15A, "Reciprocal Fire Protection Agreements."

**5.3 Submission of Requests for "Specialized or Technical Services" Support to non-Federal Government Entities.**

A. Conditions Under Which Services May Be Provided. The specialized or technical services offered by NBC AMD may be provided only under the following conditions:

(1) Only to the States, political subdivisions thereof, and combinations or associations of such governments or their agencies and instrumentalities.

(2) Only upon written request of a State or political subdivision thereof. Requests will normally be made by the Chief Executive of such entities and will be addressed to the appropriate NBC AMD Regional Director.

(3) Upon request and approval that aviation services be provided by NBC AMD for a non-Federal, State entity, NBC AMD will pursue development of an Interagency Agreement (IAA) with the non-Federal Government Entity user. By signing the agreement, the customer is certifying funds availability for expenditures. The customer has a fiscal obligation to NBC AMD when services are requested through NBC AMD service offerings.

(4) In accordance with the policies set forth in OMB Circular A-76, the requesting entity "must certify that such services cannot be procured reasonably and expeditiously by it through ordinary business channels."

(5) Such services will be provided only upon payment or provision for reimbursement, to NBC AMD by the unit of government making the request, of salaries and all other identifiable direct and indirect costs of performing such services.

(6) In the event a request for a service is denied, the NBC AMD shall furnish the entity making the request with a statement indicating the reasons for the denial.

B. Submission of Request for Service. All non-Federal Government Entity requests for service offerings by NBC AMD shall be processed through the appropriate NBC AMD Regional Director and the Supervisory Financial Specialist for action. Contact information is available on the NBC AMD Web site at [www.nbc.gov/amd](http://www.nbc.gov/amd).