

DETERMINATION AND FINDINGS

Determination that Contractor Support Is Required for Certain Functions Closely Associated with Inherently Governmental Functions

Upon the basis of findings and determination which I hereby make pursuant to Federal Acquisition Regulation (FAR) 7.503 [If DoD, insert the authority of 10 U.S.C. 2383 and also include reference to Defense Federal Acquisition Regulation Supplement (DFARS) 207.503 (S-70)], none of the functions to be performed under <insert contract and task order (TO) number or solicitation number> are considered to be inherently governmental as described in FAR 7.503(c); however, contractor personnel may be utilized to assist in the performance of acquisition functions closely associated with inherently governmental functions as described in FAR 7.503(d).

FINDINGS

1.

Contracting Office: <insert office>

Type of Solicitation Issued: <insert type>

FAR authority under which the Solicitation was issued: <insert FAR reference>

Requirement: <insert description>

2. In order to accomplish <briefly describe the overall objectives/ requirements of the contract, TO, or solicitation>, the contractor may be required to perform certain services and actions that appear to border on being inherently governmental because of the nature of the function, the manner in which the contractor performs the contract, or the manner in which the government administers contractor performance. The contractor will be required to perform services in support of <insert area, such as acquisition planning, budgeting, etc.> under the proposed <insert either "contract" or "task order">. The scope of this support will be limited to the following:

- a.
- b.
- c.

3. [Explain why appropriate government personnel with the requisite skills cannot reasonably be made available to perform the functions. Address the specific levels of expertise and skills required.]

4. Appropriate government personnel will oversee contractor performance of the contract. A Contracting Officer's Technical Representative (COTR) has been appointed under this contract and will provide surveillance of the services rendered. The COTR is <insert name and title>.

5. Government personnel will perform all inherently governmental functions associated with the functions to be performed under the contract.

6. Potential organizational conflicts of interest (OCIs) of the contractor in the performance of the functions under the contract will be addressed and appropriate OCI provisions included in the <insert either "contract" or "task order">.

7. In accordance with FAR 9.505-4, contractor personnel that support *<insert area, such as acquisition planning, budgeting, etc.>* will be required to sign a Certificate of Non-Disclosure.

DETERMINATION

Based upon the foregoing justification, I hereby determine that no inherently governmental functions will be performed under this *<insert either "contract" or "task order">*, and that the use of non-government personnel to provide *<insert type of service, such as acquisition planning, budgeting, etc>* and assistance in the *<insert brief list of items to correlate with item 2 in Findings>*, which are closely related to inherently governmental functions, is appropriate.

[Note: This determination does not negate the requirement of DFARS 207.503 for a written determination in accordance with DoD Instruction 1100.22.]

Date

<insert name>
<insert title of program/requirements manager>

Date

<insert name>
Contracting Officer

APPROVED: *[For DoD only]*

Date

<insert name>
Head of Agency