

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
ICE Policy System**

<b>DISTRIBUTION:</b>	<b>ICE</b>
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<b>SUPERSEDES:</b>	<b>See Section 3 Below.</b>

**DIRECTIVE TITLE: FINANCIALLY RELATED INTER/INTRA-AGENCY  
AGREEMENTS**

1. **PURPOSE and SCOPE.** This Directive provides guidance for establishing Interagency Agreements (IAAs) between U.S. Immigration and Customs Enforcement (ICE) and other Federal entities and Intra-agency Agreements (ITAs) between ICE and other components within the Department of Homeland Security (DHS). These agreements can be either for receiving or providing services, goods, or personnel actions such as personnel details. This Directive applies to all ICE Programs Offices.
  
2. **AUTHORITIES/REFERENCES.**
  - 2.1. 31 United States Code (U.S.C.) § 1535, Agency Agreements.
  - 2.2. Public Law (Pub. L.) 98-369, Competition in Contracting Act (CICA), 41 U.S.C. § 253.
  - 2.3. Federal Acquisition Regulation (FAR) 17.5 (48 CFR 17.5), Interagency Acquisitions Under the Economy Act.
  - 2.4. Department of Homeland Security (DHS) Management Directive (MD) No. 0710.1, Reimbursable Agreements.
  - 2.5. DHS MD No. 0780.1, Contracting Officer's Technical Representative (COTR) Certification, Appointment & Responsibilities.
  - 2.6. DHS Acquisition Manual (HSAM), Subchapter 3017.5, Interagency Acquisitions Under the Economy Act.
  - 2.7. Office of Management and Budget (OMB) Memorandum M-03-01, Business Rules for Intra-Governmental Transactions.
  
3. **SUPERSEDED/CANCELLED POLICY/SUMMARY OF CHANGES.** This Directive is the originating and establishing Directive for ICE policy on financially related inter/intra-agency agreements.

4. **BACKGROUND.** ICE Program Offices can either request or provide goods, services, or personnel actions through the establishment of a formal IAA with another Federal entity or with an ITA with a component within DHS. An IAA or an ITA can also be based on a Memorandum of Understanding (MOU) or on a Memorandum of Agreement (MOA).
5. **DEFINITIONS.** The following definitions are provided for the purpose of this Directive:
  - 5.1. **Bilateral Trading Partner Agreements.** Agreements between Intra-governmental Payment and Collection (IPAC) customers to ensure the necessary data to bill and process the bill are identified.
  - 5.2. **Contracting Officer.** Individual who has received specific delineated written authority on Standard Form (SF) 1402 Certification of Appointment to enter into, administer, or terminate contracts (including Interagency Agreements) and make related determinations and findings.
  - 5.3. **Contracting Officer's Technical Representative (COTR).** Individual who has been designated in writing by the Contracting Officer to assist in the technical monitoring or administration of a contract, but does not have authority to make commitments or changes that affect prices, quality, quantity, or other terms or conditions of the contract.
  - 5.4. **Interagency Agreement (IAA).** A reimbursable agreement between two Federal agencies that establishes the appropriate funding for goods/services being furnished. The IAA must be signed by an individual who is authorized to approve funding transactions. An IAA is required in order to finalize a Service Level Agreement (SLA) between two federal agencies.
  - 5.5. **Inter/Intra Agency Reimbursable Agreement (RA).** A written agreement entered into between two Federal agencies or major organizational units within an agency, that specifies the goods to be furnished or tasks to be accomplished by one agency (the servicing agency) in support of the other (the requesting agency).
  - 5.6. **Intra-agency Agreement (ITA).** A reimbursable agreement between two DHS components that establishes the appropriate funding for goods/services being furnished. The ITA must be signed by an individual who is authorized to approve funding transactions. An ITA is required in order to finalize an SLA between two DHS components.
  - 5.7. **Incoming IAA/ITA.** An IAA or ITA where ICE (the servicing agency) is providing the requested services or supplies to another Federal agency or DHS component (the requesting agency), subject to clearance through ICE Office of Budget and Program Performance.
  - 5.8. **Intra-governmental Payment and Collection System (IPAC).** Used by most Federal agencies for interagency disbursements and collections.

- 5.9. Outgoing IAA/ITA.** An IAA or ITA where ICE (the requesting agency) is receiving the requested services or supplies from another agency or DHS component (the servicing agency).
- 5.10. Requesting Agency.** The agency (or major organizational unit within an agency) that requests goods or services from another agency or unit through a reimbursable agreement (inter or intra agency).
- 5.11. Servicing Agency.** The agency (or major organizational unit within an agency) that provides goods or services to a requesting agency or unit under the terms and conditions of a reimbursable agreement (inter or intra agency).
- 5.12. Service Level Agreement (SLA).** A contract between a providing and using agency that specifies the responsibilities of the parties during the term. A Service Level Agreement can be very general or very detailed.
- 5.13. Trading Partner.** A Federal entity (an agency or components within an agency) that is a party to exchange transactions with another Federal entity.
- 6. POLICY.** It is ICE policy to comply with all Federal and Departmental regulations regarding the execution and use of IAAs or ITAs. It is also ICE policy that IAAs or ITAs be executed based on applicable legal and budget authorities allowing for the specific business relationship. They will be executed on appropriate forms with all necessary reviews and approvals completed to ensure proper execution of all terms and conditions, timely payment or billing actions, and close-out upon completion of the business relationship. The use of temporary agreements is authorized for recurring services consistent with prevailing guidelines and requisite controls/monitoring.
- 7. RESPONSIBILITIES.**
- 7.1. ICE Program Offices are responsible for:**
- 1) Designating a COTR who has appropriate training and certification required by the FAR and DHS MD No. 0780.1;
  - 2) Identifying anticipated IAAs and ITAs for purposes of supporting OMB apportionment requirements (for Incoming RAs) or Acquisition Management contract planning (for Outgoing RAs);
  - 3) Obtaining all necessary and appropriate approvals prior to entering into an IAA or ITA either as the requesting or servicing agency, and ensuring that all guidelines and rules are followed;
  - 4) Ensuring that all requirements are timely and completely identified, appropriate forms prepared, and supporting information and data provided; and

- 5) Monitoring and ensuring that no work begins without an approved IAA or ITA in place; that all obligations associated with IAAs or ITAs are timely and accurately posted into the financial system; that all goods and/or services received are consistent with its terms; and that the value of the goods and services received do not exceed the amount of the obligations.

**7.2. The Office of Budget and Program Performance is responsible for:**

- 1) Issuing guidelines on how to request budget authority through the apportionment process for incoming IAAs or ITAs; and
- 2) Preparing and submitting apportionment requests to support incoming IAA or ITA requirements and monitoring the overall execution of incoming IAAs or ITAs to ensure compliance with approved apportionments.

**7.3. The Office of Financial Management is responsible for:**

- 1) Issuing guidelines on how to establish IAAs or ITAs in the ICE financial or payroll systems, and data requirements to support payment actions; and
- 2) Initiating timely payments or billing actions against approved IAAs or ITAs, consistent with Trading Partner data requirements, as appropriate, and through IPACs, if possible, based on Bilateral Trading Partner Agreements.

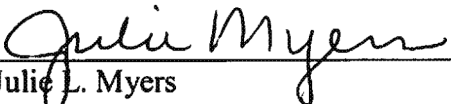
**7.4. The Office of Acquisition Management is responsible for:**

- 1) Completing all required contractual actions associated with IAAs or ITAs by contracting officers;
- 2) Ensuring that all appropriate reviews, delegations, and approvals are initiated prior to obligation;
- 3) Providing guidance on documentation and other requirements for submission and processing of IAAs or ITAs; and
- 4) Providing contractual guidance to Program Offices as needed throughout the lifecycle of the IAA or ITA.

- 7.5.** The Chief Financial Officer (CFO) is responsible for ensuring procedures are established by component organizations to support Interagency Agreement processing, and that IAAs and ITAs are properly monitored.

- 8. PROCEDURES.** Procedures on financially related reimbursable agreements can be found in the following documents:

- 8.1. DHS Debt Management Center (DMC) RA001 V3.6, Establishment of Reimbursable Agreements, revised July 17, 2007.
- 8.2. ICE Office of Financial Management General Operating Procedures, Intra-Governmental Payment and Collection (IPAC) Transactions and Establishment of Reimbursable Agreements.
- 9. ATTACHMENT. NONE.
- 10. **NO PRIVATE RIGHT STATEMENT.** This Directive is an internal policy statement of ICE. It is not intended to, and does not create any rights, privileges, or benefits, substantive or procedural, enforceable by any party against the United States; its departments, agencies, or other entities; its officers or employees; or any other person.

Approved   
Julie L. Myers  
Assistant Secretary  
U.S. Immigration and Customs Enforcement