

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
ICE Policy System

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SUPERSEDES:	See Section 3 Below.

DIRECTIVE TITLE: SERVICE LEVEL AGREEMENT POLICY

1. **PURPOSE and SCOPE.** This Directive establishes U.S. Immigration and Customs Enforcement (ICE) policy for executing Service Level Agreements (SLAs) with other Department of Homeland Security (DHS) components. It specifies the process for executing such agreements, roles and responsibilities, timeframes, and resolution procedures to ensure SLAs are completed in a timely manner to minimize the financial risk to ICE. Specifically, this Directive provides guidance on establishing an SLA and the associated Intra-agency Agreement (ITA) in a timely manner, thereby reducing the financial risk to ICE and the corresponding SLA owner. This Directive applies to all ICE Program Offices.
2. **AUTHORITIES/REFERENCES.**
 - 2.1. 31 United States Code (U.S.C.) § 1535, Agency Agreements.
 - 2.2. Federal Acquisition Regulation (FAR) 17.5 (48 CFR Part 17.5), Interagency Acquisitions under the Economy Act.
 - 2.3. Office of Management and Budget (OMB), Circular A-76.
3. **SUPERSEDES/CANCELLED POLICY/SUMMARY OF CHANGES.** This Directive is the originating and establishing Directive for executing Service Level Agreements.
4. **BACKGROUND.** In ICE, SLAs are used as agreements primarily between ICE, U.S. Citizenship and Immigration Services (CIS), and U.S. Customs and Border Protection (CBP). SLAs cover such things as the scope of services, the priorities, the responsibilities of the parties, any guarantees and pricing. For example, a SLA may specify requirements for availability, serviceability, performance, or other attributes such as billing and penalties for failure to comply with the terms of the SLA.
5. **DEFINITIONS.** The following definitions are provided for the purposes of this Directive.

- 5.1. Continuing Resolution.** A type of appropriations legislation used by the Congress to fund government agencies if a formal appropriations bill has not been signed into law before the start of the next fiscal year.
- 5.2. Customer.** The entity outside of ICE, such as a DHS component that is purchasing the services from ICE.
- 5.3. 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.
- 5.4. Service Level Agreement (SLA).** For the purposes of this Directive, a Service Level Agreement is a written agreement for “shared services” among the DHS components for which ICE is the service provider. The SLA specifies performance requirements, measures, reporting, cost, and recourse. Such agreements are further supported by an Intra-agency Agreement (ITA) that defines the funding structure.
- 6. POLICY.**
- 6.1.** It is ICE policy that all SLAs are to be signed by the Customer prior to the commencement of service. Program Offices must obtain a completed and signed ITA from the Customer within 60 days of service commencement. ICE Program Offices are to follow the referral procedures provided within this Directive if the above mentioned timeframes are not met.
- 6.2.** If the SLA is not signed by the time of the service commencement, ICE reserves the right to pursue options for reducing non-critical services in a responsible manner that does not compromise safety, but that minimizes ICE’s potential financial exposure to the maximum extent possible. Additionally, the ICE Chief Financial Office (CFO) and the Program Office Director reserve the right to refer resolution of issues to the ICE Deputy Assistant Secretary (DAS) of Management and his/her counterpart for the Customer.
- 7. RESPONSIBILITIES.**
- 7.1. ICE Program Offices are responsible for:**
- 1) Establishing the scope of services and pricing structure of the SLA;
 - 2) Documenting the agreed-upon scope, pricing, and obtaining the approval and signature of the Customer;
 - 3) Ensuring an ITA is completed and signed by the Customer for each SLA;
 - 4) Ensuring timely services are provided to the Customer; and

- 5) Assigning a point of contact responsible for Customer communication, general monitoring and oversight of the SLA, and following appropriate referral process when needed.

7.2. ICE Office of Chief Financial Officer (OCFO) is responsible for:

- 1) Tracking the finalization of each SLA and associated ITA throughout the fiscal year;
- 2) Reviewing and certifying that appropriate funding is available for the ITA;
- 3) Providing the CFO with regular updates throughout the fiscal year and following the appropriate referral process when needed;
- 4) Assigning a point of contact responsible for general monitoring and oversight of the SLA; and
- 5) Ensuring the Customer is billed timely for the services provided.

8. PROCEDURES.

8.1. ICE Program Offices are to:

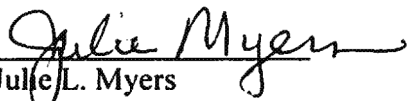
- 1) Initiate discussions with the Customer no later than 120 calendar days prior to service commencement to determine if future services are required;
- 2) Formally document the request as indicated by the Customer; if future services are not required, ensure that services are not provided after the existing performance period ends;
- 3) Proactively work with the Customer to establish the scope of services and pricing structure, if future services are required;
- 4) Finalize the scope of services and the associated pricing structure no later than 45 calendar days prior to service commencement;
- 5) Obtain the Customer's signature on the SLA no later than 30 calendar days prior to service commencement and obtain an assurance of funding subject to availability, such as a funding requisition or document, from the Customer;
- 6) Obtain a completed and signed ITA from the Customer within 60 calendar days of service commencement, however, if under a Continuing Resolution, obtain funding information for the period of the Continuing Resolution; and
- 7) Notify the ICE CFO and the Program Office Director for resolution if any of the above timeframes are not met.

8.2. OCFO is to:

- 1) Work with the Program Offices to track the status of ICE SLAs and provide assistance in resolution of issues, when needed;
- 2) Certify the availability of funds within five business days of receiving a signed SLA and ITA;
- 3) Maintain a signed copy of the SLA and ITA; and
- 4) Ensure timely billings are sent to Customers.

9. ATTACHMENTS. 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 
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