



# **REQUEST FOR SERVICES CONTRACT APPROVAL FORM**

## **USER'S GUIDE**

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# WHAT IS THE RSCA FORM?

- The Request for Services Contract Approval (RSCA) Form is a consolidated form for use whenever considering use of a contract to provide services.
- The RSCA consolidates statutes, regulations, and policies that govern total force management decisions into one, centralized location.
- The RSCA is largely composed of “worksheets,” which have questions that help personnel identify whether or not a function is appropriate to contract.
  - *The questions are drawn from all relevant sources, including, but not limited to, statute (e.g. 10 USC sections 129a, 2330a, 2383, 2461, and 2463 and 31 USC 501), regulation (e.g. FAR parts 7.503 and 37.104), and policy (e.g. OFPP Letter 11-01 and DoDI 1100.22).*

# WHAT'S IN THE RSCA FORM?

- The RSCA has three main components:
  - The certification/approval (page one)
  - The instructions (page two)
  - The worksheets (pages three and following)
- There are seven worksheets on the following topics:
  - Inherently Governmental Functions
  - Closely Associated with Inherently Governmental Functions
  - Personal Services
  - Special Considerations
  - Out-Sourcing and Conversion of Functions
  - Critical Functions
  - Security, Firefighting, and Publicity Functions

# WHEN DO I USE THE RSCA?

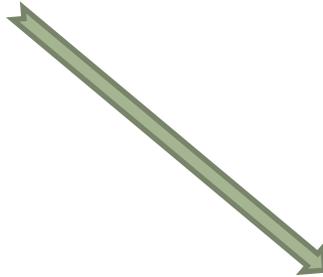
- The RSCA must be completed prior to procuring any contracted service.
  - A “service contract” involves “tasks to be performed” rather than “supplies to be delivered”.
- If Army is the requiring activity or executive agent, or if Army money is being used, the RSCA is required.
- You need to use the RSCA before a new contract is awarded; or before issuing a contract mod; or before issuing a task/delivery order.
- The first green block on the Instructions sheet lists the situations when you need to use it.

INSTRUCTIONS FOR USE OF THE REQUEST FOR SERVICES CONTRACT APPROVAL FORM	
The following rules govern the required use of the certification and worksheets of this Form:	
1.	The Request for Services Contract Approval (RSCA) Form is required by Army Federal Acquisition Regulation Supplement (AFARS) Subpart 5107.5105.
2.	The most current version of the Form must be used and can be found at: <a href="http://www.army.mil/ava/docs/contracts/subpart_5107/ava_rscs_approval_form.pdf">http://www.army.mil/ava/docs/contracts/subpart_5107/ava_rscs_approval_form.pdf</a> The Form may not be altered in any way. Local supplementation is acceptable only when such supplements are used with—and attached to—the Form.
3.	The Form is required and must be completed in the following circumstances: <ul style="list-style-type: none"><li>• Before new solicitations are issued or contracts are awarded;</li><li>• Before options are exercised;</li><li>• Before contracts are modified;</li><li>• When each task order/delivery order is issued;</li><li>• When funds are added (through the incremental funding of contracts does not require re-submission of the form);</li><li>• When Army funds are being used for buy/contractor labor, regardless of which organization is awarding or administering the contract;</li><li>• When Army is the requiring activity, or is the executive agent for the mission/organization requiring the services;</li><li>• When Army funds are being transferred to contracts outside of the Department of Defense.</li></ul> <p>This Form is required for all service contracts, regardless of whether the contracts are ongoing, temporary, about to end, funded in the base budget, or funded under Overseas Contingency Operations.</p>
4.	The RSCA Form is required for all service contracts (see FAR 7.502 Applicability). A “service contract” is for tasks to be performed, other than supplies to be delivered. The following are not considered services: <ul style="list-style-type: none"><li>• Manufacturing production contracts;</li><li>• Utilities;</li><li>• Subscriptions;</li><li>• Off-the-shelf software;</li><li>• Construction project funded using Military Construction Army funds (however, repair, maintenance, construction, and demolition projects that utilize Operations and Maintenance funds do require the Form);</li><li>• Help desk and customer service support incidental to equipment or off-the-shelf software purchases;</li><li>• Software licensing agreements and updates (customized software development, maintenance, and upgrades, however, are considered services);</li><li>• Foreign Military sales services;</li><li>• Manufacturer’s warranties (extended maintenance/repair beyond the standard manufacturer’s warranty, however, is considered a service);</li><li>• Delivery services incidental to a supply purchase.</li></ul>
5.	Certification by the accountable GS/SES at the requiring activity is required: <ul style="list-style-type: none"><li>• For a contract with a total value of less than \$100,000 (including all supplies and services, as well as all the option years combined), the accountable GS or SES in a requiring activity may delegate signature authority to a GS-13 GS-6;</li><li>• For National Guard contracts, the U.S. Property and Fiscal Officer (USPFO) may approval-certify the Form;</li><li>• For services to support Counts-Martial, no approval certification is required, but the Form must still be completed.</li></ul>
6.	Worksheet questions should be answered by persons in the requiring activity who know how the contract is administered, how it is performed, and who thoroughly understand the work being performed by the contractor. Worksheet questions should be answered carefully, to ensure that the accountable GS/SES and the contracting officer have all relevant facts to support their decisions and/or certification.
7.	If issues arise regarding the correct use or completion of the Request for Services Contract Approval Form, please contact the Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs) Force Management, Manpower and Resources, at (703) 695-2109.

# ARE THERE TIMES I DON'T HAVE TO USE IT?

- Yes. Some things don't need the RSCA—like utilities, or subscription services.
- The second green block on the Instructions sheet lists situations when you don't need to use it.

- The RSCA FAQs also lists exception situations in more detail (but you should check the Instructions first).



INSTRUCTIONS FOR USE OF THE REQUEST FOR SERVICES CONTRACT APPROVAL FORM	
The following rules govern the required use of the certification and worksheets of this Form:	
1. The Request for Services Contract Approval (RSCA) Form is required by Army Federal Acquisition Regulation Supplement (AFARS) Subpart 3107.50(b).	
2. The most current version of the Form must be used and can be found at: <a href="http://www.army.mil/sca/documents/ServiceContractApprovalForm.pdf">http://www.army.mil/sca/documents/ServiceContractApprovalForm.pdf</a> The Form may be altered in any way, local supplementation is acceptable only when such supplements are used with—and attached to—the Form.	
3. The Form is required and must be completed in the following circumstances:	
•When new solicitations are issued for contracts are awarded, •When options are exercised, •When contracts are modified, •When each task order/delivery order is issued, •When funds are added (although the incremental funding of contracts does not require re-submission of the form), •When Army funds are being used to buy contractor labor, regardless of which organization is awarding or administering the contract, •When Army is the requiring activity, or is the executive agent for the mission organization requiring the services, •When Army funds are being transferred to contractors outside of the Department of Defense.	
This Form is required for all service contracts, regardless of whether the contracts are ongoing, temporary, short and final, funded in the base budget, or funded under Overseas Contingency Operations.	
4. The RSCA Form is required for all service contracts (see FAR 7.102 Applicability). A "service contract" is for tasks to be performed, other than supplies to be delivered. The following are not considered services:	
•Manufacturing production contracts, •Hilites, •Subscriptions, •Off-the-shelf software, •Construction projects funded using Military Construction Army funds (however, repair, maintenance, construction, and demolition projects that utilize Operations and Maintenance funds do require the Form), •Single task and customer service support incidental to equipment or off-the-shelf software purchases, •Software licensing agreements and updates (contracted software development, maintenance, and upgrades, however, are considered services), •Foreign Military sales services, •Manufacturer's warranties (contracted maintenance/repairs beyond the standard manufacturer's warranty, however, is considered a service), •Delivery services incidental to a supply purchase.	
5. Certification by the accountable GVSSES at the requiring activity is required. •For a contract with a total value of less than \$100,000 (including all supplies and services, as well as all the option years combined), the accountable GVSSES at the requiring activity may delegate signature authority to a GS/GSAC, •For National Guard contracts, the U.S. Property and Fiscal Officer (USPFO) may approval certify the Form, •For services to support Contingency Operations, approval certification is required, but the Form need not be completed.	
6. Worksheet questions should be answered by persons in the requiring activity who know how the contract is administered, how it is performed, and who thoroughly understand the work being performed by the contractor. Worksheet questions should be answered candidly, to ensure that the accountable GVSSES and the contracting officer have all relevant facts to support their decisions and/or certification.	
7. If issues arise regarding the correct use or completion of the Request for Services Contract Approval Form, please contact the Office of the Assistant Secretary of the Army (Contract and Resource Affairs) Force Management, Management and Resources, at (703) 605-2100.	

# WHO SHOULD FILL OUT THE RSCA?

- The RSCA should be filled out by a person or persons in the requiring activity who is/are knowledgeable about how the contract is (or is to be) administered; how it is (or will be) performed; and who thoroughly understand the work being performed by the contractor.
  - In other words, it should be someone who really understands *what* the contract is for and *how* the contract will be performed.

# WHAT GETS FILLED OUT?

- The fields on the front page should be filled out.
- The worksheets should all be filled out (i.e. answer “yes” or “no” to all the questions).
- After everything is complete, the approving official should approve or disapprove and sign.

# STEP-BY-STEP COMPLETION

# FRONT PAGE

- The top half of the front page has fields for technical information—like the project name, the UIC, and so on.
- The bottom half of the page (beneath the “Decision” banner) is where the approving official either approves/disapproves and signs. (There is also space for the person who prepared the Form to input their information and sign.)
- The “cost” boxes have fields for the contract cost for the base year, as well as up to three option years, and a final box for the total project cost.
  - The “total project cost” box should include all project costs, including ODCs, etc.
- The “labor cost” box should be an estimate of one year of labor (including G&A).
- Please note that all cost and CME info is For Official Use Only (FOUO) and is procurement sensitive. As such, it may only be disclosed to government personnel with a need to know.

# WORKSHEET A

- Worksheet A is for “inherently governmental (IG) functions.”
- IG functions are those which cannot be performed by a contractor and *must* be performed by Government employees (military or civilian).
- When answering the questions, you should ask, “Does this situation apply to the function I want to contract?”, and then answer “yes” or “no” accordingly.

# WORKSHEET A

- Worksheet A has three pages. You must answer all the questions on all three pages.
- The questions are drawn from law and policy; links to the source documents are provided at the end of Worksheet A, for reference.

WORKSHEET A (1 OF 3) INHERENTLY GOVERNMENTAL FUNCTIONS		
<p>An "inherently governmental function" is one that has been determined to be—through statute or otherwise—a function that must be performed by Government personnel, either civilian or military, and may not be performed by a contractor. All the sections of Worksheet A must be filled out and are designed to help determine whether or not a function is inherently governmental in nature.</p> <p>Read each question and apply it to the function in question. Answer "Yes" or "No" to the questions that apply below, based on the work statement and the way the contract is performed. A "Yes" response to any of the below indicates that the function must be performed in-house and may not be contracted.</p>		
Inherently Governmental	YES	NO
<b>Does the function:</b>		
1 Involve contractors providing legal advice and interpretations of regulations and statutes to Government officials?	<input type="checkbox"/>	<input type="checkbox"/>
2 Involve the direct conduct of criminal investigations?	<input type="checkbox"/>	<input type="checkbox"/>
3 Involve the control of prosecutions and performance of adjudicatory functions other than those relating to arbitration or other methods of alternative dispute resolution?	<input type="checkbox"/>	<input type="checkbox"/>
4 Involve the command of military forces, especially the leadership of military personnel who are members of the combat, combat support, or combat service support role?	<input type="checkbox"/>	<input type="checkbox"/>
5 Involve the conduct of foreign relations and the determination of foreign policy?	<input type="checkbox"/>	<input type="checkbox"/>
6 Involve the determination of agency policy, such as—among other things—determining the content and application of regulations?	<input type="checkbox"/>	<input type="checkbox"/>
7 Involve the determination of Federal program priorities for budget requests?	<input type="checkbox"/>	<input type="checkbox"/>
8 Involve the direction and control of Federal employees?	<input type="checkbox"/>	<input type="checkbox"/>
9 Involve the direction and control of intelligence and counter-intelligence operations?	<input type="checkbox"/>	<input type="checkbox"/>
10 Involve the selection or non-selection of individuals for Federal Government employment, including the interviewing of individuals for employment?	<input type="checkbox"/>	<input type="checkbox"/>
11 Involve the approval of position descriptions and performance standards for Federal employees?	<input type="checkbox"/>	<input type="checkbox"/>
12 Involve the determination of what Government property is to be disposed of and on what terms (although an agency may give contractors authority to dispose of property at prices within specified ranges and subject to other reasonable conditions deemed appropriate by the agency)?	<input type="checkbox"/>	<input type="checkbox"/>
13 Involve:		
i) Determining what supplies or services are to be acquired by the Government (although an agency may give contractors authority to acquire supplies at prices within specified ranges and subject to other reasonable conditions deemed appropriate by the agency);	<input type="checkbox"/>	<input type="checkbox"/>
ii) Participating as a voting member on any source selection board;	<input type="checkbox"/>	<input type="checkbox"/>
iii) Approving any contractual document, including documents defining requirements, incentive plans, and evaluation criteria;	<input type="checkbox"/>	<input type="checkbox"/>

WORKSHEET A (2 OF 3) INHERENTLY GOVERNMENTAL FUNCTIONS		
<p>Answer "Yes" or "No" to the functions that apply below, based on the work statement and the way the contract is performed. A "Yes" response to any of the below indicates that the function must be performed in-house and may not be contracted.</p>		
Inherently Governmental	YES	NO
<b>Does the function:</b>		
13 (continued from the previous page) Involve:		
iv) Awarding contracts;	<input type="checkbox"/>	<input type="checkbox"/>
v) Administering contracts (including ordering changes in contract performance or contract quantities, taking action based on evaluation of contract performance, and accepting or rejecting contractor products or services);	<input type="checkbox"/>	<input type="checkbox"/>
vi) Terminating contracts;	<input type="checkbox"/>	<input type="checkbox"/>
vii) Determining whether contract costs are reasonable, allocable, and allowable; and	<input type="checkbox"/>	<input type="checkbox"/>
viii) Participating as a voting member on performance evaluation boards.	<input type="checkbox"/>	<input type="checkbox"/>
14 Involve the approval of agency responses to Freedom of Information Act (FOIA) requests (other than routine responses that, because of statute, regulation, or agency policy, do not require the exercise of judgment in determining whether documents are to be released or withheld), and the approval of agency responses to the administrative appeals of denials of FOIA requests?	<input type="checkbox"/>	<input type="checkbox"/>
15 Involve the conduct of administrative hearings to determine the eligibility of any person for a security clearance, or involve actions that affect matters of personal reputation or eligibility to participate in Government programs?	<input type="checkbox"/>	<input type="checkbox"/>
16 Involve the approval of Federal licensing actions and inspections?	<input type="checkbox"/>	<input type="checkbox"/>
17 Involve the determination of budget policy, guidance, and strategy?	<input type="checkbox"/>	<input type="checkbox"/>
18 Involve the collection, control, and disbursement of fees, royalties, duties, fines, taxes, and other public funds, unless authorized by statute, such as 31 U.S.C. § 952 (relating to private collection contractors) and 31 U.S.C. § 3718 (relating to private attorney collection services), but does not include:	<input type="checkbox"/>	<input type="checkbox"/>
i) Collection of fees, fines, penalties, costs, or other charges from visitors to or patrons of mess halls, post or base exchange concessions, national parks, and similar entities or activities, or from other persons, where the amount to be collected is easily calculated or predetermined and the funds collected can be easily controlled using standard case management techniques; and	<input type="checkbox"/>	<input type="checkbox"/>
ii) Routine voucher and invoice examination.	<input type="checkbox"/>	<input type="checkbox"/>
19 Involve the control of the treasury accounts?	<input type="checkbox"/>	<input type="checkbox"/>
20 Involve the administration of public trusts?	<input type="checkbox"/>	<input type="checkbox"/>
21 Involve the drafting of Congressional testimony, responses to Congressional correspondence, or agency responses to audit reports from the Inspector General, the Government Accountability Office, or other Federal audit entity?	<input type="checkbox"/>	<input type="checkbox"/>

WORKSHEET A (3 OF 3) INHERENTLY GOVERNMENTAL FUNCTIONS		
<p>Answer "Yes" or "No" to the functions that apply below, based on the work statement and the way the contract is performed. A "Yes" response to any of the below indicates that the function must be performed in-house and may not be contracted.</p>		
Inherently Governmental	YES	NO
<b>Does the function:</b>		
22 Require the exercise of discretion in applying Federal Government Authority?	<input type="checkbox"/>	<input type="checkbox"/>
23 Require the making of value judgments in making decisions for the Federal Government?	<input type="checkbox"/>	<input type="checkbox"/>
24 Require making judgments relating to monetary transactions and entitlements?	<input type="checkbox"/>	<input type="checkbox"/>
25 Involve the interpretation and execution of the laws of the United States so as to bind the US to take or not take some action by contract, policy, regulation, authorization, order, or otherwise?	<input type="checkbox"/>	<input type="checkbox"/>
26 Involve the interpretation and execution of the laws of the United States to determine, protect, and advance the US' economic, political, territorial, property, or other interests by military or diplomatic action, civil or criminal judicial proceedings, contract management or otherwise?	<input type="checkbox"/>	<input type="checkbox"/>
27 Involve the interpretation and execution of the laws of the United States to significant affect the life, liberty, or property of private persons?	<input type="checkbox"/>	<input type="checkbox"/>
28 Involve the interpretation and execution of the laws of the United States to commission, appoint, direct, or control officers or employees of the United States?	<input type="checkbox"/>	<input type="checkbox"/>
29 Involve the interpretation and execution of the laws of the United States to exert ultimate control over the acquisition, use, or disposition of the property—real or personal, tangible or intangible—of the US, including the collection, control, or disbursement of appropriate or other Federal funds?	<input type="checkbox"/>	<input type="checkbox"/>
30 Involve security operations performed in direct support of combat as part of a larger integrated combat force, or performed in environments where there is significant potential for the security operations to evolve into combat? (Where the US military is present, the judgment of the military commander should be sought regarding the potential for the operations to evolve into combat.)	<input type="checkbox"/>	<input type="checkbox"/>
31 Involve representation of the Government before administrative and judicial tribunals, unless a statute expressly authorizes the use of attorneys whose services are procured through contract?	<input type="checkbox"/>	<input type="checkbox"/>
32 Involve combat?	<input type="checkbox"/>	<input type="checkbox"/>
33 Involve the interrogation of detainees? (However, some functions in support of interrogation may be performed by contractors; see item 20 on Worksheet B.)	<input type="checkbox"/>	<input type="checkbox"/>
34 Involve the contractor performing as the effective or de facto decision-maker?	<input type="checkbox"/>	<input type="checkbox"/>

# WORKSHEET A

- If you answer “yes” to any of the questions in Worksheet A, that means you may not contract for the function.
- When answering questions on Worksheet A, remember: even a “purely commercial” function can be *performed* in a way that becomes inherently governmental in nature.
  - *In other words, you could have a contract where the contractor is basically serving as a de facto decision maker for the Government (because of improper oversight, staffing shortfalls, lack of Government expertise to make independent decisions, etc).*
  - This is why you must keep in mind how the contract is being performed (or will be performed) when answering the questions.

# WORKSHEET B

- Worksheet B is about “closely associated with inherently governmental” (CAIG) functions.
- CAIG functions may be contracted, but require special oversight (for example, to ensure that they do not become IG functions).
  - *The final box (questions 24-26) deals with this issue specifically. You must be able to answer “yes” to 24-26 if you have answered “yes” to any of 1-23.*
- Also, by statute, DoD is required to reduce the use of contractors to perform CAIG functions “to the maximum extent practicable.”

# WORKSHEET B

- Worksheet B is two pages.
- All questions must be answered. Like Worksheet A, the sources from which the questions are derived are at the end of the Worksheet.

WORKSHEET B (1 OF 2)		
CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS		
<p>A "closely associated with inherently governmental function" is one that approaches being inherently governmental in nature because of the nature of the function, the manner in which the contractor performs the contract, or the manner in which the government administers contract performance. A designation of closely associated with inherently governmental does not preclude from contracting for a function, but does require additional oversight, as well as special consideration for in-sourcing. Pursuant to 10 U.S.C. § 2330a(e), however, reliance on contractors to perform closely associated with inherently governmental functions should be reduced "to the maximum extent practicable."</p> <p>Answer "Yes" or "No" to the questions below, based on the work statement and the way the contract is performed.</p>		
Closely Associated with Inherently Governmental	YES	NO
<b>Does the performance involve:</b>		
1 Services that involve or relate to budget preparation, including workload modeling, fact finding, efficiency studies, and should-cost analyses, etc.?	<input type="checkbox"/>	<input type="checkbox"/>
2 Services that involve or relate to reorganization and planning activities?	<input type="checkbox"/>	<input type="checkbox"/>
3 Services that involve or relate to analyses, feasibility studies, and strategy options to be used by agency personnel in developing policy?	<input type="checkbox"/>	<input type="checkbox"/>
4 Services that involve or relate to the development of regulations?	<input type="checkbox"/>	<input type="checkbox"/>
5 Services that involve or relate to the evaluation of another contractor's performance?	<input type="checkbox"/>	<input type="checkbox"/>
6 Services in support of acquisition planning?	<input type="checkbox"/>	<input type="checkbox"/>
7 Contractors providing assistance in contract management (such as where the contractor might influence official evaluations of other contractors)?	<input type="checkbox"/>	<input type="checkbox"/>
8 Contractors providing technical evaluation of contract proposals?	<input type="checkbox"/>	<input type="checkbox"/>
9 Contractors providing assistance in the development of statements of work?	<input type="checkbox"/>	<input type="checkbox"/>
10 Contractors providing support in preparing responses to Freedom of Information Act requests?	<input type="checkbox"/>	<input type="checkbox"/>
11 Contractors working in any situation that permits or might permit them to gain access to confidential business information and/or any other sensitive information (other than situations covered by the National Industry Security Program described in 4.402(b))?	<input type="checkbox"/>	<input type="checkbox"/>
12 Contractors providing information regarding agency policies or regulations, such as attending conferences on behalf of an agency, conducting community relations campaigns, or conducting agency training courses?	<input type="checkbox"/>	<input type="checkbox"/>
13 Contractors participating in any situation where it might be assumed that they are agency employees or representatives?	<input type="checkbox"/>	<input type="checkbox"/>
14 Contractors participating as technical advisors to a source selection board or participating as voting or non-voting members of a source evaluation board?	<input type="checkbox"/>	<input type="checkbox"/>

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WORKSHEET B (2 OF 2)		
CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS		
<p>Answer "Yes" or "No" to the functions that apply below, based on the work statement and the way the contract is performed.</p>		
Closely Associated with Inherently Governmental	YES	NO
<b>Does the performance involve:</b>		
15 Contractors serving as arbitrators or providing alternative methods of dispute resolution?	<input type="checkbox"/>	<input type="checkbox"/>
16 Contractors constructing building or structures intended to be secure from electronic eavesdropping or other penetration by foreign governments?	<input type="checkbox"/>	<input type="checkbox"/>
17 Contractors providing inspection services?	<input type="checkbox"/>	<input type="checkbox"/>
18 Contractors providing special non-law enforcement, security activities that do not directly involve criminal investigations, such as prisoner detention or transport, and non-military national security details? (The direction and control of confinement facilities in areas of operations, however, is inherently governmental.)	<input type="checkbox"/>	<input type="checkbox"/>
19 Private security contractors in operational environments overseas?	<input type="checkbox"/>	<input type="checkbox"/>
20 Supporting the interrogation of detainees? (Pursuant to Section 1038 of the National Defense Authorization Act for Fiscal Year 2010, contractor personnel may not interrogate detainees.)	<input type="checkbox"/>	<input type="checkbox"/>
i) Contractor personnel may be used as linguists, interpreters, report writers, information technology technicians, and may fill other ancillary positions, including trainers of and advisors to interrogators.	<input type="checkbox"/>	<input type="checkbox"/>
ii) Such personnel are subject to the same rules, procedures, and laws pertaining to detainee operations and interrogations as apply to government personnel, and must be properly overseen by Department of Defense military/civilian personnel.	<input type="checkbox"/>	<input type="checkbox"/>
21 Contractors providing combat and security training?	<input type="checkbox"/>	<input type="checkbox"/>
22 Contract logistics support required for weapon systems that deploy with operational units?	<input type="checkbox"/>	<input type="checkbox"/>
23 Work that is at risk of becoming inherently governmental?	<input type="checkbox"/>	<input type="checkbox"/>
<p>Contracting for closely associated with inherently governmental functions is permissible, but levels of oversight must be employed to maintain the appropriateness of the contract. If the answer to any of the prior questions, 1-23, is "Yes" and the answer to any of the following question, 24-26, is "No," then the function may not be contracted.</p>		
Oversight of Contracted Functions	YES	NO
24 Is there sufficient organic Government expertise to oversee contractor performance of the contract?	<input type="checkbox"/>	<input type="checkbox"/>
25 Are there sufficient control mechanisms and sufficient numbers of military and civilian employees to ensure that contractors are not performing inherently governmental functions?	<input type="checkbox"/>	<input type="checkbox"/>
26 Is there sufficient COR capability to ensure adequate oversight of contract performance?	<input type="checkbox"/>	<input type="checkbox"/>
<p>"Closely associated with inherently governmental" is defined in Title 10, United States Code § 2383(b) and FAR 7.503. Additionally, pursuant to 10 U.S.C. § 2463, special consideration must be given to in-sourcing closely associated with inherently governmental functions.</p>		

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# WORKSHEET C

- Worksheet C is about “personal services.”
- A “personal services” contract occurs in execution if contractor personnel are treated like Government employees.
  - This is usually characterized by contractors being under constant (or near-constant) supervision and direction/control by Government employees.
  - For example, contractors serving as staff/action officers, or providing administrative support.
  - Personal services contracts are allowed in very limited circumstances (see the FAR part 37.104 for more detail).
- It is especially important to answer these questions with a view of “How is this contract being (or going to be) performed?”

# WORKSHEET C

- Worksheet C is only one page.
- Questions 1-9 must all be answered. 
- Questions 10-14 are about exceptions to the prohibition against personal services contracts. 
- If you answer “yes” to any of the the questions from 10-14, then you may contract.

WORKSHEET C PERSONAL SERVICES			
<small>A "personal services" contract is characterized by "the employer-employee relationship it creates between the Government and the contractor's personnel." This occurs when contractor personnel are being treated in a manner akin to that of a Government employee. A contract may involve unauthorized personal services either by its written terms or in the way it is actually performed. Care should be taken to avoid situations that may lend themselves to the performance of personal services (for example, having contractors on-site can lead to a "blended workforce" where contractors work side-by-side with government personnel and are treated in the same way).</small>			
<small>Answering "Yes" to questions 2-9 may indicate a personal service and special scrutiny should be given to contracted functions for which any/all such items have been selected in order to avoid a personal services contract. A "Yes" answer to question 1, however, indicates a personal service and precludes contracting for that function.</small>			
Personal Services		YES	NO
1	The contractor personnel are subject to the relatively continuous supervision and control of a Governmental officer.	<input type="checkbox"/>	<input type="checkbox"/>
2	The contractor personnel are performing on a Government site.	<input type="checkbox"/>	<input type="checkbox"/>
3	The principal tools and equipment are furnished by the Government.	<input type="checkbox"/>	<input type="checkbox"/>
4	The services are applied directly to the integral effort of agencies or an organizational subpart in furtherance of an assigned function or mission.	<input type="checkbox"/>	<input type="checkbox"/>
5	The need for the service provided can reasonably be expected to last beyond one year.	<input type="checkbox"/>	<input type="checkbox"/>
6	The inherent nature of the service, or the manner in which it is provided, reasonably requires (directly or indirectly) Government direction or supervision of contractor employees in order to adequately protect the Government's interest; retain control of the function involved; or, retain full personal responsibility for the function supposed in a duly authorized Federal officer or employee.	<input type="checkbox"/>	<input type="checkbox"/>
7	Comparable services meeting comparable needs are performed in this agency or similar agencies using civil-service personnel.	<input type="checkbox"/>	<input type="checkbox"/>
8	The contractor personnel are providing administrative support to Government personnel.	<input type="checkbox"/>	<input type="checkbox"/>
9	Government personnel are giving contractor personnel tasks on an ad hoc basis.	<input type="checkbox"/>	<input type="checkbox"/>
<small>If the answer to any of the below questions is "Yes," then a personal services contract is permissible pursuant to 10 USC § 129b:</small>			
Exceptions: Authorized Personal Services		YES	NO
10	Experts or consultants where the services cannot be adequately provided by the Department.	<input type="checkbox"/>	<input type="checkbox"/>
11	Direct support of a defense intelligence component or counter-intelligence organization of the DoD where the services are urgent or unique and cannot be practically obtained within the DoD.	<input type="checkbox"/>	<input type="checkbox"/>
12	Direct support of special operations command where the services are urgent or unique and cannot be practically obtained within the DoD.	<input type="checkbox"/>	<input type="checkbox"/>
13	Services provided by individuals outside the United States regardless of their nationality.	<input type="checkbox"/>	<input type="checkbox"/>
14	Carrying out healthcare responsibilities in DoD medical treatment facilities per 10 U.S.C. § 1091.	<input type="checkbox"/>	<input type="checkbox"/>
<small>Personal services are defined in FAR Part 37.104. A contract involving personal services, either by its written terms or in the way it is actually performed, must be modified, in-sourced, or divested, or the functions must be performed in such a way as to avoid creating an employer-employee relationship.</small>			
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# WORKSHEET D

- The first question on Worksheet D deals with the special considerations that go into determining whether or not a contract should be in-sourced.
- Special consideration should be given to in-sourcing a function if it meets one or more of the criteria listed under question 1.
- Answering either “yes” or “no” to question 1 does not preclude contracting. However, senior leaders should keep these considerations in mind when making resourcing decisions.
- The second question on Worksheet D deals with organizational conflicts of interest.
  - When contracting, Commands need to take into account the potential conflicts of interest that could occur and take steps to mitigate them.

# WORKSHEET E

- Worksheet E is to help determine if the contract involves illegal out-sourcing or improper conversion of functions.
- It is currently illegal to convert a function that is performed by—or has been designated for performance by—a Government civilian to performance by a contractor.
- Worksheet E is especially important in a budgetary environment that includes draw-downs, civilian personnel reductions, and fiscal constraints.

# WORKSHEET E

- Worksheet E is only one page long.
- If you answer “yes” to any of the questions 1-4, then you might have a case of out-sourcing. (You should discuss the issue with your manpower or personnel experts and contract law advisor.)
- If you answer “yes” to questions 5 or 6, you may not contract.

WORKSHEET E			
OUT-SOURCING AND CONVERSION OF FUNCTIONS			
<p>When contracting for services, care must be taken to ensure that no illegal out-sourcing or improper conversion is taking place. Illegal "out-sourcing" and improper conversion involve shifting work from civilian positions to contract personnel (this can happen even if the civilian position is not encumbered). In environments that involve fiscal uncertainty, declining budgets, or hiring freezes, special vigilance is required to ensure these things do not occur.</p> <p>A "Yes" response to questions 1-4 below may make contracting this function prohibited and agencies are recommended to discuss the issue with their employment and personnel law advisor and their contract law advisor. A "Yes" answer to either or both of questions 5 and 6 below indicates that contracting is not allowed.</p>			
Out-sourcing and Conversion of Functions		YES	NO
1	Will any non-temporary or non-term appropriated fund employee currently performing any functions described in the contract Statement of Work be displaced, reassigned, subjected to a reduction in force, or otherwise adversely affected as a result of the proposed contract action?	<input type="checkbox"/>	<input type="checkbox"/>
2	Is the function proposed for contract performance meeting a requirement previously performed by a particular Army civilian position (or positions) when a program or budget decision eliminated the civilian position (whether that function was formerly documented with an authorization or was undocumented and performed by an overhire)?	<input type="checkbox"/>	<input type="checkbox"/>
3	Is the function proposed for contract performance meeting a requirement previously approved for in-sourcing but that was never encumbered?	<input type="checkbox"/>	<input type="checkbox"/>
4	Will the proposed contract action fundamentally change the nature of the work performed by appropriated fund employees?	<input type="checkbox"/>	<input type="checkbox"/>
5	Is this new contract (or this increase in level of effort on a pre-existing contract) the result of the establishment of numerical goals or budgetary savings targets regarding the civilian workforce?	<input type="checkbox"/>	<input type="checkbox"/>
6	Is this contract the result of the imposition of a civilian hiring freeze?	<input type="checkbox"/>	<input type="checkbox"/>
<p><i>Title 10, United States Code § 2461 prohibits converting a function performed by at least one appropriated fund government employee to contract performance unless there has been a public-private competition under Office of Management and Budget Circular A-76. There is currently a Congressional moratorium on public-private competitions pursuant to the National Defense Authorization Act for Fiscal Year 2010, Section 325. However, "conversion" of functions does not include the augmenting of civilian staff with contractors unless government employees are displaced, reassigned, subjected to a reduction in force, or otherwise adversely affected.</i></p> <p><i>(For additional information, please see the Government Accountability Office case John P. Santry B-402827. Agencies are recommended to discuss the issue with their employment and personnel law advisor and their contract law advisor.)</i></p> <p><i>If there is an applicable bargaining unit agreement concerning out-sourcing, the provisions of the agreement will prevail and must be adhered to for bargaining unit employees (though such an agreement does not take precedence over Title 10, U.S.C.).</i></p> <p><i>Further prohibitions on contracting under certain conditions can be found in 10 U.S.C. § 1290(f).</i></p>			

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# WORKSHEET F

- Worksheet F deals with critical functions.
- A “critical function” is something that is central to an agency’s mission or operation.
- A good question to ask when considering whether a function is critical or not is, “What will happen if the contractor can no longer perform this function?”
- You *may* contract for critical functions, but agencies should take care to understand the risk they incur when they do so.

# WORKSHEET F

- Worksheet F is only one page.
- The designation of “critical” is something that should guide an agency’s consideration when deciding whether or not to contract.
- Answering “yes” to questions 1 or 2, or “no” to questions 3 or 4 does not automatically mean a function is critical (unlike, for example, Worksheet A, where a “yes” answer to any of the questions automatically indicates IG).

WORKSHEET F CRITICAL FUNCTIONS		
<small>A “critical function” is one that involves a function central to an agency’s mission or operation. It is permissible to contract for critical functions, but agencies should ensure they have an adequate number of Federal employees that understand the agency’s requirements and can manage contractors supporting the Federal workforce.</small>		
<small>Answering “Yes” to questions 1-3, or “No” to questions 4 or 5, may indicate a critical function.</small>		
Critical Functions	YES	NO
1 Is the function necessary to the agency being able to effectively perform and maintain control of its mission and operations and/or to maintain sufficient Government expertise/technical capabilities?	<input type="checkbox"/>	<input type="checkbox"/>
2 Is the function recurring and long-term in duration?	<input type="checkbox"/>	<input type="checkbox"/>
3 Does the performance of the function by a contractor entail operational risk (for example, if the contractor were to quit or otherwise suddenly be unable to perform their duties)?	<input type="checkbox"/>	<input type="checkbox"/>
4 Does the agency have an adequate number of positions filled with Federal employees with the appropriate training, experience, and expertise to continue critical operations with in-house resources, another contractor, or a combination of the two in the event of contractor default?	<input type="checkbox"/>	<input type="checkbox"/>
5 Does the agency have the capability and internal expertise to oversee and manage any contractors being used to support the Federal workforce?	<input type="checkbox"/>	<input type="checkbox"/>

Pursuant to 10 U.S.C. § 2465(b) and ODFP Policy Letter 11-01, special consideration should be given to in-sourcing “critical functions” to ensure that agencies have sufficient internal capability to maintain control over functions that are central to the agency’s mission and operations.

In the event that a function is determined to be critical in nature, the proposer should ensure that adequate government oversight will be available, pursuant to ODFP Policy Letter 11-01.

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# WORKSHEET G

- Worksheet G is only one page.
- Worksheet G deals with two distinct issues: security/firefighting functions (the top half—question 1), and publicity experts and propaganda (the bottom half—questions 2-4).
- Both issues deal with specific functions/situations in which contracting may not be allowed at all.

# WORKSHEET G

- If the function involves security or firefighting, contracting is not allowed unless one of the exceptions listed below question 1 applies.
- Publicity experts may not be contracted for unless the money has been specifically appropriated by Congress for that purpose.
- The final questions are about publicity and propaganda functions.

WORKSHEET G		
SECURITY, FIREFIGHTING, AND PUBLICITY FUNCTIONS		
<p>Security and/or firefighting functions may not be contracted unless they qualify for certain statutory exceptions. If the answer to question 1 is "Yes," then answer the subsequent questions to determine if one of the exceptions is applicable. If there are no applicable exceptions, then the function may not be contracted.</p> <p><i>Table 10, United States Code § 2463(a) prohibits the use of contracts for the performance of security guard or firefighting functions except under certain circumstances (reflected in the exception questions above). The prohibition was waived by Section 332 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2003 and then extended through FY12 by Section 243 of the FY08 NDAA. The waiver has expired and is no longer in effect.</i></p>		
Security and Firefighting Functions		YES NO
1	Is this contract for the performance of security guard or firefighting functions?	<input type="checkbox"/> <input type="checkbox"/>
<i>If the answer to the above question is "Yes," do any of the following exceptions apply?</i>		
	a) The contract is to be carried out at a location outside the United States, its commonwealths, territories, possessions, and military installations, at which members of the armed forces would have to be used at the expense of unit readiness.	<input type="checkbox"/> <input type="checkbox"/>
	b) The contract is to be carried out on a Government-owned but privately-operated installation.	<input type="checkbox"/> <input type="checkbox"/>
	c) The contract (or renewal of the contract) is for the performance of a function under contract on September 24, 1983.	<input type="checkbox"/> <input type="checkbox"/>
	d) The contract is for a firefighting function for a period of one year or less and covers only the performance of firefighting functions that, in the absence of the contract, would have to be performed by members of the armed forces who are not readily available to perform such functions by reason of a deployment.	<input type="checkbox"/> <input type="checkbox"/>
<p><i>Table 5, U.S.C. § 3107 prohibits the use of appropriated funds to pay for publicity experts unless such funds have been specifically appropriated for that purpose. If the answer to question 2 is "Yes" and the answer to question 2a is "No," then contracting is not allowed.</i></p>		
Publicity Experts		YES NO
2	Is this a contract for a publicity expert?	<input type="checkbox"/> <input type="checkbox"/>
	a) If so, were the funds for this contract specifically appropriated for this purpose?	<input type="checkbox"/> <input type="checkbox"/>
<p><i>Publicity and propaganda clauses in appropriations law restrict the use of funds for puffery of an agency, purely partisan communications, and covert propaganda. (These restrictions do not apply to OCCONUS activities.) If the answer to questions 3a, 3b, 3c, or 4 is "Yes," then contracting is not allowed.</i></p>		
Publicity and Propaganda		YES NO
3	Does this contract involve advertising and marketing or public relations functions?	<input type="checkbox"/> <input type="checkbox"/>
<i>If the answer to the above question is "Yes," does it involve any of the following?</i>		
	a) Self-aggrandizement or puffery of the agency, its personnel, or activities;	<input type="checkbox"/> <input type="checkbox"/>
	b) Any activity that is purely partisan in nature (i.e. an activity that is designed to aid a political party or candidate);	<input type="checkbox"/> <input type="checkbox"/>
	c) Covert propaganda (i.e. communication that does not reveal that Government appropriations were expended to produce it).	<input type="checkbox"/> <input type="checkbox"/>
4	Is the statement of work so broadly written that it could be interpreted to condone or encourage any of the activities described in 3a, 3b, or 3c?	<input type="checkbox"/> <input type="checkbox"/>

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# I'M DONE. NOW WHAT?

- Great!
- Once the RSCA is completely filled out, it must be presented to the approving official for your requiring activity. Then, it is up to them to approve or disapprove and to sign it.
- If it is approved, the RSCA is then forwarded to the Contracting Officer along with the PWS and the funding documents.

# DO I HAVE TO DO THIS AGAIN?

- Yes. The situations that lead to contracting can change, and the RSCA is designed to help you and your leadership make informed decisions about contracting that comply with all existing laws and regulations.
  - In other words, just because you filled out the RSCA for a base year of a contract doesn't mean everything is the same when it comes time to exercise an option—maybe your agency's funding priorities are different now, or maybe there have been personnel changes which have impacted how the contract is being performed.
  - The Instructions sheet lists when the RSCA is required, but, generally speaking, it is required for new contracts, as well as option years, task orders, and modifications.

## HOW DOES THIS LINK TO THE PDC?

- The Panel for Documentation of Contractors (PDC) is a module of the Contractor Manpower Reporting Application (CMRA).
- When a Command is entering their contracts into the PDC, there is a box for “MMC Codes”. In that box, there is a field (“Proposed”) where Commands suggest an MMC code for that particular function.
- MMC coding is largely derived from the RSCA Form. So, the answers to the worksheets will guide the coding.

# HOW DOES THIS LINK TO THE PDC? (CTD)

- If any of the questions on Worksheet A have been answered “Yes,” then the code will be “E” (inherently governmental).
- If any of the questions 1-23 on Worksheet B have been answered “Yes,” then the code will be “H” (closely associated with inherently governmental).
- If the questions on Worksheet C have been answered “Yes,” then this may indicate a personal service, for which the code is H-2.
- Worksheet D does not impact MMC coding.
- Worksheet E does not impact MMC coding, because illegal out-sourcing precludes contracting entirely.
- If the answer to any of the questions 1-3 on Worksheet F is “Yes,” or “No” to questions 4 or 5, then this may indicate a critical function, for which the code is H-3.
- Worksheet G does not impact MMC coding, but may preclude contracting if the appropriate exceptions do not apply.

## HOW DOES THIS LINK TO THE PDC? (CTD)

- If you are not sure whether a function should have an H-2 or H-3 code, you may still suggest that coding, if you think that code is most appropriate. The final determination will be done by our office.
- If we disagree with your proposed coding, we will contact you and discuss the issue.
- An “E” code takes precedence over all other codes. (For example, if you have selected items from Worksheet A, B, and F, the “E” code is what matters.)
- An “H-2” code takes precedence over all other codes, except “E.”
- An “H” code takes precedence over H-3 codes. (So, if you have items selected from Worksheet B and F, the code would be “H.”)

# HOW DOES THIS LINK TO THE PDC? (CTD)

- To the right of the “MMC Codes” box in the PDC/CMRA is the “Worksheet” box.
- In this box, you should input the items from the RSCA Form that are relevant. This includes:
  - All “Yes” answers from Worksheet A.
  - All “Yes” answers from Worksheet B.
  - All “Yes” answers from Worksheet C.
  - All “Yes” answers from Worksheet E.
  - “Yes” answers to 1-3 or “No” answers to 4-5 on Worksheet F.
  - “Yes” answers to questions from Worksheet G, as well as “Yes” answers to the applicable sub-questions if there are any “Yes” answers.
- You can simply input the worksheet letter and question number into the box (for example, if you have selected items 2, 5, and 7 on Worksheet B, you would just input “B2, B5, B7.”)

# QUESTIONS

- If you have questions about the RSCA, we are happy to help.
- In addition to this User's Guide, there is also a consolidated "Frequently Asked Questions" document, which may have the information you need.
- If, however, it does not, you may call us for support at 703-693-2109, or 571-256-4366.