REQUEST FOR SERVICES CONTRACT APPROVAL FORM

USER’S GUIDE
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 eight 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
  - Narrative Description of Work and Justification
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.
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).
ARE THERE TIMES I DON'T HAVE TO USE IT?

- The RSCA form is required only for service contracts paid for with Army funds, in circumstances where the Army is the requiring activity or where the Army is the Executive Agent of a joint organization which is the requiring activity.
- If the only connection to the Army is that the contracting activity awarding or administering the contract is an Army organization, then the RSCA form is not required.
- The contracting officer can always ask a requiring activity to answer the questions on the checklist as a method to gather information and perform analysis, but the CO can not require non-Army requiring activities to obtain SES/GO level certifications.
- The RSCA business process is required by SecArmy policy, so we can't impose it on other parts of DoD.
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.
  - Contractors may not fill out the form, or answer the checklist questions or participate in the RSCA business process.
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).
- All applicable questions in parts B, C, and D should be answered on Worksheet H.
- Worksheet H, part A, should contain a brief description of the work the contractor will perform. Ideally this description should be free from jargon, or acronyms and written in terms a non-expert would understand.
- 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 five 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 U.S. Federal 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

- 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 contracts do not perform 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 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 questions from 10-14, then you may contract.
Worksheet D

- 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.
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 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, 2, or 3 may indicate that a function is critical. If a function is critical, you must be able to answer “yes” to questions 4 and 5 in order to contract the function.
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.
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 H**

- Worksheet H is only one page.
- Worksheet H, part A, should contain a brief generic description of the work the contractor will perform.
- Worksheet H, parts B, C, and D addresses questions related to special consideration for in-house performance, elimination of the risk of contractors performing inherently governmental functions, mitigation of personal services factors, and internal controls of critical functions performed by contractor.
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.
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.