

**DETERMINATION AND FINDINGS
FOR AN ECONOMY ACT
FOR USAGE AND LEASE OF COMMERCIAL AIRCRAFT FROM THE
DEPARTMENT OF INTERIOR**

Agreement No. 10-6700-DAS-NOA-63

Pursuant to FAR 17.503, I hereby make the following findings and determination in support of the Economy Act order described below.

FINDINGS

1. Nature and description of the supplies or services required.
 - a. The National Oceanic and Atmospheric Administration (NOAA) desires to enter into an Interagency Agreement with the U.S. Department of interior, Aviation Management (DOI AM) for the usage and lease of commercial aircraft as defined in the proposed interagency agreement entitled "Aircraft Services Procurement." This Economy Act will require contracting action on the part of the servicing agency.
 - b. The cost for these services will be defined in individual Aircraft Rental Agreements and the rates determined to be fair and reasonable by the DOI, AM Contracting Officer. Funding availability/certification will be provided by the NOAA office requiring said services with evidence forwarded to DOI AM.
2. Legal Authority
 - a. This action is authorized by the Economy Act, 31 U.S.C. 1535. Additional authorities to acquire the subject services are outlined in the above referenced agreement.
3. Compliance
 - a. This action does not conflict with any other agency's authority or responsibility.
 - b. This action complies with FAR Section 6.002 in that this action is not being entered into with another agency for the purpose of avoiding competition requirements.
 - c. This action is not being used to circumvent conditions and limitations imposed on

the use of funds. Orders have not yet been placed for the supplies or services with the servicing agency.

- d.
- e. The servicing agency intends to comply with all applicable laws and regulations and is willing to accept this order.

4. Rationale

- a. This action is in the best interests of the Government. It is imperative that NOAA ensure the aircraft it uses for conducting its business are reasonably inspected to meet certain safety and performance requirements. Also, the pilots of these aircraft are inspected to ensure they have the appropriate skills necessary to conduct the flights as defined in an Aircraft Rental Agreement (ARA). Accordingly, through this action, NOAA will capitalize on DOI AM's expertise and experience in defining the most appropriate laws, policies and procedures associated with acquiring aircraft services, acquiring these services, and
- b. Inspecting the aircraft and pilots to ensure compliance with these specific safety laws, policies and procedures. This action is in the best interest to the Government because it will capitalize on existing capabilities/agreements within the Federal Government thereby avoiding duplicative spending or wasted effort.
- c. The ordered services cannot be provided as conveniently and cheaply by contracting directly with a private source. The ordered services include site visits (to the aircraft service provider's facility) to review their skills and collect information on the particular cost and business practices. Due to the volume and frequency acquiring these services, DOI AM has an established infrastructure and standards culminating in a unique expertise in this area.
- d. The services clearly are within the scope of activities that DOI AM normally contracts for those services for itself.

5. Acquisition Authority

- a. The servicing agency has adequate statutory authority for the contractual action and can perform the contract administration.
- b. The acquisition will appropriately be made under an existing contract of the servicing agency entered into, before placement of the order, to meet the requirements of the servicing agency for the same or similar services. The resulting interagency Agreement will require the servicing agency to comply with all applicable Federal procurement laws/regulations including the Competition in Contracting Act.

6. Responsibilities

- a. Servicing agency. The servicing agency will be responsible for the respective services described in the attached Interagency Agreement between NOAA and DOI AM.
- b. Requesting agency. The requesting agency will be responsible for funding the required services described in the attached Interagency Agreement between NOAA and DOI AM.

7. Source Availability

- a. This action conforms to the requirements of FAR Subpart 7.3, Contractor vs. Government Performance. The supplies or services are obtained from existing contracts with commercial sources. The oversight responsibility cannot be performed by a private source.
- b. Delivery Requirements See attached Interagency Agreement between NOAA and DOI AM.

8. Payment Provisions

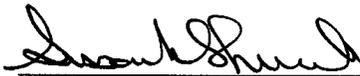
- a. See the referenced Interagency Agreement.

DETERMINATIONS

Based on the foregoing findings, the Office of Marine and Aviation Operations warrants that the following requirements of FAR 17.503 are met:

1. Sufficient funding amounts will be made available to accomplish each task order awarded under this agreement.
2. This action is in the best interests of the Government
3. The servicing agency is able to provide and obtain by contract the required services.
4. The ordered services cannot be provided as conveniently and economically by contracting directly with a private source.
5. Relative to the inspection of contractor aircraft and skills, the servicing agency has an established infrastructure that results in a unique expertise and ability not available within NOAA.

6. The services clearly are within the scope of activities of the servicing agency and tat agency normally contracts for those services for itself.
7. The servicing agency is not being paid any fee or charge in excess of the estimated costs of entering into and administrating the contract or agreement under which the order is filled.
8. This agreement requires contracting action by the servicing agency. Any resulting contract actions will appropriately be made under an existing contract of the servicing agency, entered into before placement of the order to meet the requirements of the servicing agency for the same or similar supplies or services.



Susan K. Sherrell
Contracting Officer

9/30/2009
Date