

MPG 1050.1

REVISION C

EFFECTIVE DATE: May 9, 2001

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MARSHALL PROCEDURES AND GUIDELINES

DA01

CONTRACT (CUSTOMER AGREEMENT) REVIEW

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VERIFY THAT THIS IS THE CORRECT VERSION BEFORE USE

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DOCUMENT HISTORY LOG

Status (Baseline/ Revision/ Canceled)	Document Revision	Effective Date	Description
Baseline		5/14/99	Document converted from MSFC-P03.1 to a Directive. Previous history retained in system as part of canceled or superseded ISO document files.
Revision	A	8/16/99	Revised as part of corrective action for RCAR #116. Deleted references to MWI 1050.1, "Preparation of Internal Task Agreements." Also revised to reflect Center reorganization and expanded scope.
Revision	B	4/14/00	Replaced MPG 1441.1 in Applicable Documents section with MPG 1440.2; inserted reference to Memorandum of Understanding in section 1.3.1 and removed reference to same in section 1.3.5. This was done to bring our MPG in line with the Agency NPG.
Revision	C	5/9/01	Reconstruct the document to meet the MPG 7120.1 requirement. This document provides clear definition on the types of customer agreements and assists program/project leads to distribute the responsibility to the appropriate organization.

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PREFACE

P.1 PURPOSE

This document provides a description of the review of different types of customer agreements that will assist program/project leads to distribute the new work responsibility to the proper organizations. This document supports the early program/project formulation process.

P.2 APPLICABILITY

This directive applies to all Customer Agreements for Marshall Space Flight Center (MSFC).

P.3 AUTHORITY

MPD 1280.1, "Marshall Management Manual"

P.4 APPLICABLE DOCUMENTS

- a. NPG 7120.5, "NASA Program and Project Management Processes and Requirements"
- b. MPG 7120.1, "Program/Project Planning"
- c. MPG 5000.1, "Purchasing"
- d. MPG 1440.2, "MSFC Records Management Program"
- e. 42 United States Code (USC) 2451, as amended et seq., "The Space Act of 1958"
- f. Letter-1 Dated February 20, 1997, From DE01/Susan McGuire Smith To Distribution; Subject "MSFC Agreements"

P.5 REFERENCES

- a. MPG 7120.1, "Program/Project Planning"
- b. NPG 1050.1, "Space Act Agreements"
- c. NPD 1050.1, "Authority to Enter Into Space Act Agreements"
- d. MWI 1050.3, "Policy and Authority to Take Actions Related to Reimbursable and Nonreimbursable Space Act Agreements"
- e. CD30-OWI-001, "Technology Transfer Department OWI"

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f. Financial Management Manual (FMM) 9091-5

P.6 CANCELLATION

MPG 1050.1B dated April 14, 2000

Original Signed by
Sidney P. Saucier for

A. G. Stephenson
Director

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DOCUMENT CONTENT

1. DEFINITIONS

1.1 Amendment. A mutually agreed-to modification of an existing Customer Agreement (CA) which changes the resources (i.e., funding or labor) required for MSFC to supply the product/service.

1.2 Customer. The non-MSFC recipient of a product provided or service performed by MSFC.

1.3 Customer Agreement (CA). A CA is a signed agreement which establishes the relationship between MSFC and another party to the agreement (external entity) requiring a commitment of NASA resources (funding, services, equipment, expertise, facilities, etc.) to accomplish the objectives of the agreement.

1.3.1 Cooperative Agreement. The legal instrument reflecting a relationship between NASA and a recipient whenever the principal purpose is the transfer of anything of value to the recipient (including cash) to accomplish a public purpose of support or stimulation authorized by Federal statute. In addition, substantial involvement between NASA and the recipient during performance of the contemplated activity is expected. A cooperative agreement is regulated by the Federal Acquisition Regulation (FAR).

1.3.2 Internal Agreement. An internal agreement is an agreement such as Center Task Agreement, Collaborative Work Commitment (CWC), etc., between MSFC organizations.

1.3.3 Space Act Agreement (SAA). A memorandum of agreement (MOA), sometimes called a SAA, is used to constitute a commitment by MSFC of resources to accomplish a joint undertaking with an agreement partner who can be a U.S. person or entity, State and local governmental unit, or other Federal Agency. Any SAA which involves foreign entity has to be approved by Headquarters.

1.3.3.1 Inter-Agency Agreement. A CA or MOA between NASA and another Government entity such as Department of Defence (DOD), Environmental Protection Agency (EPA), etc.

1.3.3.2 Nonreimbursable (MOA) Agreement (NR). A nonreimbursable agreement is used when MSFC and the agreement partners, in a mutually beneficial activity that furthers the Agency's mission, have decided to bear their own cost of participation and there is no exchange of funds between the partners. Since nonreimbursable

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agreements involve the commitment of NASA resources, there must be a NASA mission or program requirement for entering into the agreement, and the respective contributions of the non-NASA party must be adequate under the circumstances. The FMM 9091-5, "Reimbursable Agreements," states that only the Chief Financial Officer at the Center can authorize a nonreimbursable agreement.

1.3.3.3 Reimbursable (MOA) Agreement. Reimbursable agreement indicates those instances where MSFC is receiving payment for the goods or services it provides. Two types of reimbursable agreements exist. The fully reimbursable (FR) and the partially reimbursable (PR) agreements.

1.4 Evolved Customer Requirements. Requirements from an existing customer that have changed since the CA was established or last amended. They may require a new agreement between MSFC and the customer to elaborate on (or further define) requirements not definitized in the existing CA. If the estimated resources (i.e., funding and labor) for that agreement are already included in the MSFC baseline operating budget (e.g., via review of the now-existing CA), then the new agreement is considered to be subordinate to the CA and is not subject to the CA review process. Otherwise (i.e., resources not in MSFC baseline operating budget), the new agreement is considered to be an amendment to the existing CA and is therefore subject to the CA review process.

1.5 Intra-Agency Agreement. A CA or MOA between MSFC and another NASA Center (e.g., Enterprise Associate Administrator, other Headquarters office, Lead Center). This includes Program Commitment Agreements, Program/Project Plan(s), Technical Task Agreements. Depending on the nature of the collaboration, this customer agreement may follow the Space Act process to ensure proper concurrence and charges are addressed.

1.6 New Work Opportunity (NWO). An opportunity for MSFC to perform new work [i.e., work for which resources (labor and dollars) are not included in the MSFC baseline operating budget], whether externally or internally generated. This includes, for example, work resulting from responding to a formal Request for Proposal (RFP), Announcement of Opportunity (AO), NASA Research Announcement (NRA), Cooperative Agreement Notice (CAN), as well as reimbursable work from NASA Headquarters, other NASA Centers, other Government agencies, industry, and academia.

2. RESPONSIBILITIES

Responsibilities are as defined in accordance with MPG 7120.1 and

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as follows:

2.1 Center Director's Office. The Center Director's Office receives requests for all Center commitments and/or ensures they are processed in accordance with MPG 7120.1.

2.2 Technology Transfer Department. During the program/project early formulation subprocess (see MPG 7120.1, "Program/Project Planning"), the Technology Transfer Department will assist in identifying the proper type of customer agreement. If it is an SAA, the Technology Transfer Department will be responsible for coordinating the agreement.

2.3 Lead Directorate. The Lead Directorate is responsible for assigning a technical point of contact (POC) to coordinate with other involved organizations to define and process the agreement and plan. See detailed description in the program/project planning.

2.4 MSFC Organizations. The organizations which have specific areas of expertise/capabilities and the potential for responding to an NWO in these areas, maintain cognizance of the potential for such NWOs, and ensure existing NWOs are processed in accordance with MPG 7120.1.

3. PROCEDURE

All MSFC-provided aerospace products and capabilities, programs, projects, and activities will be accepted, planned, and managed in accordance with NPG 7120.5, "NASA Program and Project Management Processes and Requirements," and MPG 7120.1, "Program/Project Planning." Furthermore, all MSFC-provided research activities must comply with safety, mission, and environmental requirements as defined in NPG 7120.5. In accordance with MPG 7120.1 during the program/project early formulation subprocess, the program/project lead will coordinate with all involved organizations and also notify the Technology Transfer Department to assist in identifying the proper type of CA. The MPG 1050.1 defines and determines the types of customer agreements and also provides the linkage to MPG 7120.1 in order to complete the customer agreement review process.

	Actionee	Action
3.1	Program/Project Lead	Plan for new work.
3.2	Lead Directorate, Program/Project	Determine if the new work involves external partners or not.

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	Lead	
3.3	MSFC Organization	If the new work does not involve external partners, then perform CWC process.
3.4	MSFC Organization	Determine if the partnership agreements involve external cash flow to the partner or not.
3.5	Technology Transfer Department	If the new work involves external partners with no external cash flow to the customer, then Technology Transfer Department will process SAA. The SAA (MOA, MOU, Interagency, etc.) process procedure is included in CD30-OWI-001, Appendix E, "External Customer Agreement Process," and MWI 1050.3, "Policy and Authority to Take Actions Related to Reimbursable and Nonreimbursable Space Act Agreements."
3.6	Procurement Office and Lead Directorate, Program/Project Lead	If the agreement involves external cash flow to the non-federal partner and it is a Cooperative Agreement, contract, or grant, then the lead will coordinate with the Procurement Office for Procurement process (see MPG 5000.1, "Purchasing").
3.7	RS01, Office of Chief Financial Officer	If the agreement involves external cash flow to the federal partner and external to NASA, then RS01 will process the Military Intra-Departmental Purchase Request (MIPR)
3.8	RS01, Office of Chief Financial Officer	If the agreement involves external cash flow to other NASA Centers, then RS01 will process the Inter-Center Transfer.

4. RECORDS

The record type:

4.1 Customer Request Form and Request Letter

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4.2 Customer Agreement Review Process Record

Responsible person:
Program/Project Lead

Location: Program/Project Lead facility

Record Retention Schedule: Records shall be on file for the duration of the program/project in accordance with MPG 1440.2, and in compliance with MPG 7120.1 program/project plan requirements.

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5. FLOW DIAGRAM

Customer Agreement Review Work Flow

