

## CHAPTER 22

### SUPPORT FOR OTHERS

22-1. Support for Others (SFO). SFO is Corps-performed work funded by non-Department of Defense (DoD) Federal agencies or by state, local, tribal and foreign governments, international organizations, and the private sector. (ER 1140-1-211 is applicable to this program.)

22-2. Authorities. The authorities governing the SFO program are the Economy in Government Act (31 U.S.C. 1535), 10 U.S.C. 3036(d) and the Intergovernmental Cooperation Act (31 U.S.C. 6505). ER 1165-2-30 describes special authorities for performing work for state and local governments in connection with authorized Civil Works projects.

22-3. Guidance on SFO Opportunities. The SFO program provides the Corps with opportunities to serve the Nation and enhance its capability to accomplish its assigned missions. Work accepted (see paragraph 22-4, Approval Authorities) must be consistent with Corps organizational purposes and be accomplished within manpower and resource constraints. Work which is accepted should maintain or enhance Corps ability to perform assigned missions and must not adversely impact on their accomplishment. The Corps should provide its SFO customers with a quality product, on time, and within cost (i.e., same service as mission activity beneficiaries) and provide the customer with a completed effort, using breadth of technical skills and Corps review procedures, not simply Corps manpower. SFO activities rely heavily on the design and construction talents of the private sector when feasible, and recognize that the SFO customer agency will retain responsibility for program planning and development and budgetary justification.

22-4. Approval Authorities.

a. MSC Authorities. Major Subordinate Command (MSC) commanders and heads of separate field operating activities (FOAs) are encouraged to accept reimbursable work when the following criteria are met (MSC commanders may delegate their authority to district commanders):

(1) The work can be accomplished within the existing MSC resource allocations until the next resourcing cycle occurs. If this is not possible, the MSC (or FOA) should advise CERM-M of the additional resources required to determine if a reallocation of resources is possible.

(2) The work is within the MSC's civil works boundary, unless other customer boundaries have been established.

(3) The work complies with the criteria checklist and accompanying instructions of ER 1140-1-211.

(4) ER 5-1-10, Corps-wide Areas of Responsibility, establishes procedures to follow when accepting, assigning and/or brokering work and procedures to follow when performing work outside the geographic or functional area of responsibility.

22-5. Work for State and Local Governments. Before commands can support state and local governments the requesting government must certify that it cannot obtain the services reasonably and expeditiously from private firms.

a. Work Not Involving Federal Funding Assistance. The technical services that may be provided (within the scope of the activities defined in OMB Circular A-97 Revised and DoD Instruction 7730.53) include studies and planning activities, engineering and design (including plans and specifications), construction management assistance and training. Construction management assistance is limited to: technical advice to improve state or local management capability in contract preparation, negotiating and evaluation, contract administration, quality assurance and supervision and inspection. (District commanders must concur in the certification required by paragraph 7.c. of Circular A-97 Revised.) Commands may not acquire real estate nor be the construction contracting officer for a state or local government under 31 U.S.C. 6505.

b. Work Involving Federal Funding Assistance. 10 U.S.C. 3036(d) provides authority for the Corps to serve as the construction contracting officer for a state or local government, provided the work involves Federal funding assistance and provided the department or agency providing the Federal funding does not object to the provision of these services by the Corps. The requesting entity must certify (in accordance with the procedures set forth in paragraph 7.c. in Office of Management and Budget (OMB) Circular No. A-76) that the services to be provided by the Corps cannot be procured reasonably and expeditiously by it through ordinary business channels. The services would normally be project-associated government management functions which involve the exercise of discretion in applying government authority and the use of value judgments in project management in the role of contracting officer.

22-6. Work for Private Firms. 33 U.S.C. 2314(a) provides authority for USACE to provide reimbursable support to U.S. private firms competing for or awarded a contract for work overseas. USACE laboratories are authorized to provide reimbursable services to U.S. firms in the United States.

22-7. Work on Problems of National Significance. 33 U.S.C. 2323 provides authority for the Corps to provide support to other Federal agencies or international organizations (after consultation with the State Department) to address problems of national significance to the United States.

22-8. Resourcing. All USACE costs must be provided by the customer agency. OMB provides separate full time equivalent (FTE) resourcing to USACE for the SFO program. HQUSACE allocates FTE through Civilian Force Configuration and Management (FORCON).

22-9. Categories and Examples of Work. SFO work generally falls under either environmental protection and restoration or, facilities and infrastructure. Work varies from employing one or a few of the Corps skills to using the whole range of the Corps planning, engineering, real estate, contracting, construction management, and legal skills. The majority of the work occurs in the United States but work overseas is not uncommon. The following paragraphs summarize some of the major characteristic work items.

a. Environmental Protection and Restoration. The Corps supports the Environmental Protection Agency's (EPA's) Superfund Program by managing remedial designs and remedial actions (construction). The Corps provides a wide range of management assistance to the Department of Energy's Environmental Restoration and Waste Management Program and to the cleanup programs of about 20 other Federal agencies including agencies within the Departments of

Agriculture, Justice, Transportation and Interior.

b. Facilities and Infrastructure. The Corps supports the facilities and infrastructure missions of over 60 other Federal agencies. Overseas, this includes technical advice and infrastructure of benefit to foreign nations for the Agency for International Development, U.S. Information Agency, and State Department. In the United States, this includes flood insurance and hurricane evacuation studies and emergency response work for the Federal Emergency Management Agency; public housing renovation grant oversight for the Department of Housing and Urban Development; and design and construction for the National Park Service, Immigration and Naturalization Service, Bureau of Prisons, and Department of Energy.