

37.203 Policy.

(a) The *acquisition of advisory and assistance services* is a legitimate way to improve Government services and operations. Accordingly, *advisory and assistance services* may be used at all organizational levels to help managers achieve maximum effectiveness or economy in their operations.

(b) Subject to [37.205](#), agencies *may* contract for *advisory and assistance services*, when essential to the agency's mission, to-

- (1) Obtain outside points of view to avoid too limited judgment on critical issues;
- (2) Obtain advice regarding developments in industry, university, or foundation research;
- (3) Obtain the opinions, special knowledge, or skills of noted experts;
- (4) Enhance the understanding of, and develop alternative solutions to, complex issues;
- (5) Support and improve the operation of organizations; or
- (6) Ensure the more efficient or effective operation of managerial or hardware systems.

(c) *Advisory and assistance services shall not be-*

- (1) Used in performing work of a policy, decision-making, or managerial nature which is the direct responsibility of agency officials;
- (2) Used to bypass or undermine personnel ceilings, pay limitations, or competitive employment procedures;
- (3) Contracted for on a preferential basis to former Government employees;
- (4) Used under any circumstances specifically to aid in influencing or enacting legislation; or
- (5) Used to obtain professional or technical advice which is readily available within the agency or another *Federal agency*.

(d) *Limitation on payment for advisory and assistance services.* Contractors *may* not be paid for services to conduct evaluations or analyses of any aspect of a proposal submitted for an initial contract award unless-

- (1) Neither *covered personnel* from the *requesting agency*, nor from another agency, with adequate training and capabilities to perform the required proposal evaluation, are readily available and a written determination is made in accordance with [37.204](#);
- (2) The contractor is a Federally-Funded Research and Development Center (FFRDC) as authorized in [41 U.S.C. 1709\(c\)](#) and the work placed under the FFRDC's contract meets the criteria of [35.017-3](#); or
- (3) Such functions are otherwise authorized by law.

Parent topic: [Subpart 37.2 - Advisory and Assistance Services](#)