PGI 237.5 -MANAGEMENTOVERSIGHT OF SERVICE CONTRACTS

Parent topic: PGI Part 237 - SERVICE CONTRACTING

PGI 237.503 Agency-head responsibilities.

(c) To comply with the certification requirement at DFARS 237.503, complete a certification substantially the same as the following and include a copy in the contract file:

Certification of Nonpersonal Services

This certification and enclosed worksheet is designed to ensure that the agency does not award a personal-services contract unless specifically authorized by statute (e.g., 10 U.S.C. 129b, 5 U.S.C. 3109, or 10 U.S.C. 1091). Therefore, this documentation should be completed in conjunction with the submission of a service-contract requirement to the contracting officer.

A personal services contract is characterized by the employer-employee relationship it creates between the Government and the contractor's personnel. The Government is normally required to obtain its employees by direct hire under competitive appointment procedures required by civil service laws. Obtaining personal services by contract, rather than by direct hire, circumvents those laws unless Congress has specifically authorized acquisition of the services by contract.

An employer-employee relationship under a service contract occurs when the Government exercises relatively continuous supervision and control over contractor personnel performing the contract.

Upon considering the information above and the worksheet below, I certify that this requirement does not include an unauthorized personal services arrangement, either in the way the work statement is written or in the manner in which the resulting contract will be managed and overseen.

_____

Printed Name, Grade, Title, and Date

Signature:_____

Personal Services (The following descriptive elements from FAR 37.104 should be used as a guide to assess whether or not a proposed contract is personal in nature. If the answer to any of the items below is "YES," then additional measures should be taken to ensure the contract is not administered so as to create an employer-employee relationship between the Government and the contractor's personnel and result in an unauthorized personal services contract.)	YES	NO
1. Contractor personnel are performing on a Government site.		
2. Principal tools and equipment are furnished by the Government.		

3. Services are applied directly to the integral effort of the agency or an organizational subpart in furtherance of assigned function or mission.

4. Comparable services meeting comparable needs are performed in this agency or similar agencies using civil-service personnel.

5. The need for the service provided can reasonably be expected to last beyond one year.

6. The inherent nature of the service, or the manner in which it is to be provided, reasonably requires (directly or indirectly) Government direction or supervision of contractor employees in order to: (a) adequately protect the Government’s interest; (b) retain control of the function involved; or (c) retain full personal responsibility for the function supported in a duly authorized Federal officer or employee.