

memorandum

DATE: 05/17/2022

REPLY TO
ATTN OF: Head of the Contracting Activity

SUBJECT: **BPI and BFAI Interim Policy - Authorization to Pay and Utilize GSA Vehicles Clauses**

TO: Lynnial Trusty – NSS – 4400

The purpose of this memorandum is to provide detailed guidance (referred to as the "Interim Policy") to implement the following clauses:

- BPI Clause 11-16 – Policy Authorization to Utilize GSA Vehicles
- BPI Clause 11-17 – Authorization to Utilize GSA Vehicles
- BFAI Clause 48 – Policy Authorization to Utilize GSA Vehicles
- BFAI Clause 49 – Authorization to Utilize GSA Vehicles

This Interim Policy is affective June 01, 2022 and will remain in place until further notice. Contracting Officers should abide by all changes issued under this interim policy update. All applicable contracts and financial assistance awards issued after the effective date of this transmittal shall comply with the requirements of this update unless otherwise directed by the HCA.

Guidance

1. Policy.

11.3 LEASING OF MOTOR VEHICLES AND/OR EQUIPMENT

11.3.1 Scope of Subpart

This subpart covers the procedures for the leasing, from commercial concerns, of motor vehicles that comply with Federal Motor Vehicle Safety Standards and applicable State motor vehicle safety regulations. It does not apply to motor vehicles leased outside the United States and its outlying areas. This subpart also applies to leased equipment.

2. Procedures/Clause Usage.

BPA is required to include the following clauses in all cost reimbursement contracts and cost reimbursement financial assistance awards when contemplating the usage of vehicles or GSA vehicles in the contract performance. The following prescriptions apply.

BPI Clause 11-16 – Policy Authorization to Utilize GSA Vehicles – Include in all cost reimbursement contracts, regardless of dollar value, that contemplates the usage of vehicles or GSA vehicles in the contract performance, or when the CO decides it is in the best interest of BPA.

BPI Clause 11-17 – Authorization to Utilize GSA Vehicles – Include in all cost reimbursement contracts, regardless of dollar value, that contemplates the usage of vehicles or GSA vehicles in the contract performance, or when the CO decides it is in the best interest of BPA.

BFAI Clause 48 – Policy Authorization to Utilize GSA Vehicles – Include in all financial assistance awards, regardless of dollar value, that contemplates the usage of vehicles or GSA vehicles in the contract performance, or when the CO decides it is in the best interest of BPA.

BFAI Clause 49 – Authorization to Utilize GSA Vehicles – Include in all financial assistance awards, regardless of dollar value, that contemplates the usage of vehicles or GSA vehicles in the contract performance, or when the CO decides it is in the best interest of BPA.

3. **Clauses.** Insert the following BPI and BFAI clauses in accordance with the prescriptions above.

**BPI Clause 11-16 – Policy Authorization to Utilize GSA Vehicles
(JUN 2022)**

(a) If it is in the Bonneville Power Administration’s (BPA) interest, the contracting officer may authorize cost-reimbursement contractors to obtain, for official purposes only, interagency fleet management system (IFMS) vehicles and related services, including-

- (1) Fuel and lubricants,
- (2) Vehicle inspection, maintenance, and repair,
- (3) Vehicle storage, and
- (4) Commercially rented vehicles for short-term use.

(b) Complete rebuilding of major components of contractor-owned or -leased equipment requires the approval of the contracting officer in each instance.

(c) BPA contractors shall not be authorized to obtain interagency fleet management system (IFMS) vehicles and related services for use in performance of any contract other than a cost-reimbursement contract, except as otherwise specifically approved by the Administrator of the General Services Administration at the request of the agency involved.

**BPI Clause 11-17 – Authorization to Utilize GSA Vehicles
(JUN 2022)**

(a) The contracting officer may authorize a cost-reimbursement contractor to obtain interagency fleet management system (IFMS) vehicles and related services, if the contracting officer has-

(1) Determined that the authorization will accomplish Bonneville Power Administration (BPA) contractual objectives and effect demonstrable economies;

(2) Received evidence that the contractor has obtained motor vehicle liability insurance covering bodily injury and property damage, with limits of liability as required or approved by the agency, protecting the contractor and the Government against third-party claims arising from the ownership, maintenance, or use of an interagency fleet management system vehicle (IFMS);

(3) Arranged for periodic checks to ensure that authorized contractors are using vehicles and related services exclusively under cost-reimbursement contracts;

(4) Ensured that contractors shall establish and enforce suitable penalties for their employees who use or authorize the use of Government vehicles for other than performance of BPA contracts (see 41 CFR 101-38.301-1);

(5) Received a written statement that the contractor will assume, without the right of reimbursement from the Government, the cost or expense of any use of interagency fleet management vehicles (IFMS) and services not related to the performance of the contract; and

(6) Considered any recommendations of the contractor.

(b) The authorization shall -

(1) Be in writing;

(2) Cite the contract number;

(3) Specify any limitations on the authority, including its duration, and any other pertinent information; and

(4) Instruct the contractor to comply with the applicable BPA policies and procedures provided in this subpart.

(c) Authorizations to subcontractors shall be issued through, and with the approval of, the contractor.

(d) Contracting officers authorizing contractor use of interagency fleet management system (IFMS) vehicles and related services subject their agencies to the responsibilities and liabilities provided in 41 CFR 101-39.4 regarding accidents and claims.

**BFAI Clause 48 – Policy Authorization to Utilize GSA Vehicles
(JUN 2022)**

(a) If it is in the Bonneville Power Administration’s (BPA) interest, the contracting officer may authorize cost-reimbursement recipients to obtain, for official purposes only, interagency fleet management system (IFMS) vehicles and related services, including-

- (1) Fuel and lubricants,
- (2) Vehicle inspection, maintenance, and repair,
- (3) Vehicle storage, and
- (4) Commercially rented vehicles for short-term use.

(b) Complete rebuilding of major components of recipient-owned or -leased equipment requires the approval of the contracting officer in each instance.

(c) BPA recipients shall not be authorized to obtain interagency fleet management system (IFMS) vehicles and related services for use in performance of any Financial Assistance awards other than a cost-reimbursement agreement, except as otherwise specifically approved by the Administrator of the General Services Administration at the request of the agency involved.

**BFAI Clause 49 – Authorization to Utilize GSA Vehicles
(JUN 2022)**

(a) The contracting officer may authorize a cost-reimbursement recipient to obtain interagency fleet management system (IFMS) vehicles and related services, if the contracting officer has-

(1) Determined that the authorization will accomplish Bonneville Power Administration (BPA) Financial Assistance objectives and effect demonstrable economies;

(2) Received evidence that the recipient has obtained motor vehicle liability insurance covering bodily injury and property damage, with limits of liability as required or approved by the agency, protecting the recipient and the Government against third-party claims arising from the ownership, maintenance, or use of an interagency fleet management system vehicle (IFMS);

(3) Arranged for periodic checks to ensure that authorized recipients are using vehicles and related services exclusively under cost-reimbursement Financial Assistance awards;

(4) Ensured that recipients shall establish and enforce suitable penalties for their employees who use or authorize the use of Government vehicles for other than performance of BPA Financial Assistance awards (see 41 CFR 101-38.301-1);

(5) Received a written statement that the recipient will assume, without the right of reimbursement from the Government, the cost or expense of any use of interagency fleet management vehicles (IFMS) and services not related to the performance of the Financial Assistance award; and

(6) Considered any recommendations of the recipient.

(b) The authorization shall -

(1) Be in writing;

(2) Cite the Financial Assistance award number;

(3) Specify any limitations on the authority, including its duration, and any other pertinent information; and

(4) Instruct the recipient to comply with the applicable BPA policies and procedures provided in this subpart.

(c) Authorizations to subcontractors, subrecipients and pass-through entities shall be issued through, and with the approval of, the recipient.

(d) Contracting officers authorizing recipient use of interagency fleet management system (IFMS) vehicles and related services subject their agencies to the responsibilities and liabilities provided in 41 CFR 101-39.4 regarding accidents and claims.

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Bonneville Power Administration