

**FISH AND WILDLIFE SERVICE
REAL PROPERTY**

Real Property

Part 343 Cadastral Surveys and Maps

Chapter 4 Contracting for Surveys

343 FW 4

4.1 What is the purpose of this chapter? This chapter describes how the U.S. Fish and Wildlife Service (Service) obtains land surveying services from private firms, nonprofit organizations, or other public (State and Federal) agencies.

4.2 What are the authorities, responsibilities, and terms you need to know to understand this chapter? See 343 FW 1 for the authorities, general responsibilities, and definitions of terms for all the chapters in Part 343.

4.3 Why does the Service contract for land surveying services when there are land surveyors on staff? Contracting is an alternative resource to obtain land surveying services when:

- A. Projects are beyond the capacity of the Regional Land Surveyor and in-house staffing;
- B. Survey projects require special skills or equipment, such as hydrographic surveys;
- C. Contracting is advantageous to the Service, for example, when we are working on cooperative surveys with partners or other agencies; and
- D. When we must obligate funds by a certain date.

4.4 What types of contracts and agreements are there, and what is our policy on their use?

A. Contracts are how we pay for services from a non-Federal entity. A contractor can be a private firm, a State agency, or a nonprofit organization.

(1) Land surveying requiring approval by a registered or licensed land surveyor is categorized as incidental to “architectural and engineering” services under the provisions of the Brooks Act (Pub. L. 92-582). This means that Federal agencies must award land survey contracts according to the contractor’s qualifications.

(2) The only person who can issue contracts for surveys that are not directly related to land acquisition is a certified Contracting Officer (CO). Our COs are in the Division of Contracting and General Services (CGS). See section 4.5 for more detailed information about the contracting process.

(3) Either a CO or a Regional Realty Officer may issue contracts for surveys that are related to land acquisition. According to Solicitor’s Opinion M-36974, the Regional Realty Officer may contract directly for land surveying services required for land acquisition. Our policy regarding this direct contracting is as follows:

- (a)** The Regional Realty Officer should limit the use of direct contracting to situations where time constraints do not allow the normal contracting process, and the survey cost is low.
- (b)** The survey contracts are still subject to the requirements of the Brooks Act.
- (c)** Because most survey contracts are for a considerable dollar amount, for the protection of the Government, the Regional Realty Officer should work with a CO and use the normal contracting process whenever possible.

B. Intra-/Inter-Agency Agreements are what we use to obtain land survey services from other Federal agencies or bureaus:

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(1) We use an Intra-Agency Agreement to get surveys from other Interior bureaus, such as the Bureau of Land Management. The Assistant Regional Director for the program providing the funding signs the agreement, and the office of Budget and Finance issues the agreement as a miscellaneous obligation. The Regional Land Surveyor or designee serves as the technical point of contact.

(2) We use an Inter-Agency Agreement to get surveys from other Federal agencies, such as the U.S. Forest Service. A CO must issue and manage these agreements.

4.5 Who puts the survey contract in place, and how do they interact?

A. The Regional Land Surveyor:

(1) Coordinates with the Regional Realty Officer, Project Leaders, and any other customers to identify survey needs. He/she then determines if we should contract a land survey;

(2) If we need to contract a land survey, prepares documents for the solicitation, including cost estimates; and

(3) Assists the CO by:

(a) Leading an evaluation panel to rank potential contractors by qualifications,

(b) Evaluating contractor fee proposals to identify a reasonable fee for the services, and

(c) Serving as the certified CO's Representative (COR) to administer the contract, providing Government-furnished materials, evaluating contractor performance, and approving payments (see 302 FW 2 for certification requirements).

B. The Regional Realty Officer or Project Leader/Facility Manager:

(1) Provides project needs, schedule, and budget to the Regional Land Surveyor;

(2) Reviews the statement of work the Regional Land Surveyor develops to identify issues of site access, timing, and resource protection;

(3) Provides funding and approves purchase requests; and

(4) Provides Government-furnished equipment and material when appropriate.

C. The CO:

(1) Issues:

(a) Contracts or task orders,

(b) Notices to proceed,

(c) Contract modifications, and

(d) Stop work orders; and

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(2) Is legally responsible and in functional control of all phases of the contract.

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