



NASA Policy Directive

NPD 3310.1A

Effective Date: August 22, 2001

Expiration Date: July 13, 2017

COMPLIANCE IS MANDATORY

[Printable Format \(PDF\)](#)

Request Notification of Change (NASA Only)

Subject: Distinguishing Between Contractor and Civil Service Functions (Revalidated July 13, 2012)

Responsible Office: Office of Human Capital Management

Chg #	Date	Description/Comments
1	07/13/12	Revalidated with administrative changes to include content and structure to comply with NPR 1400.1, NASA Directives Procedural Requirements, updated Section 3 Authority & Section 4.

1. Policy

a. It is NASA's policy to provide guidance on the appropriate use of civil service personnel and service contractors through the following methods:

(1) NASA will employ civil service personnel for those scientific, engineering, technical, policy, management, and administrative functions which are inherently governmental. The use of contracts for performance of inherently governmental functions is prohibited. Office of Federal Procurement Policy (OFPP) Circular A-76, articulates relevant considerations to apply in determining whether specific functions are, as a matter of policy, inherently governmental.

(2) In those situations where contractors closely support the performance of inherently governmental functions, special control measures are advised. Examples of control measures that may be employed are:

(a) developing performance based statements of work and quality control plans that measure contractor performance; (b) establishing audit plans for periodic review of contracts; (c) and physically separating contractor personnel from Government personnel; (d) consideration should be given to clearly differentiating contractor personnel by use of different colored badges, special identifiers in telephone directories, identifying company affiliation when answering the phone, or company identifiers on e-mail addresses.

(3) NASA will ensure that improper employer/employee relationships between civil service personnel and service contractors (e.g., unauthorized personal services contracts) do not develop in the administration and implementation of non-personal service contracts. Proper contract administration is critical in situations in which an employer/employee relationship may develop because contractor employees are collocated with NASA employees and support the same organization. In addition, NASA will, to the maximum extent possible, obtain services by means of performance based service contracts which require minimal technical direction from NASA personnel.

(4) In situations where it is determined that contractor personnel are needed to assist in the evaluation of proposals, the procedures set out in the Federal Acquisition Regulations (FAR) Subpart 37.2 and NASA FAR Supplement 1815.207-71 will be followed.

(5) The NASA civil service workforce will maintain the expertise to independently evaluate contractor performance including approaches, methodologies, options, results, recommendations, or conclusions.

2. Applicability

a. This NPD is applicable to NASA Headquarters and NASA Centers, including Component Facilities and Technical and Service Support Centers, with the exception of the Office of the Inspector General.

b. In this directive, all mandatory actions (i.e., requirements) are denoted by statements containing the term "shall". The terms: "may" or "can" denote discretionary privilege or permission, "should" denotes a good practice and is recommended, but not required, "will" denotes expected outcome, and "are/is" denotes descriptive material. c. In this directive, all document citations are assumed to be the latest version unless otherwise noted.

3. Authority

National Aeronautics and Space Act, as amended, 51 U.S.C. § 20113 (a).

4. Applicable Documents and Forms

a. Definition of Employee, 5 U.S.C. 2105, Chapter 21.

b. 5 CFR Part 210, "Basic Concepts and Definitions."

c. Federal Acquisition Regulations (FAR) and NASA FAR Supplement (NFS) References: (1) Inherently Governmental Functions, FAR pt 7.5;

(2) FAR: Purchase Descriptions for Service Contracts, 48 CFR, pt 11.106; (3) FAR: Service Contracting, 48 CFR pt 37; (4) Handling Proposals and Information, NFS pt 1815.207; (5) Release of Proposal Information, NFS pt 1815.207-70; (6) Appointing non-Government Evaluators as Special Government Employees, NFS Part 1815.207-71; (7) Service Contracts, NFS Part 1837,

d. Office of Federal Procurement Policy Circular A-76, Attachment A

e. NASA Procurement Information Circular (PIC) 07-02, Acquisition of Services.

f. Title 5, Code of Federal Regulations, Part 300, Subpart E., Use of Private Sector Temporaries.

g. Equal Employment Opportunity Commission (EEOC) Enforcement Guidance Notice No. 915.002, Application of Equal Employment Opportunity Laws to Contingent Workers Placed by Temporary Employment Agencies and Other Staffing Firms. (Dec 3, 1997)

5. Responsibility

a. The Assistant Administrator for Human Resources and the Assistant Administrator for Procurement have the functional responsibility for issuing NASA policy regarding the use of civil service personnel or service contractors respectively.

b. Officials-in-Charge of Headquarters Offices and Center Directors will ensure that managers and supervisors under their authority are aware of this policy and the accompanying references.

c. Officials-in-Charge of Headquarters Offices and Center Directors shall ensure

implementation of and compliance with this policy.

d. Any planned acquisition which would entail contractor performance of functions similar to those referenced in paragraph 1b. of this policy statement, shall be reviewed and approved by the responsible Center Director or, for Headquarters, by the Associate Administrator for Mission Support, prior to the issuance of any Request for Proposals for services.

6. Delegation of Authority

None.

7. Measurement/Verification

Officials-in-Charge of Headquarters Offices and Center Directors will ensure reviews are being conducted to measure compliance with this NPD.

8. Cancellation

NPD 3310.1, Distinguishing Between Contractor And Civil Service Functions, dated December 10, 1997

**REVALIDATED WITH CHANGE 1, DATED JULY 13, 2012,
ORIGINAL SIGNED BY:**

**/s/ Daniel S. Goldin
Administrator**

Attachment A: (Text)

(URL for Graphic)

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