



POLICY STATEMENT

Policy Statement 5403

Policy Area: Office of Facilities

Effective Date: ~~MAY 26 2011~~

Approved: _____
Adrienne Poteat, Deputy Director

CONTRACTOR USE OF GOVERNMENT AND PRIVATELY-OWNED VEHICLES

I. COVERAGE

This Policy Statement applies to government contractors doing business for the Court Services and Offender Supervision Agency for the District of Columbia (hereinafter, “the Agency” or “CSOSA”). This policy does not include the Pretrial Services Agency.

II. BACKGROUND

This Policy Statement provides guidance to government contractors on the use of Agency and privately-owned vehicles (POVs). It addresses under what circumstances contractors may use these vehicles and the procedures and rules governing such use.

III. POLICY

It is the policy of the Agency to allow government contractors (hereinafter, “contractors”) to use POVs and Agency vehicles, hereinafter referred to as government owned vehicles (GOVs) for official Agency business in accordance with this Policy and the specific provisions of their contract. As appropriate, contractors are required to follow the procedures and requirements stated in Policy Statement (PS) 5401 Use of Agency Vehicles and PS 5205 Employee Use of Privately-Owned Vehicles in addition to those stated herein. In all cases, contractor use of a POV or GOV to perform official Agency business must be advantageous to the Agency, when total cost and other factors, such as time are considered. Contractors may be reimbursed for certain costs incurred using a GOV or POV in line with the provisions of their contract.

Contractors may use GOVs for properly approved purposes between places of official business only and shall not use them to conduct personal business. Contractors will not take GOVs home at any time.

Contractor use of a POV to perform official Agency business must be properly approved. While conducting official Agency business, contractors generally may not use the POV for activities that are outside the scope of specific travel routes and location of the approved destinations.

All Agency contracts which anticipate a need for contractor use of GOVs or POVs must include the following provisions:

- Contractors will be held liable for any costs associated with the misuse of GOVs.
- Must have established penalties for its employees who use, or authorize the use of GOVs for *unofficial* purposes or for purposes other than in the performance of the contract.

All Agency contracts that allow contractors to use their POVs must include a provision that specifically allows POV usage. It is up to the discretion of the contractor, and his/her technical representative, whether to use a POV for Agency business.

Contractors are prohibited from using POVs and GOVs to perform official agency business absent the above contract provisions.

Contractors who knowingly and willfully attempt to defraud the Government through improper reimbursement requests may face criminal prosecution under 18 U.S.C. § 287 (False, fictitious or fraudulent claims) and 18 U.S.C. § 1001 (False claims and statements).

Specific conditions under which contractors may use GOVs and POVs vehicles for work-related purposes are discussed below.

IV. AUTHORITIES, SUPERSEDURES, REFERENCES, AND ATTACHMENTS

A. Regulatory Authorities

- 41 C.F.R. § 102-34. – Motor Vehicle Management
- 41 C.F.R. § 102-34.230 – Use of Government Vehicles by Contractors
- 41 C.F.R. § 101-39.406 – Responsibility for Damages
- Executive Order 13043 – Increasing Seat Belt Use in the United States

B. Supersedures

Policy Statement 5403, Contractor Use of Government and Privately Owned Vehicles,
December 12, 2002

C. Procedural or Other References

P.S. 5203 Temporary Duty Travel, August 27, 2010
P.S. 5401 Use of Agency Vehicles
P.S. 5205 Employee Use of Privately-Owned Vehicles

D. Attachments

Appendix A - Definitions

Appendix B - General Procedures

Appendix C - Contractor Request for Use of Government Vehicle (CSOSA-FAC-001)

Appendix D - Contractor Request to Use Privately-Owned Vehicle (CSOSA-FAC-002)

Appendix E - Motor Vehicle Accident Information (CSOSA-FAC-003)

Appendix F - Contractor Acknowledgement of Receipt of Policy Statements 5401 and 5403
(CSOSA-FAC-004)

**APPENDIX A
DEFINITIONS**

The following definitions are in addition to those stated in PS 5401, use of Agency Vehicles and PS 5205, Employee Use of Privately-Owned Vehicles

1. Agency Vehicle/Government Owned Vehicle (GOV) - A vehicle leased or owned by the government.
2. Contracting Officer's Technical Representative (COTR) - An Agency employee designated as being responsible for oversight of performance under a government contract.
3. Government Contractor - An individual conducting business on behalf of the Agency pursuant to a formal written agreement.
4. Local Travel: Travel which is less than twelve (12) hours in duration within the Washington Metropolitan Area, including Baltimore, Maryland and Virginia, and does not require overnight lodging.
5. Privately-owned Vehicle: Any vehicle (such as an automobile or motorcycle), operated by an individual that is not owned or leased by a government agency, and is not commercially leased or rented by an employee under a government rental agreement for use in connection with official government business.
6. Out-of-Town Travel or Temporary Duty Travel (TDY): Properly authorized travel to conduct official Agency business at a place at least 35 miles away (one-way) from the contractor's residence. TDY travel cannot be authorized for travel within the District of Columbia.
7. Travel Authorization – Permission from the Agency, in advance, to perform out-of-town travel (TDY). It includes specific purposes, methods, itinerary and estimated costs for travel.

APPENDIX B GENERAL PROCEDURES

Contractors are required to follow the policies and procedures stated in PS 5401 Use of Agency Vehicles and PS 5205 Employee Use of Privately-Owned Vehicles except for the areas stated below:

A. USE OF GOVERNMENT-OWNED VEHICLES (GOVs)

1. Approval

Contractors may use a GOV for local and out-of-town travel if such use is allowed in their contract. Contractors must have specific authorization for the use of a GOV *prior to each instance of using the vehicle*.

Contractors must receive approval from their COTR to use GOVs *and* must restrict their use for official purposes only; namely, in performance of the contract duties. All contractors are required to read or be issued a copy of this Policy Statement and PS 5401. Contractors are required to sign a statement acknowledging receipt (see Appendix F) of said policies. Contractors are forbidden from allowing other persons to operate GOVs. The following steps shall be followed in seeking authorization:

- a. Complete a "Contractor Request for Use of Government Vehicle" form and submit it to the appropriate COTR for signature. The form is available from the COTR or the CSOSA Intranet;
- b. Indicate on the request form the purpose and each destination for which the government vehicle will be used;
- c. When possible the COTR must submit the form to the appropriate Site Coordinator 24 to 48 hours in advance of need;
- d. For out-of-town travel only, the contractor must request and receive an approved Agency Travel Authorization, prior to travel;
- e. The contractor should maintain a copy of the vehicle request form at all times while operating an Agency vehicle; and
- f. Upon return of the vehicle, complete the section of the form relating to mileage and fuel, and submit it to Fleet Coordinator.

Upon implementation of the Fleet Management software, this process will be completed online through CSOSA fleet software application.

2. Accidents

In the event of an accident, contractors must follow the procedures outlined in PS 5401 Use of Agency Vehicles in addition to the procedures outlined below:

- a. The contractor must immediately notify the police and his or her COTR; and
- b. The COTR is responsible for notifying the Facilities Fleet Coordinator immediately.

3. Misuse of Agency Vehicles

Pursuant to 41 C.F.R. § 102-34.215, contractors must have established penalties for its employees (or themselves, if an individual contractor) who use, or authorize the use of, Agency vehicles for *unofficial* purposes or for purposes other than in the performance of the contract. Such penalties must be enforced. Contractors may also be required to pay any expense or cost associated with misuse of the vehicle.

4. Cost Reimbursement

While using the GOV for approved official business, contractors may incur fees for parking and/or tolls. Contractors must use lower-cost, street or self-service parking versus valet, when appropriate. Contractors should not use the Agency Fleet Credit Card for tolls or parking.

Contractors are reimbursed for necessary and actual parking and tolls by including these costs, and receipt or supporting documentation, within their regular invoice. An approved Agency Travel Authorization is required with supporting documentation for costs incurred for out-of-town travel.

B. USE OF PRIVATELY-OWNED VEHICLES

1. Approval

Government contractors performing under CSOSA contracts are permitted to use their POVs to perform official Agency business as long as their contracts specifically state authorization and they receive approval from their COTR prior to each use. Contractors desiring to use their POVs must complete a POV Request Form and submit it to the COTR for approval. Contractors must retain the approved request for their records. The POV Request Form is available on the CSOSA Intranet. For out-of-town travel only, the contractor must request and receive an approved Agency Travel Authorization, prior to travel.

2. Cost Reimbursements

While using the POV for approved official business, contractors may incur fees for mileage, parking and/or tolls. Contractors must use lower-cost, street or self-service parking versus valet, when appropriate. The mileage reimbursement is at a per mile rate determined, and periodically updated, by GSA. The current POV per mile reimbursement rate is available on the CSOSA Intranet.

Contractors are reimbursed for necessary and actual mileage, parking and tolls by including these costs, and receipt or supporting documentation, within their regular invoice. No receipts are necessary for mileage reimbursement. Copies of the approved POV Request Form(s) must be submitted with the invoice to receive reimbursement. An Agency Travel Authorization is required supporting documentation for costs incurred performing out-of-town travel.

The following expenses are not reimbursable: parking tickets, traffic tickets, charges for repairs, fuel, insurance, depreciation, replacements, or towing. Any mileage incurred commuting to destinations unrelated to Agency business is not reimbursable.

4. Passengers

It is at the driver's discretion to have unauthorized passengers in a POV while conducting official CSOSA business. Authorized passengers are those listed on the approved Contractor Request to Use Privately Owned Vehicle Form.

It is strongly recommended that only those individuals performing official business with the Agency be permitted to ride as passengers in contractors' POVs. The Agency is not responsible for injury to unauthorized passengers as a result of an automobile accident in a POV.

6. Vehicle Damage to POV

In the event a contractor damages his/her vehicle while performing under a CSOSA contract, he/she may submit a request for reimbursement of his/her damages. The maximum the Agency will reimburse a contractor is the amount of the contractor's personal insurance deductible. The Agency has the full discretion whether to reimburse such costs. In making such determination, the Agency will consider such factors as: (1) whether the contractor had approval to use the POV; (2) whether the contractor was on official Agency business; and (3) who was at fault. The government will not be liable for any damage to contractor POVs which occurs in CSOSA or non-CSOSA parking lots or garages.

7. Mechanical Failures of POVs

In the event of a mechanical failure while performing official CSOSA business, the contractor must notify the COTR immediately following the breakdown. It is the responsibility of the contractor to obtain appropriate assistance/repairs for his/her POV.

APPENDIX C

Contractor Request for Use of Government Vehicle		
Date:		
Contractor (Name and Company):		
Contracting Officer's Technical Representative (COTR):		COTR Telephone Number:
Date Required:	Time Required:	Estimated Time of Return:
Destination(s) Address(es) and Purpose:		
Passengers (if any):		
Contractor Signature:		COTR Signature:
Contractor must complete the information below before returning the vehicle to the Vehicle Coordinator's office.		
Beginning Mileage:	Ending Mileage:	Time Returned:
Tank level before operation:		Tank level when returned:
Fuel Purchased (Type and Amount):		Fleet Credit Card Transaction Form Attached
Amount \$___ Type: __Regular __E85 __N/A		___ Yes ___No
Problems (if any) with vehicle operation (continue on separate sheet if necessary):		

OFFICIAL USE ONLY	
1. Vehicle was issued to:	4. Time out:
2. Date issued:	5. Time in:
3. Vehicle number:	

APPENDIX D

Contractor Request to Use Privately-Owned Vehicle	
<i>Contractor (Name and Company):</i>	
<i>Passenger Names (If Any)</i>	
<i>Contracting Officer's Technical Representative (COTR):</i>	<i>COTR Telephone Number:</i>
<p><i>Contractor's Statement:</i> I hereby certify that I have read the Agency's Policy Statement 5403 Contractor Use of Government and Privately-Owned Vehicles and fully understand its provisions. I understand that in the event I am in an accident in my POV, my personal vehicle insurance is the primary mechanism for monetary restitution for myself or third parties from personal and/or property damages arising from such accident. I further understand that CSOSA will not be responsible for any damages, personal or property, suffered as a result of an accident involving my vehicle, except that CSOSA may provide reimbursement for my insurance deductible at its discretion.</p>	
<i>Contractor Signature:</i>	<i>COTR Signature:</i>



APPENDIX E

**COURT SERVICES AND OFFENDER SUPERVISION AGENCY
MOTOR VEHICLE ACCIDENT INFORMATION
(TO BE PROVIDED TO ALL INVOLVED DRIVERS)**

1. Driver Name _____ Office Address _____	2. Driver Phone Number _____ Office Phone Number _____
3. Date of Accident _____ Vehicle Tag Number _____	4. Location of Accident _____ _____
Notes _____	

IMPORTANT NOTICE TO ALL PARTIES

**If you have a claim arising out of an accident with a CSOSA-operated vehicle,
please contact CSOSA's Office of the General Counsel at 202-220-5355.**

APPENDIX F

<i>Contractor Acknowledgement of Receipt of Policy</i>	
<i>Contractor's statement:</i> I hereby certify that I have received the Court Services and Offender Supervision Agency's Policy Statement (PS) 5403, Contractor Use of Government and Privately-Owned Vehicles and PS 5401 Use of Agency Vehicles.	
<i>Contractor Signature</i>	<i>Date</i>

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