

# Grants and Agreements: Roles, Tools, Process & Selecting Your Partnership

National Partnership Office: Virtual  
Partnership Conference

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Wednesday, February 5, 2014

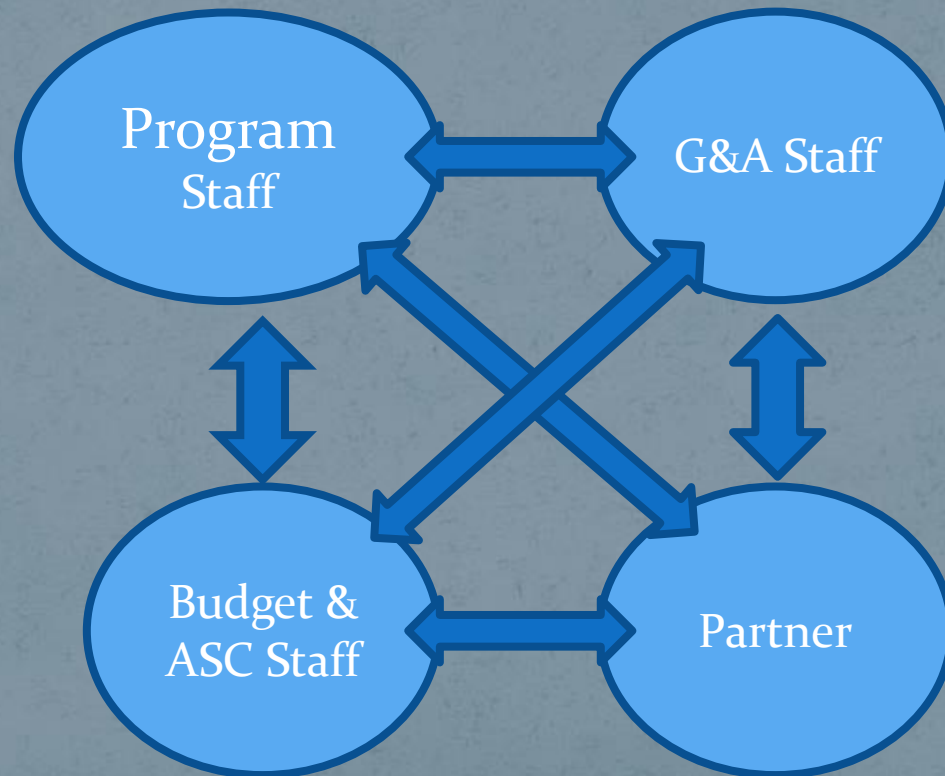
2:30 p.m. – 4:30 p.m. Eastern Daylight Time

# Learning Objectives

- This session will cover G&A topics in the following areas:
  - G&A Roles and Tools Overview
  - G&A Process Improvement Outlook
  - Exercise: Selecting The Right G&A Tool
  - Q&A

## Roles, Responsibilities: Relationships

- It takes all parties working in cooperation to realize a great relationship.



## FS Program/Partner Staff Responsibilities:

- Contacting G&A early in the process when the need for a grant or agreement is anticipated.
- Negotiating with a partner.
- Developing a draft agreement.
- Performing role-specific NRM functions.
- Monitoring and reporting.
- Approving payments.
- Managing incoming funds.
- Meeting closeout requirements.
- Certifying ethics and conduct.
- Reviewing and certifying civil rights.



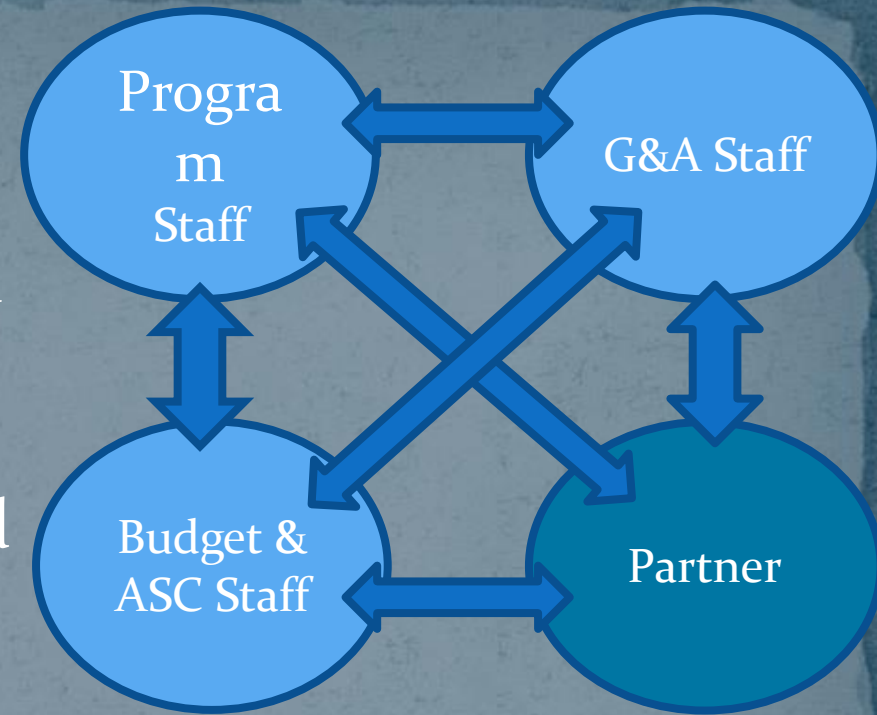
## Grants Management Specialist Responsibilities:

- Providing advice and counsel to Program Managers; reviews and approves grants and agreements instruments; and conducts role-specific NRM functions.
- Reviewing grants and agreements for authority and format.
- Ensuring essential provisions are included in agreement documentation.
- Reviewing agreement for potential ethics issues.
- Ensuring the grant or agreement is executed in a timely manner.



## Partner Responsibilities:

- Negotiating with the Forest Service Program Manager.
- Ensuring financial capability and resources available to fulfill their role.
- Monitoring performance and reports.
- Invoicing or providing payments in accordance with terms of agreement.
- Meeting closeout requirements.



## Budget Official Responsibilities:

- Ensuring sufficient funds have been planned (via WorkPlan) and are available for the proposed project.
- Determining if the funding is appropriate for the authority and purpose cited in the proposed grant or agreement.
- Validating accuracy of job codes and budget object codes entered into NRM for the commitment of outgoing funds.
- Approving funding commitments in NRM.



## ASC Responsibilities:

### Outgoing funds:

- Processing fund obligations.
- Receiving and attach invoices in NRM.
- Processing payments.
- Facilitating financial audits and reviews of grant and agreement files.
- Monitoring unliquidated obligations (ULO).
- Assisting with closeout and processing deobligation requests.



### Incoming Funds:

- Providing budget authority (limitation) for incoming funds.
- Establishing reimbursable and advance collection job codes.
- Billing partner based on the terms of the agreement.
- Resolving job code balances.
- Assist with financial closeout of agreement.



## Grants and Agreements: Choosing the Right Tool to Ensure Partnership Success

- First, is your partnership a procurement or an agreement?
- If the project benefits only the Forest Service purpose and no cost sharing is anticipated, it may be a **procurement**.
- If the project is of mutual benefit to the Forest Service and the other party, and if there is an exchange of something of value that meets the purpose of both parties, it may be an **agreement**.

# Grants and Agreements: Choosing the Right Tool to Ensure Partnership Success

- Common Agreement types:
- **Federal Financial Assistance:** Used to transfer money, property, services or anything of value to a recipient in order to accomplish a public purpose of support or stimulation which is authorized by Federal statute.
- **Partnership Agreements:** Used to document a cooperative exchange of resources and funding with a non-federal party to accomplish projects that are of mutual interest and benefit.
- **Specialized Agreements:** Used to document cooperation and funding between the FS and other specific parties for: Cooperative Law Enforcement, Cooperative Road, and Cooperative Fire Agreements.
- **Collection Agreements:** Used for the acceptance of money by the FS from a non-Federal party to carry out a purpose authorized by law.
- **Interagency Agreements:** Used when one Federal agency is in a position to provide materials, supplies, equipment, work, or services of any kind that another agency needs to accomplish its mission.
- **Memoranda of Understanding:** Used to document a framework for cooperation between the Forest Service and other parties for carrying out their separate activities in a coordinated and mutually beneficial manner where nothing of value transfers between parties.

# Grants and Agreements: Choosing the Right Tool to Ensure Partnership Success

## Additional Agreement Considerations:

- Avoid **conflict of interest** or the appearance of conflict.
- Product or company **endorsement** is not authorized.
- If the Forest Service doesn't have the **statutory authority** to perform work, it can't be done through another party.
- Does the project meet the Forest Service area's **mission** along with the partner's mission?
- Does the partner have the capacity needed to **perform** their portion of the agreement, including any **cost sharing** if required?
- Can the project be accomplished in a **timely** manner?

# Grants and Agreements: Choosing the Right Tool to Ensure Partnership Success

- Introduction to the Agreements decision tree
  - The next slide is a tool created to help guide your discussion toward the correct instrument to document your partnership.
  - This tool can be a very helpful place to start, but it does not replace good old-fashioned discussion between the partner, program staff and G&A which should be ongoing, start early on in the partnership negotiation and continue even after an agreement is executed!

# THE AGREEMENTS' DECISION TREE

Does the agreement **include** the exchange or expenditure of something of value (for example, funds or services)?

**YES**

**NO**

Is it a non-binding agreement?

**YES**

Memorandum of Understanding

**NO**

A non-FSM 1580 instrument. Seek advice from appropriate staff area (for example, property transfers).

**Note:** This is a tool. Be sure to consult with FSH 1509.11 and your local G&A specialist for additional information.

## SELECT APPROPRIATE QUESTIONS/RESPONSES

Does the FS procure goods and/or services for the direct benefit of the agency?

Is there a mutual benefit, mutual interest, and cost sharing?

Does the FS transfer anything of value, such as funds, to a recipient to accomplish a public purpose as authorized by law?

Will the FS perform a service, or provide goods for a cooperator with cooperator funds?

Does the project deal with Law Enforcement, Fire Protection, or Roads?

**These questions above don't apply.**

## ANSWER PRIMARY FOLLOW-UP QUESTIONS

- With a private vendor?
- With another Federal agency?
- With a college for training and teaching activities?

- Does the project cover one of the following:
1. Pollution abatement?
  2. Manpower/job training?
  3. Publication of forestry history materials?
  4. Interpretive associations?
  5. Forest protection?
  6. Prescribed fire?
  7. Watershed restoration and enhancement?

Will the FS cooperatively develop, plan, and implement a project with a cooperator that is mutually beneficial and enhances FS activities?

Is the FS substantially involved?

Is the cooperator a Federal agency?

State or local laws?

Fire?

Joint road system?

## PRIMARY INSTRUMENT TYPE

- Contract (non-FSM 1580)
- Interagency Agreement (outgoing funds)
- Cost Reimbursable Agreement

Participating Agreement

Challenge Cost Share Agreement

- NO** → Grant
- YES** → Cooperative Agreement

- NO** → Collection Agreement
- YES** → Interagency Agreement (incoming funds)

Cooperative Law Enforcement Agreement

Cooperative Fire Protection Agreement

Cooperative Forest Road Agreement

# Grants and Agreements: Choosing the Right Tool to Ensure Partnership Success

- Common Partnership Agreement types and their authorities:
  - Memorandum of Understanding
    - No authority required
  - Participating Agreement
    - Cooperative Funds and Deposits Act of 1975 (P.L. 94-148)
    - Wyden Amendment (P.L. 111-11)
    - Secure Rural Schools and Community Self-Determination Act of 2000
  - Challenge Cost Share
    - Interior and Related Appropriations Act of 1992
  - Stewardship Agreements
    - Stewardship End Result Contracting (P.L. 108-7)
  - Collection Agreement
    - Cooperative Funds Act of June 30, 1914
    - Granger-Thye Act of April 24, 1950

\*There are also a number of authorities that are oriented toward research partnerships that will not be covered in this presentation.

## Grants and Agreements: Choosing the Right Tool to Ensure Partnership Success

- Memorandum of Understanding: Used to document a framework for cooperation between the Forest Service and other parties. It requires that:
  - Each party carries out their separate activities in a coordinated and mutually beneficial manner.
  - Each party directs its own activities and uses its own resources.
  - Nothing of value is transferred between the parties.
  - No funds are obligated.
  - No specific authority needs to be cited, but all activities should be within the Forest Service mission.

# Grants and Agreements: Choosing the Right Tool to Ensure Partnership Success

## Participating Agreement Authorities:

- **Cooperative Funds and Deposits Act of December 12, 1975 (94-148):** Used for cooperative pollution abatement; cooperative man-power, job training & development programs; development and publication of cooperative environmental education and forest history materials; and forestry protection.
- **Wyden Amendment: (111-11):** Used for cooperatively performed work for related to the protection, restoration, and enhancement of fish and wildlife habitat and other natural and cultural resources on public or private lands and/or the reduction of natural disaster where public safety is threatened, or a combination of both. The agreements must provide a benefit to natural or cultural resources on national forests lands within the watershed.
- **Secure Rural Schools and Community Self-determination Act of 2000 (110-343):** Allows the Forest Service to enter into contracts, grants, cooperative agreements, and partnership agreements with local and Tribal governmental entities, individuals, non-profit and for-profits organizations for eligible projects that have been recommended by the Resource Advisory Committee (RAC) and approved by the Forest Service.
- Mutual interest and/or mutual benefit is required. Cost sharing should be commensurate with benefits received. A minimum 20% match should be negotiated. Advance payment to cooperator is allowed.



# Grants and Agreements: Choosing the Right Tool to Ensure Partnership Success

## Challenge Cost Share Authority:

**The Interior and Related Appropriations Act of 1992** authorized the Challenge Cost Share Program permanently for all Forest Service programs.

- A Challenge Cost Share Agreement is used when the Forest Service cooperatively develops, plans, and implements projects with other parties that are mutually beneficial to the parties and that enhance Forest Service activities.
  - Mutual interest and mutual benefit are required.
  - A minimum 20 percent cost sharing match from the cooperator is required.
  - No advance payment to the cooperator is allowed

# Grants and Agreements: Choosing the Right Tool to Ensure Partnership Success

## Stewardship Agreement Authority:

- **Stewardship End Result Contracting (Stewardship Agreement), Section 323 of Public Law 108-7** grants the Forest Service authority to enter into stewardship agreements with cooperators for up to 10 years.
  - Purpose is to accomplish resource management with a focus on restoration.
  - All requirements contained in Stewardship Handbook, FSH 2409.19, chapter 60
  - Cooperator(s) share should be at a minimum 20 percent of project costs (otherwise contract should be considered)
  - Advance payments are permitted on a case-by-case basis; however, the cooperator must justify need.
  - Mutual benefit/interest is required.
  - Authorizes both payments to cooperators and the exchange of Forest Service goods for services.

## Grants and Agreements: Choosing the Right Tool to Ensure Partnership Success

### Collection Agreement Authorities (Partnership):

- Used for the acceptance of money by the FS from a non-Federal party to carry out a purpose authorized by law.
- **Common NFS Authorities:**
  - **Cooperative Funds Act of June 30, 1914.** Allows the Forest Service to accept cash contributions to work on Forest Service projects that benefit the National Forests.
  - **Granger-Thye Act of April 24, 1950, Section 5.** Allows the Forest Service to collect funds to perform work for the benefit of a cooperator when the work is related to administration, protection, improvement, restoration, etc. of lands within or near NFS lands.

# Grants and Agreements: Choosing the Right Tool to Ensure Partnership Success

## Final Partnership considerations:

- The FS has many authorities available to accomplish partnership objectives.
- G&A is a partner in making decisions about the appropriate method for carrying out partnerships.
- Involve G&A early in your partnership negotiations and consult often thereafter.
- G&A operates at the forest, regional and national levels. Depending on the resources at each of these locations, your G&A contact may have a varying level of involvement in your project.
- Program managers must assume a high level of responsibility for their partnerships– in many ways, they must serve as the “COR” for agreements; collecting reports, approving payments and monitoring activities under the agreements they are responsible for.
- The Agreements process is not over with an executed agreement– it has only just begun!

# Process Improvement Updates:

- FSM 1509.11, chapter 90 (completed)- standard provisions updates- audit findings and forms update
- FSM 1509.11, chapter 20 (in process)- Federal Financial Assistance and the OMB Supercircular
- NRM/FMMI User Improvements- Monitoring tab, Attachments
- Stewardship Training in AgLearn
- Policy Inbox- For G&A Specialist Inquiries
- National Policy and Training Committee

# Exercise: Selecting the Right G&A Tool

- In the next few slides, we present four different partnering scenarios based on actual agreements currently in place
- After reading through the scenario, you will have a choice to select one of four G&A tools to document the partnership
- Select the best agreement type for the scenario presented in the poll
- Be prepared to discuss the reason for your selection of that G&A tool

# Partnership Scenario #1

- The Eastern Sycamore Society (ESS), a non profit 501(c)(3) organization, is an organization that focuses on the celebration and preservation of the American Sycamore in the Northeastern portion of the U.S. They would like to establish a relationship with the Forest Service to celebrate the fact that we all love trees. Their CEO has contacted you to establish a partnership with this goal in mind and hopes to accomplish the following through an agreement:
  - Expand opportunities to meet and discuss the preservation of the American Sycamore.
  - Share ideas and research to contribute to the body of knowledge surrounding this majestic species
  - Gain access to FS land for the investigation and expanded understanding of this tree in its native habitat.

# Poll Question: How would you document this Partnership?

- Challenge Cost Share
- Memorandum of Understanding
- Participating Agreement
- Domestic Grant



# Partnership Scenario #2

- The Arizona Audubon Agency, a non profit 501(c)(3) organization, is an agency whose primary objective is to promote birdwatching through ecotourism and habitat protection in the American Southwest and Northwest Mexico. This group would like to perform work in this area that will serve a public benefit, but where they do the work independent of the Forest Service. Their CEO has contacted you to accomplish the following through an agreement:
  - Perform educational and outreach activities in the area of outdoor Audubon activities including; birdwatching, bird friendly gardening and aviary ecosystem support.
  - Promote ecotourism in the American Southwest and Mexican Northwest by creating partnerships with tourism boards, guided tours and international Audubon groups.
  - Create a best practices model for community based conservation strategies in Northwest Mexico.

# Poll Question: How would you document this Partnership?

- Challenge Cost Share
- Memorandum of Understanding
- Participating Agreement
- Domestic Grant

# Partnership Scenario #3

- The American Wildlife Committee (AWC), a non profit 501(c)(3) organization, plans to host a conference in 2012 with participants from across the U.S. They plan to invite delegates in 10 wildlife management areas including wilderness management & conservation and wild fire prevention, two areas that they have identified the Forest Service to be a partner in.
  - AWC would like to engage in a mutually beneficial partnership with the Forest Service to accomplish the following:
  - Expand the scope of training and education provided through this conference by partnering with the Forest Service.
  - Create new initiatives to help protect wildlife on forest land
  - Build capacity and awareness surrounding the proposed conference by sharing the costs of supporting the conference activities.

# Poll Question: How would you document this Partnership?

- Challenge Cost Share
- Memorandum of Understanding
- Participating Agreement
- Domestic Grant

# Partnership Scenario #4

- The Get Outdoors! Action Coalition, a non profit 501(c)(3) organization, is an environmental education group in Burlington, WA whose mission is to “Inspire youth through hands-on environmental educational opportunities to increase their understanding of conservation and build a lifelong relationship with the outdoors.” This group would like to establish a platform for partnership with the Forest Service to enhance the outdoor education provided within Washington State forests and interpretative centers. Their CEO has contacted you to establish a partnership with this goal in mind and hopes to accomplish the following through an agreement:
  - Exchange training resources and best-practice models to develop, deliver and evaluate high quality conservation education programs and materials.
  - Introduce Forest Service research and information into in-service and continuing education and training programs for teachers. Emphasize the Forest Service priorities of place-based education and service learning
  - Enhance Forest Service outreach efforts to diverse and underserved audiences including at risk youth populations.

# Poll Question: How would you document this Partnership?

- Challenge Cost Share
- Memorandum of Understanding
- **Participating Agreement**
- Domestic Grant

# Grants and Agreements: Roles, Tools, Process & Selecting Your Partnership

Thank you for your time today!

We hope that you learned more about:

- Roles and responsibilities in the G&A process
- The many different partnership authorities and instruments available to the FS
- Examples of potential partnership activities under each of the partnership instruments
- Other considerations and tips for planning your partnership!

What questions do you have?

# Thank you!

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