

CENWK-OD-TR

MEMORANDUM THRU

Chief, Natural Resource Management, OD-TR

Chief, Operations Division, OD

FOR SEE DISTRIBUTION

SUBJECT: Designation of Authority for Contributions Program Donations within NWK

1. The Contributions Program, authorized by Section 203 of the Water Resources Development Act of 1992, authorizes the Corps to accept contributions from groups and individuals in connection with carrying out water resources projects for environmental protection and restoration or for recreation.
2. Per ER 1130-2-500, Chapter 11, Contributions Program, paragraph 11-2.f., EP 1130-2-500, Chapter 11, Contributions Program 11-3.e., and Contributions, Fundraising and Recognition Reference Guide, October 2008, District Commanders are responsible for administering the contributions program. The Commander may delegate responsibilities to manage the program to Operations Project Managers (OPMs) at his/her discretion and assign coordination of the program to a District Coordinator within the Civil Works operations element.
3. This memorandum serves as delegation of this authority with the Kansas City District to the OPMs listed on the following page. Assignment of the District Office Contribution Coordinator shall reside in Operations, Natural Resource Management Section.
4. For any donation valued at \$2,500 or more, the OPM must perform a thorough internet search to determine whether publicly available information exists that raises concerns about the propriety of acceptance. For contributions valued at \$100,000 or more, the OPM shall refer the proposal to the Contributions Manager for coordinating contributions with Office of Counsel. OPMs should not accept any contribution that would create or give the appearance of a conflict of interest between the partnering group/individual and Project. The District Contribution Plan will guide actions and processes to accept donations, but Projects may develop their own individual plans or processing aids as deemed necessary.

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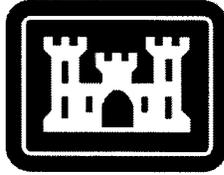
5. NWK District Office Coordinator for the Contributions Program is Scott Rice, Natural Resource Specialist Management, Scott.A.Rice@usace.army.mil, Phone 816-389-3459.

Encl

ANTHONY J. HOFMANN
COL, EN
Commanding

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**US Army Corps
of Engineers ®**

Contribution and Donor Recognition Plan

Kansas City District

August 2012

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Introduction

The Corps Contribution Program permits the Corps to accept monetary, services, or material contributions from groups (including governmental entities, but excluding project sponsors) and individuals in connection with carrying out water resources projects for environmental protection and restoration or for recreation. Whether in the form of cash, materials, or services, contributions have the potential to result in the sharing of project operational costs and to enhance the ability of the project staff to better manage existing facilities in the public interest. In this respect, contributions (including accepting grants) have the potential to enable the resource management staff to fund some programs and/or projects that have, as a result of reprioritization, either been deferred or delayed due to reduced Operational and Management (O&M) funds. Contributions offered will be consistent with Project Master Plans or Operational Management Plans (OMP) and will be carefully screened and evaluated for their suitability. Projects or tasks that are not in consonance with the guidance and policy of the Corps Contributions Program will not be initiated.

Purpose

The Contribution Plan is a tool and mechanism used to receive funds, materials, or services from outside resources to complete tasks that are described in the Master Plan or Operation Management Plans. Contributions can be utilized to accomplish tasks or projects for the protection, improvement, restoration, rehabilitation or interpretation of natural resources, environmental features, recreation areas and facilities or cultural resources at projects.

The essential purpose of this plan is to provide a formal document that describes in general terms the categories or types of work that have been identified in Project OMPs that are eligible to be accomplished under the authority of the Corps Contributions Program.

In conjunction with describing the general nature or categories of work to be accomplished, this plan will also address the following: general procedures and methods for receiving and accounting for monetary contributions; methods for providing recognition to contributors and acknowledge public support.

Authority

Authority to Accept Contributions: 33 USC § 2325 authorizes the Corps to accept contributions of “cash, funds, materials, and services” in connection with carrying out a water resources project for environmental protection and restoration or a water resources project for recreation. 33 USC § 2328 authorizes the Corps to accept contributions of “funds, materials, and services” to share the cost of managing recreation facilities and natural resources at [Corps] water resource development projects. Additionally, 33 USC 569c authorizes the acceptance of services of volunteers in accordance with the guidance contained in ER 1130-2-500, Chapter 11, Para 3, Contributions Program. The term “contribution” includes anything of value (funds, materials, supplies, or in-kind goods or services) received from an outside source without

consideration or an exchange of value, but does not include construction.¹ Funds or other items received as a result of a competitively awarded grant from a foundation are also considered a “contribution.”

Acceptable Donors: The Corps may accept contributions from individuals, organizations, foundations, governmental entities, corporations and businesses. Only contributions which result in the sharing of operation and management costs and/or in the development of facilities which will not result in a significant net increase in O&M costs shall be considered for approval. Contributions may be accepted only for programs and activities contained in approved annual or five-year operation management plans (OMP). If a Federal grant is involved, a note or letter is needed stating the money is acceptable to use on Corps property. Reference Appendix A for Accepting Contributions Flow Chart.

Prohibited Donors: Contributions from a project sponsor (i.e. the party with whom the water resource project has been jointly created, a party to a Project Cooperation Agreement (PCA) or Project Partnership Agreement) may not be accepted. Real estate cannot be accepted as a donation through Contributions Program. For information on whether a particular donation should be accepted or for further information on authorities and constraints, see Section 5.1, of the Contributions, Fund Raising, and Recognition Reference Guide or ER 1130-2-500, Chapter 11.

Contributions from an entity which holds or is seeking a concessions contract or which would identify the Corps with alcohol or tobacco products shall be declined.

No Solicitation of Contributions: Corps employees may not solicit or take any actions that gives the appearance that they are soliciting contributions in support of the Corps programs or activities. The term “solicit” means any request made to a non-federal entity, group or individual for contributions to be made directly or indirectly to the Corps. There are, however, appropriate activities that Corps employees may undertake in relation to authorized fundraising by partners. Corps employees can negotiate with partners in the context of a partnership agreement and partners can then fundraise to generate their contribution to the partnership.

No Lobbying: Employees shall not engage in lobbying activities.

Ethical Considerations: Corps employees are subject to ethics regulations which prohibit federal employees from giving preferential treatment to any entity or individual. Employees may not use their official title, position or authority of their public office to endorse any product, service or enterprise.

Designation: The Chief, Natural Resource Management Branch/Section, shall serve or appoint staff to coordinate the District Contributions Program.

¹ If a non-Federal entity seeks to perform construction at a Corps water resources project, the authority for such construction is 16 U.S.C. § 460d. This distinction is important because the requirements for how USACE must process any funds that it receives from the use of a facility constructed under 16 U.S.C. § 460d are different from how USACE must process funds received through 33 U.S.C. § 2325 and § 2328.

Review and Approval

Approval to accept contributions is hereby delegated according to the following rules to the Operations Project Managers. Before receiving a contribution other than from a contribution box, the contribution must be approved by the Operations Project Manager according to these rules:

- a. Contributions less than \$2,500 can be accepted without further review.
- b. Contributions valued at \$2,500 up to \$100,000 can be approved after thorough internet search to determine whether publicly available information exists that raises concerns about the propriety of acceptance. A file shall be created that includes documentation of search findings.
- c. For contributions valued at \$100,000 or more, can only be accepted after referral of the proposed donation to the district NRM Office for coordination with Office of Counsel. The following information is collected as part of the review process:
 - (1) Whether the donor is involved in litigation or other disputes with the Corps;
 - (2) Whether the donor is currently engaged in or seeking a business relationship with the Corps;
 - (3) Whether the donor has been debarred or suspended from contracting with the federal government;
 - (4) Whether the donor has a recent public history of violations, whether criminal or civil in nature, as disclosed by an Internet search, for which acceptance of the donation could lead to public controversy;
 - (5) Whether the donor is regulated by or is seeking a permit from the Corps.
- d. All approvals shall be in writing and shall be maintained on file in the project office together with records of review and coordination.

Program Administration

General: The Operations Project Manager shall serve or appoint a member of their staff to lead up a contribution effort ensuring procedures and policies are adhered utilizing the “Contributions, Fundraising and Recognition Reference Guide,” ER and EP 1130-2-500 Chapters 10 and 11. The District Office Contributions Coordinator will be contacted and input sought prior to accepting a contribution. A file is to be assembled per contribution that includes correspondence, name of contributor, type and description of contribution, amount of contribution, and any notes.

Monetary Contributions: Monetary contributions will be deposited into account 96x8862 of the U.S. Treasury according to the requirements outlined in ER 37-1-30, Chapter 5. They can be handled like a customer order with an advance account. A work item is set up in P2 citing the appropriation the funds would be captured under when completing the advance account,

allowing the District Resource Management Office (RMO) to fund the transaction in their database. The project budget analyst will need to communicate with the District RMO Budget Analyst (RM-B) to determine the correct appropriation intended for use to fund the work. See the attached SOP (Appendix C) for procedures on accepting/remitting monetary contributions.

Non-Monetary Contributions: Materials, supplies and services may be accepted. Coordination with Property/Supply staff in Logistics Management at the Project and/or District Office level shall occur to help determine if an item(s) needs to be identified as capital and inventoried. Value and items received will need to be reported in OMBIL in the REC-Annual Update, Partnerships Update.

Contribution Boxes: A contribution or donation box may be set up at field offices, visitor centers and other appropriate locations. The installation of a contribution box is optional and at the manager's discretion. The contribution box should be locked and have a sign stating the use of the contributions. It should be clear to the visitor that any money collected is a voluntary contribution and is not required for touring the visitor center, receiving brochures or pamphlets, or any other services.

Funds from contribution boxes must be accounted for in the same manner as any other donation by following the previous monetary contribution guidance and Appendix C. Funds will need to be converted to a money order for remittance to the UFC by following these steps:

Any activity or task under \$25,000 can be completed using the work item associated with the contribution box.

Accepting Direct or Large Donations: A patron or organization may want to donate to a park but not want to put a check or large amount of cash in the contribution box. In this case, the Authorized Recreation Fee Collector may receive these funds at their office. A receipt must be given and the Collector must make it clear to the patron that receiving this contribution is in lieu of placing it in the contribution box. A standard receipt book is appropriate to use for this purpose. A note should be written stating the purpose of the contribution.

Reporting: Each project office that receives contributions must submit an annual report of the total amount of contributions via the Operations and Maintenance Business Information Link (OMBIL). See Appendix B for a sample contribution tracking sheet. Note for record keeping purposes, the value of materials and equipment should be determined using the local market value of comparable items if purchased.

Deposits, Form, Reports: Engineering Report 3313 (remittance register) should be used to report contributions. When contributions total \$1,000 or more, a deposit is required. Also, in accordance with ER 37-1-30, paragraph 5-8a, deposits shall be made by Thursday of each week, regardless of the amount. A monthly report will be maintained at the District Office Operations Division and be coordinated through District staff in RM.

Asset Work Item: For projects valued over \$25,000 (labor and equipment included), Project budget staff needs to be informed this is an asset work item. This new item will be considered an "asset" and must have a separate work item to complete the task.

Potential Projects

General: Contributions will be utilized to accomplish tasks or projects for the protection, improvement, restoration, rehabilitation or interpretation of natural resources, environmental features, recreation areas and facilities or cultural resources at the Project.

Work Categories: The following list, while not comprehensive, provides some generalizations of the general types of projects that are typically identified in a Project OMP.

Typical Tasks Identified in Project OMPs & Acceptable for Contributions

General Category	Specific Work Examples
Enhancement of lake aesthetics and recreation facilities	Vegetation plantings in recreation areas Removal of invasive species Repairs/upgrades to facilities Drift and debris removal Signs and marker installation Accessibility improvements
Interpretive and Water Safety Programs	Outreach materials Interpretive signage Website and Social Media page development Life jackets and other safety equipment Advertising/Marketing Special events
Environmental Stewardship	Forest management Wildlife management Level 1 and 2 inventories Habitat studies Trail development Develop/enhance GIS database

Recognition of Contributions

Projects can acknowledge appreciation to contributors via letters or certificates of appreciation, news releases, photo opportunities, ribbon cutting ceremonies, plaque or other appropriate means consistent with the mission and goals of the Corps and the standards of ethical conduct.

a. At a minimum, the Corps will acknowledge all direct contributions in writing through a letter of acceptance which will note the amount of cash donation, or description of materials or services provided. This may serve as a record the donor can use to verify their contribution. The letter should not attempt to value non-cash contributions.

b. News releases coordinated through the district Public Affairs Office to print, web, radio, and television media may be used to recognize donors through unpaid media.

c. A plaque or other appropriate sign may be purchased and placed on the project site to recognize the donation.

d. A donor board or wall located and integrated into the project office, visitor center, or other appropriate visitor facility may be used to recognize the donation.

Approvals



Scott A. Rice
District NRM Contributions Program Manager
Kansas City District

8/9/2012

Date



David K. White
Chief, Natural Resources Management Section
Kansas City District Office

16 Aug 2012

Date



John L. Simion
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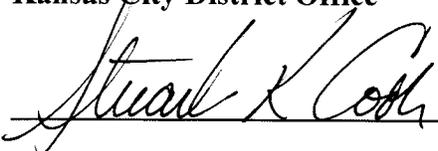
Date



Jeanne Curtis- Thompson
Chief, Resource Management Branch
Kansas City District Office

8/16/12

Date



Stuart R. Cook
Chief, Operations Division
Kansas City District Office

8/24/12

Date



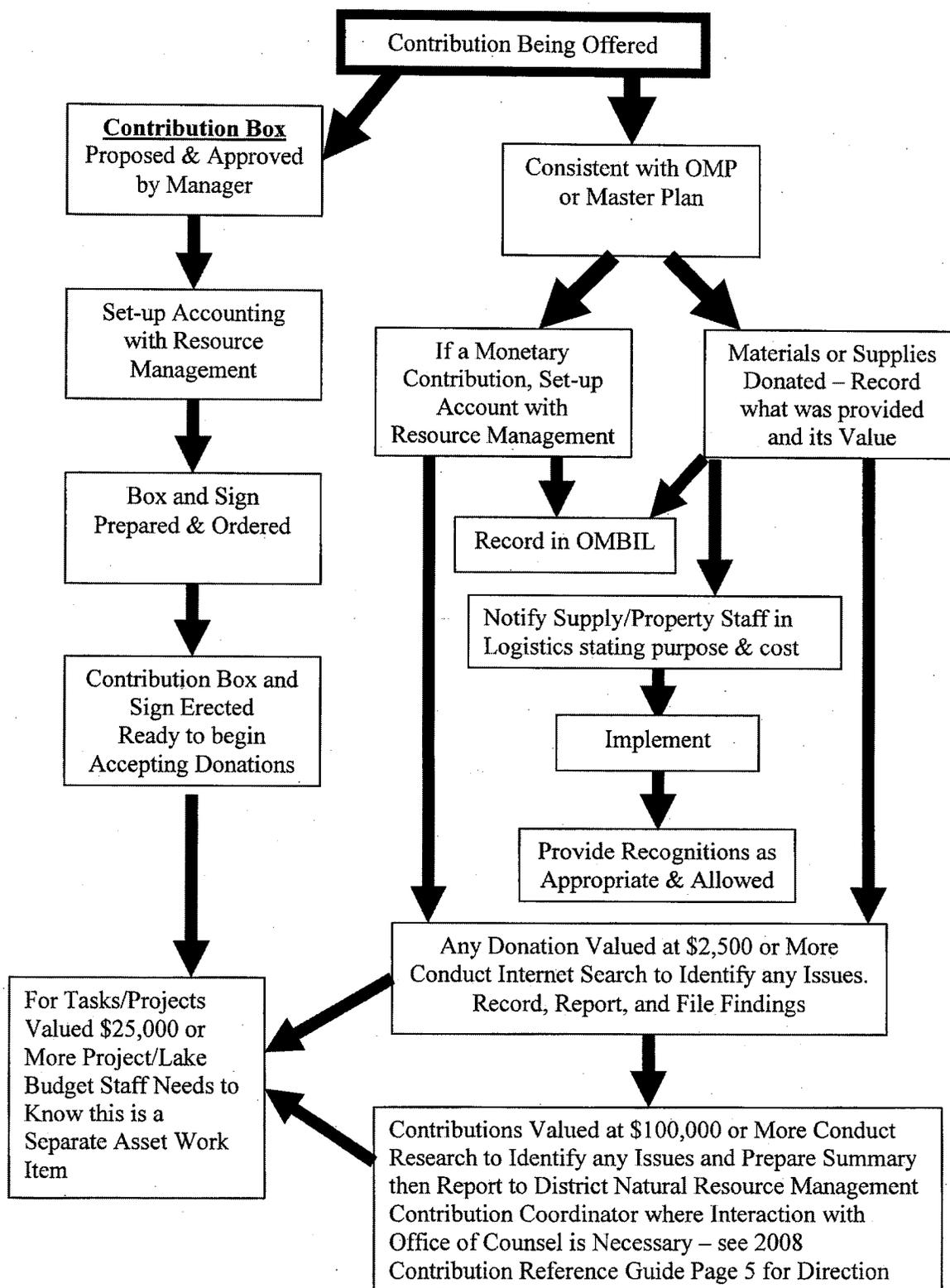
Anthony J. Hofmann
Colonel, EN
Commanding

9/15/12

Date

Appendix A

Accepting Contributions - Flow Chart



(Accepting Contributions Flow Chart provided by Portland District)

Appendix C

Collection and Establishment of Funding for Voluntary Contributions for Environmental and Recreation Projects and the Challenge Partnership Program

Operations Division will forward to CENWK-RM-F the following information:

Cover email briefly explaining the type of collection, i.e., Voluntary Contribution or Challenge Partnership Program, the benefitting location, and supporting documents. Email should also state the project's responsible employee and budget analyst's name and phone numbers. The following supporting documents should be attached:

a. Copy of the District "Contributions Plan" and description of the work that will be accomplished with any potential contributions IAW ER 1130-2-500 Chapter 11.

b. A photocopy of the check(s)/money orders to be collected. The word "COPY" shall be written on the face of the photocopied check(s)/money orders. The field office should secure the original check(s)/money orders in a secured container pending creation of an ROV by CENWK-RM-F.

Resource Management, Finance & Accounting Branch will use the email and the attachments to determine if the collection should be established as a Customer Order Advance (COA) for "Contributions Plan" or as a Cost Share Record for Challenge Partnership Agreements.

a. Contributions Plans.

(1) RM-F will create a Debtor Record by lake project citing the project's name and the Corps tax ID number.

(2) RM-B will use the email request and the attached Contribution Plan to create a customer order advance account and a customer order in CEFMS.

(3) Operations Division will process the customer order technical approval and attach a work item.

(4) At the same time, RM-F will create a ROV with a line item for each check citing the customer order advance account created by RM-B.

(5) RM-F will provide the ROV to the project office who will write the ROV number on the check(s)/money order and mail it to UFC on a check transmittal form.

(6) All checks/money orders submitted will be collected into one funded work item by lake project.

b. Challenge Partnership Agreements will follow the normal cost share agreement process. Cost Share Initiation Forms and SOPS can be found on the RM Intranet site under Cost Share Policy and Guidance.