

Understanding Partnership Authorities of the Federal Agencies

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Thoughts on Agency Barriers to Cooperation and Agreements.

- Attitudes vs. authorities. Within many agencies often it is not the limits on authorities that is the primary obstacle to completing agreements, formalizing partnerships or completing transactions but the poor awareness, lack of knowledge or limited experience of staff in dealing with public/private or even public/public partnership mechanisms or authorities. Agencies do have many people who understand partnership authorities and have had a great deal of experience in developing agreements – but they have to be sought out and only recently have these experts begun to network in ways that help share and promote these skills. This often require partners to work with local staff in locating these experts – sometimes in different areas or regions or even outside of the agency to get the necessary assistance.
- Where there is a will there is a way. Partnerships are about getting to yes and finding ways to get things done. Just about every agency already has the capability and capacity to enter into just about any type of agreement for almost every circumstance. Obstacles facing new partnerships should be viewed as only problems that can be resolved or overcome – not as impossible tasks. Authorities and agreements are intended to enable and empower partnerships not discourage them – so don't take no for an answer – there is always a way!
- Cultivating a culture of partnership. Agencies must strive to encourage and facilitate a corporate culture that supports and encourages partnerships. Providing training and building awareness among all staff of how things can be done or accomplished and still meet legal and fiscal requirements is an important but often overlooked – or under invested—element in creating and sustaining partnerships with the private and other public entities. Agencies should work together – and are beginning to do so – to develop networks to share information and offer training in what is quickly becoming the “profession” of partnerships.
- The question should not be “can I?” but “how can we?” Agencies and their partners should focus less on creation of or need for new authorities but rather on effective and efficient use of existing mechanisms. Asking the right question to the right person can make all the difference. Many people responsible for creating, managing or processing agreements - especially contracting and procurement staff - are often unfamiliar or have not been trained in the application of the broad range of agreements available to them. Part of the role of partners and agency personnel new to partnership development is one of “co-learners” – where together they figure out the maze of options open to them. When entering into new relationships or agreements it is necessary at times to take risks – often the old adage is true that – “often it is easier to seek forgiveness than permission.” Eventually -- if the need for a

specific authority is high enough – Congressional action can follow but this is a long road and difficult road.

- Partnerships – “the art of the possible”. Partnerships are often more art than science, requiring knowledge of all potential and possible tools and the full range of agreement mechanisms available in developing agreements. Crafting effective agreements takes a combination of understanding what tools are available and which are appropriate for your situation – often requiring an artist’s skill in blending and creating agreements that fit your specific need.
- Choose the right tool for the job. As with any challenge – it is important to select the appropriate tool for job. Not all partnerships require long term agreements, not all transactions require assistance or cooperative agreements. The length, complexity and extent of the project or partnership should drive the choice of agreement tool. Many options exist depending on the need to set expectations, clarify roles/goals, move funding, lease facilities and so forth. For example, a one-time or unique services/material transaction can be done under a “sole source justification”; long-term leases for facilities can be completed using a Recreation and Public Purposes Lease (R&PP); public service relationships can be formalized under simple group or individual volunteer agreements; many other authorities and mechanisms can be applied to partnerships depending on the goals of the relationship including law enforcement agreements, technical assistance agreements, cooperating agency status agreements, special use permits, commercial/concessions permits, and so forth. Beyond agency-wide authorities, sometimes the authority to support a partnership can be found in the special designation or authorizing language for the particular park or area – for instance Wild & Scenic River and monument designations come with their own set of authorities.
- Partnerships are like a marriage. To avoid future trials and tribulations, it is essential to establish clear expectations of roles and responsibilities at the beginning of any relationship. Formalizing these expectations in agreement form can go a long way to insuring the success of the partnership or project. Authorities and agreements are the foundation on which to build the partnership. Partnerships are based on agreements between responsible parties – eventually requiring both partners and agencies to follow business-like practices and achieve corporate status. Agreements help define how decisions are made, who has the power to make them and what elements are to be delivered or provided by each party – many partnerships have fallen apart or been dissolved because such agreements were not made or clearly spelled out.
- Partnerships are an evolutionary or iterative process. There is no need to initiate every partnership with full blown or extensive cooperative or assistance agreement. Agreements should grow and evolve as the partnership matures. Many partnerships can be initiated through simple MOUs or letters of agreement. As the Partnership develops and becomes more complex, additional tools can be crafted to address fiscal and legal needs.

- Use someone else’s organizational umbrella. Partner with a partner is often an option - whether its project liability or insurance coverage, need for 501c3/non-profit status for funding purposes, research/survey capabilities, or collaborative planning, -- there are many existing organizations or entities that already have formal agreements, approvals or contracts with the agencies that your organization could work through or with in developing a project or program– this list is extensive – just a few include APPL, PLIA, Nat. Parks or Fish/Wildlife Foundation, FACA approved advisory groups such as Resource Advisory Councils (RACS), Cooperative Ecosystem Study Units, to name a few.
- No need to reinvent the wheel. Go forth with the knowledge that “someone, somewhere has done this. Many agency and organization information sources are currently available -- websites, e.g. Army Corp of Engineers new partnership website, USFS partnership website, BLM’s National Training Center <http://www.ntc.blm.gov/> or the BLM’s cooperative partnership series program <http://www.ntc.blm.gov/partner/> provide extensive partnership references and training opportunities. There are also many, many agreements and templates for agreements already in place – it is always easier to build on the prior work of others in formulating agreements. Seek out these examples.

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