

# Cooperative Agreements



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US Army Corps of Engineers  
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# What is a Cooperative Agreement?

A legal instrument as described by 31 USC 63, the Federal Grant and Cooperative Agreement Act where funds (or a thing of value) are being transferred to a partner, where substantial involvement is expected between the Corps and the partner when carrying out the activities within the agreement.

Substantial involvement may include collaboration, participation, or intervention in the program or activity to be performed under the cooperative agreement.

These agreements must be executed by a certified grants officer.

Procedures for administering these agreements must comply with Department of Defense Directive 3210.06 (Defense Grant and Agreement Regulatory System (DGARS)).



# USACE Cooperative Agreements

**Note:** USACE authority for cooperative agreements related to the recreation and environmental stewardship is limited to specific types/purposes:

- Educational and training activities
- Research and development - CESU
- Management of undesirable plants on Federal lands
- Fish, wildlife, water quality, cultural resource management with Indian Tribes



# Overarching Authority for Cooperative Agreements - FGCA

**41 USC 501, Federal Grant and Cooperative Agreement Act of 1977**  
(Amended by 31 USC 6301-08 Using Procurement Contracts and Grant and Cooperative Agreements)

- Requires federal agencies characterize the relationship between a federal and non-federal party as:
  - Procurement Contract **or**
  - Federal Financial Assistance

This act set forth requirements to use cooperative agreements and grants to transfer funds to non-Federal entities, but did not provide authority by itself to enter into an agreement. There must be specific authority for the type of work being done.



# Federal Grant and Cooperative Agreement Act of 1977 (cont.)

## 31 USC 6301-08, Federal Grant and Cooperative Agreement Act of 1977 (Continued)

If authority is present => Must determine whether the proper instrument for the activity is a contract, cooperative agreement, or grant.

**Contract:** If the principle purpose is to provide something for the direct benefit or use of the Federal government

**Assistance agreement (Cooperative agreement):** If the purpose is to carry out a public purpose of support, or stimulate activities that are not for the direct benefit or use of the Federal government

Cooperative agreements should be used if substantial involvement between the agency and the other involved party is expected.



# Noxious Weed Cooperative Agreements

## 7 USC 2814: Federal Noxious Weed Act of 1974 (Management of undesirable plants on Federal lands)

- Agreements with State agencies to establish integrated management systems to control or contain undesirable plant species
- The cooperative agreement will:
  - prioritize and target undesirable plant species to be controlled
  - describe the integrated management system
  - define the duties of the Federal agency and the State agency
  - establish a timeframe
- Integrated management system can include:
  - Education
  - Preventative measures
  - Physical or mechanical methods
  - Biological methods
  - Cultural methods
  - Land management such as livestock/wildlife grazing





# Training and Education Cooperative Agreements

## 33 USC 2339, WRDA 2000, Section 213a: Assistance Programs

- To further training and educational opportunities about water resources development projects
- May enter into cooperative agreements with non-Federal public and nonprofit entities
- For services relating to natural resources conservation or recreation
  - Delegation of authority provided down from the Secretary of Army to ASA (CW), DCW, MSC Commanders, District Commanders in spring 2015
  - Allows district grants officers to enter into local cooperative agreements under this authority
  - Similar to a contract, but provides more flexibility in the scope of work that often results in more getting done than through a contract
  - Career pipeline to participants, more diversity of employees



# National SCA Agreement

- National agreement administered by Fort Worth District. **Student Conservation Association** selected as recipient. Cooperative agreement signed January 31, 2016
- Started off with 6 pilot projects to test out the work order process.
- Now open for the rest of the country to submit requests. Webinars provided to explain process.
- USACE pays for crews and interns in a fee-for-service cost share, transferring funds via MIPR to SWF
- Corps provides training, equipment, on-the-job transportation, and housing (or \$ for housing)
- SCA provides round-trip travel and living allowance, liability/health insurance, AmeriCorps education awards







# NC Youth Conservation Corps

- Regional agreement administered by Jacksonville District grants officer. Currently at Falls Lake, Jordan Lake, and Philpott Lake.
- Comprehensive youth development program using nature to teach:
  - Job and leadership skills
  - Community service
  - Environmental stewardship
  - Personal responsibility











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# Cooperative Agreements with Tribes

## WRRDA 2014, Sec 1031(b), Cooperative Agreements with Indian Tribes

- Authorizes Indian Tribes or a designated representative of an Indian tribe to carry out authorized activities of the Corps of Engineers to protect fish, wildlife, water quality, and cultural resources.
- Agreements will allow Tribes to build economic capacity while working on infrastructure and natural and cultural resources of mutual interest with USACE, especially in Indian Country.
- Allows resource sharing on a Government-to-Government basis.
- District sets up MOA with each Tribe as the overarching agreement to establish purpose and procedural steps for the two governments
- Cooperative agreement to transfer funds for specific work
- Delegation memo from ASA to DCW June 9, 2016





# Research and Development Cooperative Agreements – CESU Program

- A national network of federal agencies, universities, tribes, state/local governments working together to provide technical, scientific, and educational support for natural/cultural resource management
- Organized in 17 geographic units with >377 partners
- MOU between agencies. Specific projects set up through cooperative agreements.
- Corps agreements coordinated by Al Confrancesco and Glenn Rhett through ERDC
- Host universities coordinate admin support and access to staff/students
- Projects for education, research, technical assistance





# Cooperative Ecosystem Studies Units

- Facilitates collaboration across agencies/non-fed partners
- Provides a pathway for federal agencies to fund projects at partner institutions with defined overhead (17.5%) and cost-sharing
- Cooperative agreement can be issued for 5 years (using options)
- Examples of USACE work completed through CESU agreements
  - ▶ Coastal restoration of seagrass, saltmarsh and dune grass in Chesapeake Bay
  - ▶ Japanese Hops monitoring, control and management
  - ▶ Citizen science avian monitoring (helps to meet Level 1&2 inventory requirements)
  - ▶ Economic analysis of low water levels in Hartwell Lake
  - ▶ Web-based hunting permit program for Lavon Lake
  - ▶ Georeferencing and operational missions of Nova 2 UAS
- <http://www.cesu.psu.edu/>
- Procedures to initiate a CESU project on Gateway



# Process to Initiate a Project with a CESU

1. Identify a project and the appropriate CESU region – must be a public benefit and clear R&D element
2. Prepare a statement of interest (SOI) – (like a Scope of Work)
3. Transfer funds via MIPR to ERDC for processing by their grants officer. Typical admin costs = 6% of project cost
4. Grants officer contacts CESU host university to post the SOI for a minimum of 10 days.
5. District technical POC reviews SOIs and prepares a Request for Full Proposal (RFP) to the selected recipient.
6. Technical evaluation
7. Award

*Note: Average time to award is 2 – 4 months depending on ERDC workload and priorities*



# CESU Study Summaries

## Great Lakes and Northern Forest

- [Potential Effects of Aquatic Nuisance Species on the Behavior of Recreational Anglers, Boaters, and Beachgoers](#)
- [Net Benefits of Recreational Fishing, Beachgoing, and Boating in the Great Lakes, Upper Mississippi River, and Ohio River Basins: A Review of the Literature](#)
- [Net Benefits of Recreational Fishing in the Great Lakes, Upper Mississippi River, and Ohio River Basins](#)
- [St. Marys River Coordinator and Working Group for the International Upper Great Lakes Study](#)
- [IUGLS Ecosystems Study Area Working Group: Investigating the Effects of Changes in Lake Level on Coastal Ecosystems](#)

## Great Rivers

- [Support for the UMRS Navigation and Ecosystem Sustainability Program Science Panel](#)
- [Side Channels of the Impounded and Middle Mississippi River: Opportunities and Challenges to Maximize Restoration Potential](#)
- [Upper Mississippi River System Ecosystem Restoration Objectives 2009](#)
- [Genetic Analysis of the Federally Endangered Winged Mapleleaf Mussel to Aid Proposed Reintroduction Efforts](#)
- [Research to Determine Cultural Affiliation of NAGPRA Remains from Truman, Pomme de Terre, Stockton and Smithville Reservoirs in Missouri](#)
- [Partial Restoration of Natural Hydrology on the Upper Mississippi River System: An Adaptive Management Approach for Water Level Reductions](#)

## Gulf Coast

- [Georeferencing Capabilities and Operational Missions of the Nova 2 Small Unmanned Aircraft System](#)
- [Webbased Hunting Permit Program for Lavon Lake Office, Texas](#)
- [A Water and Sediment Budget for the Lower Mississippi/Atchafalaya River in Flood Years 2008-2010: Implications for Sediment Discharge to the Oceans and Coastal Restoration in Louisiana](#)
- [Development of Riverware Model of the Rio Grande for Water Resources Management in the Paso](#)

# Cooperative Agreement Process

- Draft national SOP document in HQUSACE for review
- Collaborative process between Operations, Contracting (Grants Officer/Specialist), and Counsel from pre-award through closeout.
- Basic steps:
  1. Define need and goals/develop Scope of Work (OP/CT)
  2. Provide funding document PR&C and labor code (OP)
  3. Prepare cooperative agreement authorization document (CT)
  4. Conduct market research for eligible recipients to determine sole source or competitive opportunity (OP/CT)
  5. Define eligibility requirements and evaluation criteria (OP/CT)
  6. Develop funding opportunity announcement (OP/CT)
  7. Post FOA on Grants.gov for a minimum of 10 days (CT)
  8. Determine selection committee members (OP)





# Cooperative Agreement Process

9. Selection committee review proposals: 30+ days (OP/CT)
10. Select recipient and conduct negotiations (OP/CT)
11. Create cooperative agreement document (OP/CT)
12. Notify recipient of award (CT)
13. Sign cooperative agreement document (CT)
14. Provide technical assistance to recipient (OP)
15. Conduct site visits and review progress reports (OP)
16. Maintain official CA documents in Paperless Contract File (CT)
17. Review and approve invoices (OP)
18. Review performance and financial reports (CT)
19. Issue modifications as necessary (OP/CT)
20. Review final performance report and close out (OP/CT)





# Let's take a closer look at a Cooperative Agreement:

<http://corpslakes.usace.army.mil/employees/coopagree/templates.cfm>

<u>COOPERATIVE AGREEMENT</u>			
AGREEMENT NUMBER: XXXXXX-XX-2-XXXX		EFFECTIVE DATE: XX Month XXXX	
ISSUED BY: The United States of America US Army Corps of Engineers, <i>District Name</i> District <i>Address</i> <i>City, State, Zip</i>		ISSUED TO:  [Recipient Name and Address]	
CONCERNING: [REDACTED]			
AUTHORIZED BY: [REDACTED]			
CFDA NUMBER: [REDACTED]		DUNS NUMBER: [REDACTED]	
RECIPIENT TYPE: <input type="checkbox"/> Government Entity <input type="checkbox"/> Non-Profit Organization <input type="checkbox"/> Hospital <input type="checkbox"/> University <input type="checkbox"/> Other (specify): [REDACTED]			
AMOUNT: \$ [REDACTED]		COST SHARE: [REDACTED]	
PROJECT PERIOD: [REDACTED]		BUDGET PERIOD: [REDACTED]	
ADMINISTERED BY: <i>District Grants Office Name, Phone, Email</i>			
TABLE OF CONTENTS			
Section	Title	Section	Title
1	Administrative Information	5	Property Management
2	Programmatic Requirements	6	Claims, Disputes, and Appeals
3	Term	7	Compliance with Laws
4	Financial Matters	8	Indemnification
<small>NOTICE OF ELECTRONIC FUNDS TRANSFER (EFT): Pursuant to DGARS 22.810, it is a Governmentwide requirement to use EFT in the payment of any grant or cooperative agreement for which an application or proposal was submitted or renewed on or after 26 July 1996, unless the recipient has obtained a waiver by submitting to the head of the pertinent Federal agency a certification that it has neither an account with a financial institution nor an authorized payment agent. To be paid, recipient must submit a Payment Information Form (Standard Form SF-3881) to the responsible DoD payment</small>			



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# District Grants/ Agreements Officers

Division	District	Point of Contact	Email	Phone	Grants Officer or Specialist
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	LRE	None			
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	LRL	None			
	LRN	Jamie Davies	<a href="mailto:Jamie.Davies@usace.army.mil">Jamie.Davies@usace.army.mil</a>	615-736-7921	Specialist
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MVD	MVK	None			
	MVP				
	MVR				
	MVS				
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# District Grants/ Agreements Officers

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# Resources: NRM Gateway

<http://corpslakes.usace.army.mil/employees/coopagree/coopagree.cfm>



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## Natural Resources Management Gateway

to the future . . .

Home Visitors Lake Discovery Recreation Env Compliance Env Stewardship Partners  
News/Events People Forums Learning GETS Tools New Postings Submit Index/Search ?

### Cooperative Agreement

#### [Headquarters POC](#)

The [Federal Grant and Cooperative Agreement Act of 1977 \(FGCAA\)](#) sets forth the requirements for using cooperative agreements and grants to transfer funds to non-federal entities. However, use of cooperative agreements must be specifically authorized, and the FGCAA does **not** provide such authority. There is no general authority for the Corps to use cooperative agreements.

A cooperative agreement is a legal instrument as described by 31 USC 63, the Federal Grant and Cooperative Agreement Act where funds are being transferred to a partner, which is used to enter into the same kind of relationship as a grant, except that substantial involvement is expected between the U.S. Army Corps of Engineers and the partner when carrying out the activities within the agreement. Substantial involvement may include collaboration, participation, or intervention in the program or activity to be performed under the cooperative agreement. These agreements must be executed by a certified grants officer. Procedures for administering these agreements must comply with Department of Defense Directive 3210.06 (Defense Grant and Agreement Regulatory System (DGARS)).

USACE authority for cooperative agreements is limited to the following specific types/purposes:

- Management of Undesirable Plants
- Educational and training activities
- Research and development
- Agreements with Indian Tribes
- Cooperative Ecosystem Studies Units (CESU)

● [Policy & Procedures](#)

● [Authorized Cooperative Agreement Types](#)

● [Cooperative Agreement Forms and Templates](#)

● [News / Current Issues](#)

● [Existing Cooperative Agreements](#)

● [District Grants and Agreements Officers](#) 

# Questions?

