

# Cooperative Agreements



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:

- Fire protection services 
- Educational and training activities
- Enhancing recreation opportunities
- Research and development



# Cooperative Agreement Authorities

**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.



## Cooperative Agreement Authorities

### 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.



## Cooperative Agreement Authorities

### 33 USC 2313; 15 USC 3710a; 10 USC 2358; 10 USC 2371: Cooperative Agreements for Research and Development

- Research and development in support of the civil works program
  - May utilize contracts, or
  - Cooperative research and development agreements, or
  - Cooperative agreements
  - With non-Federal entities (State/local governments, colleges and universities, professional and technical societies, public and private scientific and technical foundations, research institutions, educational organizations, and nonprofit organizations)



## Cooperative Agreement Authorities

### 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



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## National Conservation Corps Agreement

- National agreement administered by Fort Worth District, should be signed by the end of this month (CA recipient still TBD)
- May still use direct local agreement through district if Grants Officer in place.
- USACE pays for crews and interns in a fee-for-service cost share, transferring funds via MIPR to SWF
- Conservation corps recruits/screens 1,000s of applicants each year
- Conservation high school crews or college age interns
- Corps provides training, equipment, on-the-job transportation, and housing (or \$ for housing)
- Non-profit provides round-trip travel and living allowance, liability/health insurance, AmeriCorps education awards



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# 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 Agreement Authorities

### 42 USC1856a: Reciprocal Fire Protection Agreements

- Authorizes the Corps to enter into a reciprocal agreement, with any fire organization
- This authority is limited to mutual aid agreements and does not authorize an agency to enter into an agreement to reimburse fire departments for services unilaterally provided to the government.
- The Corps of Engineers generally cannot enter into an agreement to pay for firefighting services when it would be legally entitled to receive them without such agreement. The Corps also may not reimburse a fire department for additional costs incurred in fighting a fire on federal property. Fire departments may seek reimbursement of expenses from fighting a Federal fire from FEMA



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# New Expanded Authority from WRRDA

## WRRDA 2014, Section 1047(c): Use of Funds

- Authorizes the Corps to enter into cooperative agreements for the purposes of enhancing recreation opportunities at Corps projects
- State, local, and tribal governments
- Public or private nonprofit entities
- (Basically the only group we can't transfer funds to for this type of work is a for-profit entity)
- Transfer of funds would be through a cooperative agreement following the guidelines of the Federal Grants and Agreements Act and the DOD Grants and Agreements Regulations
- Draft implementation guidance currently under review by HQUSACE Office of Counsel



# Cooperative Agreement Process

- Collaborative process between Operations, Contracting (Grants Officer/Specialist), and Counsel from pre-award through closeout.
- Currently developing national SOP document
- 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)



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## Resources: NRM Gateway

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

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.

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

- Law enforcement services
- Fire protection services
- Educational and training activities
- Research and development
- Challenge partnerships (cost-sharing)
- Cooperating associations

- [Policy & Procedures](#)
- [Authorized Cooperative Agreement Types](#)
- [Cooperative Agreement Template](#)

- [News / Current Issues](#)
- [Existing Cooperative Agreements](#)
- [District Grants and Agreements Officers](#) x

x Item is restricted to U.S. Army Corps of Engineers and will open in a new window.



Questions?

