

# Cooperative Agreements

## Partnerships in NRM PROSPECT Course



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# What is a Cooperative Agreement?

- A legal nonprocurement assistance 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 USACE involvement could mean, for example, having the option to halt an activity if specifications aren't met, requiring approval of one phase before allowing the next to start, or monitoring performance to provide specific direction of the work.
  - It wouldn't be considered substantial involvement if our role was just to approve plans before award, ensure terms and conditions are met, or provide advice.



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# What is a Cooperative Agreement?

- In contrast, contracts are used where the primary purpose is to procure things supplies or services (including construction) through the expenditure of appropriated funds for direct benefit or use of the Federal government.
- Cooperative agreements must be executed by a certified grants officer.
- Cost is not the main determining factor when selecting the awardee. (Does not have to be low bid)



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# 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



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# 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.



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# 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.



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# 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



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# 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



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# National Student Conservation Association Cooperative Agreement

- National cooperative agreement administered by Fort Worth District, signed January 31, 2016. (Option year 3 effective Jan 31, 2019)
- Started off with 6 pilot projects to test out the work order process.
- Open to rest of country October 2016
- 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  
\*(when available)



# About Conservation Corps

- More than 130 organizations around the country that are part of the Corps Network <http://www.corpsnetwork.org/>
- 501(c)(3) non-profit organizations
- Comprehensive youth development programs that engage young people, ages 16 - 25 and returning veterans up to age 35, in service to their communities and the environment
- Corps members receive
  - ▶ Job training/hands-on work experience
  - ▶ Academic programming
  - ▶ Support services
  - ▶ Leadership skills
  - ▶ Stipend based on living wage



# 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



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# 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 >390 partners
- MOU between agencies. Specific projects set up by cooperative agreements.



# Cooperative Ecosystem Studies Units

- Corps agreements coordinated by Deberay Carmichael and Sherry Whitaker through ERDC
- Host universities coordinate admin support and access to staff/students
- Projects for education, research, technical assistance
- 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 (average overhead rate outside of CESU network is 51%)
- Cooperative agreement can be issued for 5 years (using options)
- <http://www.cesu.psu.edu/>
- Procedures to initiate a CESU project on Gateway



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# Corps CESU Project: Libby Dam

## **\* Study 1 - *Didymosphenia geminata* in the Intermountain Northwest and Long-term Management Strategies for Nuisance Mats**

- Growing issue in the Kootenai River since 2001 with major implications for ecosystem
- Native, but invasive
- Little known about Didymo
- Libby Dam becoming a worldwide research hub



**\*Study 2: Experimental determination of the role of Fe on the growth of *Didymosphenia geminata* in the Kootenai River, Montana, downstream from Libby Dam**



# Corps CESU Project: John Day/Willow Creek

## Evaluating Flora and Fauna Diversity for Special Status Species Protection

### Why CESU?

- 2016 \$\$ Increment 4 (invasive species)
- Staff shortage/expertise (3 Rangers Total)
  - 13 Rec sites, 2 Class "A" campgrounds (Apr-Oct)
  - ES for 14k acres and 240 shoreline miles
- Need to know "What" in order to manage
  - Master plan outdated (1976)
  - No current assessments
  - OMBIL vegetation data (degraded, transitioning, sustainable)

### CESU Objectives (5 total)

- <https://corpslakes.erdcdren.mil/employees/success.cfm?id=partner-school&view=Yes>

### Timeline

- Jan Concept
- Feb-Mar Planning
- Apr MIPR, passback with ERDC SME
- May Advertise SOI, Response to SOI (1), Request full proposal
- Aug Receive full proposal, Technical cost evaluation
- Sep Award Cooperative Agreement



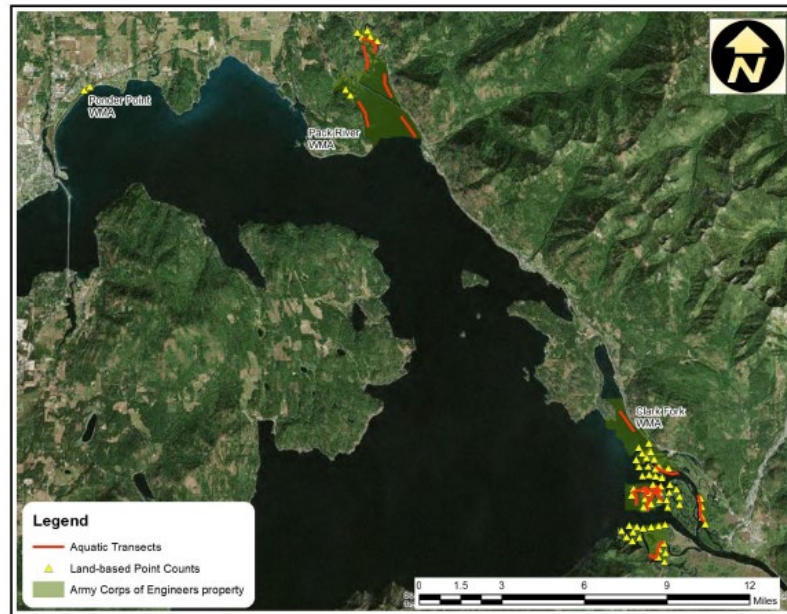
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# Corps CESU Project: Albeni Falls

## Avian Surveys Objectives:

- Identify species, numbers, diversity
- Identify sensitive habitats
- Provide management recommendations



157 species identified – 3,383 birds counted  
8 species of Greatest Conservation Need  
19 eBird hotspots identified



Canada Goose



Peregrine Falcon



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# 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 for competition.
5. District technical POC reviews SOIs and prepares a Request for Full Proposal (RFP) to the selected recipient.
6. Technical evaluation of full proposal by District POC
7. Award of cooperative agreement

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



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# Resources: NRM Gateway

<https://corpslakes.erdcdren.mil/partners/cesu/cesu.cfm>

## Cooperative Ecosystem Studies Units (CESU) Network and the Corps Civil Works Program

On 21 June 2005, Mr. Steve Stockton, Deputy Director, Civil Works signed an [MOU](#) authorizing the US Army Corps of Engineers Civil Works Program to join the [CESU Network](#). This gave the Corps the ability to join the 17 individual units of the CESU Network.

The CESU Network provides opportunities for federal agencies, NGO's and Universities to collaborate on research, technical assistance and education in the biological, physical, social and cultural sciences needed to address natural and cultural resource management issues at multiple scales and in an ecosystem context.

Each CESU is composed of federal agencies, a host university, and partner institutions. CESU agreements allow each of the participating federal agencies to efficiently transfer funds and duty station employees to university partners through cooperative agreements while maintaining responsibility for agency-sponsored activities within CESU's. CESU's are organized around biogeographic areas and linked together in the CESU network.

To date the Engineer Research and Development Center (ERDC) has joined 16 CESU's on behalf of the Corps of Engineers Civil Works Program under the authority of [Title 10 U.S.C. 2358](#). A list of CESU's ERDC has joined is provided below.

Any Corps office, with the appropriate authority, can participate in CESU activities and have work performed under a cooperative agreement by the four CESU's for which the Corps is a member. See the FAQ's for more information on how Corps offices outside ERDC can participate. The process for ERDC offices to initiate work with CESU's is found under the "policy and procedures" button below.

- [Policy & Procedures](#)
- [Program Summary](#)
- [CESU Summaries](#)
- [FAQs](#)
- [District Process to Initiate CESU](#)
- [CESU Network Map](#)
- [Agreements](#)

### List of CESU's ERDC has joined



# Cooperative Agreement Process

- National SOP published on Contracting Policy page Sep 2017 and revised July 2018
- 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)



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# 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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# District Grants/ Agreements Officers

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	LRN	None				
	LRP	None				
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	MVP	None				
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	MVS	None				
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# Resources: NRM Gateway

<https://corpslakes.erd.c.dren.mil/employees/coopagree/coopagree.cfm>



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## Natural Resources Management Gateway

to the future . . .

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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](#) 

Task Force  
Cooperative Agreement



# Questions?



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