





Course Objectives

- To distinguish between procurement, grant, and agreement
- To identify what is an authority and what is an instrument
- To become familiar with the common authorities and instruments used in partnerships and when/how to use them

CREATING A COLLABORATIVE CULTURE 

Procurement vs. Grant/Agreement

How Do You Know Which It Is?



203 Partnership Authorities and Instruments

The focus of this course is to focus on grants and agreements but in an effort to eliminate confusion, quickly review the difference between contracting/procurement and grants and agreements.

CREATING A COLLABORATIVE CULTURE

Federal Grants and Cooperative Agreements Act of 1977 (FGCA)

A government-wide authority that:

Clarifies three award instruments—**procurements, grants, and cooperative agreements.**

203 Partnership Authorities and Instruments

The FGCA Law was passed in 1977 to provide standardization among the agencies because of a myriad of procurement instruments. It was difficult for organizations to work with federal agencies.

Reference: FSM 1580.6 FEDERAL GRANTS AND COOPERATIVE AGREEMENTS ACT OF 1977 (31 U.S.C. 6301-6308, PUB L 95-224) (FGCA)



CREATING A COLLABORATIVE CULTURE

- **Procurement (contract):** Instrument used to procure a good or service for the direct benefit of the agency.
- **Grant:** Federal financial instrument used to stimulate or support a recipient's activity for the public good. Government IS NOT *substantially* involved.
- **Cooperative Agreement:** Federal financial instrument used to stimulate or support a recipient's activity for the public good. Government IS *substantially* involved.

203 Partnership Authorities and Instruments

The key difference is that a contract/procurement is used for the primary benefit of the FS. Whereas, the grants and/or cooperative agreements are for the primary benefit of the recipient. In this context, and under this Act, the difference between grant and cooperative agreement is the level of involvement of the federal agency: substantial or not. Substantial involvement means both the agency and the recipient must be actively involved in the activity to be performed.

It should be noted that the term "cooperative agreement" in this context is different than when used as a general statement for all agreements. The sometimes can cause confusion since Cooperative Agreement is a specific type of instrument.

Refer to Partnership Guide for helping sort through questions.

CREATING A COLLABORATIVE CULTURE 

Authority and Instrument

- An **Authority** is the legislation that allows the Forest Service to commit resources and funding to a project
- An **Instrument** is the formalized document or arrangement that defines rights, duties, entitlements and/or liabilities

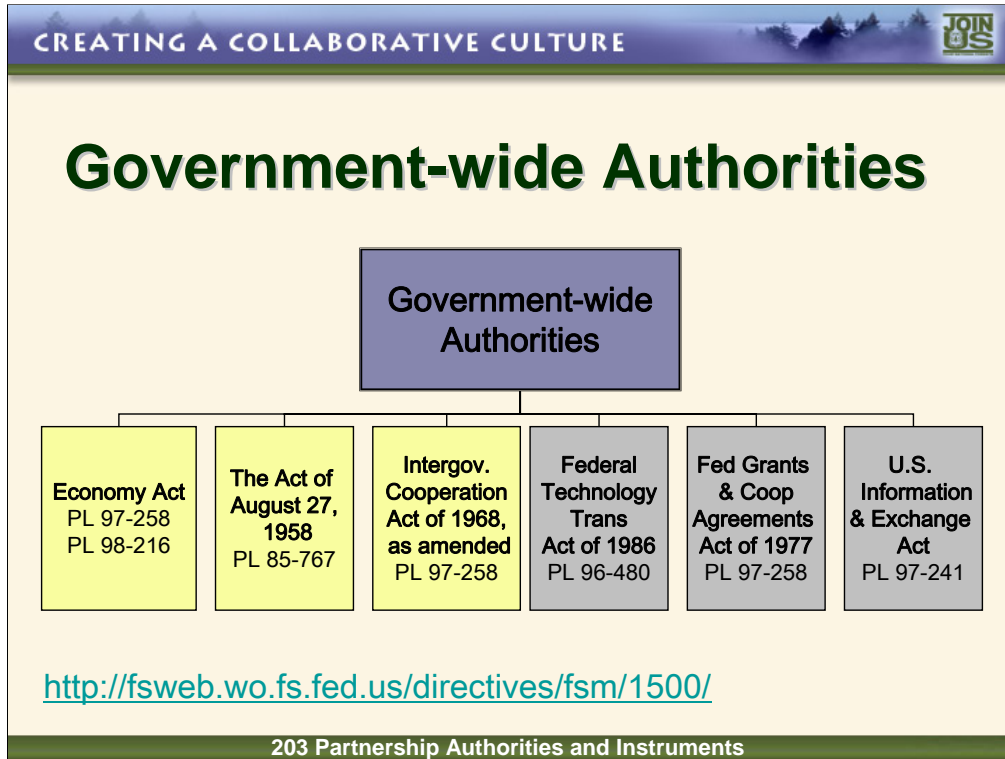
203 Partnership Authorities and Instruments

Authority = public law

Grant or Agreement = instrument




FSM 1580.1 Authority



Federal Technology Trans Act – Research Authority

Fed Grants & Co-op Agreements Act – Research & Grants Authority

US Information & Exchange Act – International Forestry & S&PF Authority

CREATING A COLLABORATIVE CULTURE 

Forest Service-wide Authorities

- **Coop Funds Act**
June 30, 1914,
PL 104-127
- **Granger-Thye Act**
April 24, 1950,
16 USC 572
- **Acceptance of Gifts Act**
October 10, 1978
PL 95-442
- **Coop Funds & Deposits Act**
December 12, 1975
PL 94-148
- **Interior and Related Agencies Appropriation Act**
PL 102-154
- **Title 7 USC**
Section 2204a

<http://fsweb.wo.fs.fed.us/directives/fsm/1500/>

203 Partnership Authorities and Instruments

CREATING A COLLABORATIVE CULTURE 

Forest Service-wide Authorities (cont.)

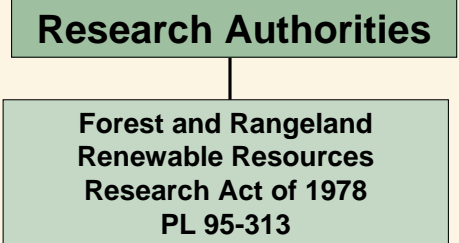
- **Federal Employees International Organization Service Act**
- **Youth Conservation Corps Act of 1970**
PL 91-378
- **National Agriculture Research Extension and Teaching Policy Act**
PL 95-113



203 Partnership Authorities and Instruments

CREATING A COLLABORATIVE CULTURE 

Research Authorities



```
graph TD; A[Research Authorities] --- B[Forest and Rangeland Renewable Resources Research Act of 1978 PL 95-313]
```

<http://fsweb.wo.fs.fed.us/directives/fsm/1500/>

203 Partnership Authorities and Instruments

CREATING A COLLABORATIVE CULTURE 

State & Private Authorities

- **Cooperative Forestry Assistance Act of 1978**
PL95-313
- **National Forest Dependent Rural Communities Economic Diversification Act of 1990**
PL 101-624
- **America the Beautiful**
PL 101-624

<http://fsweb.wo.fs.fed.us/directives/fsm/1500/>

203 Partnership Authorities and Instruments

CREATING A COLLABORATIVE CULTURE 

National Forest System Authorities

- **National Trails System Act**
PL 90-543
- **Cooperative Law Enforcement Act**
August 10, 1971
PL 92-82
- **Wild & Scenic Rivers Act**
PL 90-542
- **Sikes Act**
of Sept 1, 1960
PL 86-797
- **National Forest Roads & Trails Act**
PL 88-657

<http://fsweb.wo.fs.fed.us/directives/fsm/1500/>

203 Partnership Authorities and Instruments

CREATING A COLLABORATIVE CULTURE 

National Forest System Authorities (cont)

- **Reciprocal Fire Act**
May 27, 1955
PL 84-46
- **National & Community Service Act of 1990**
PL 101-610
- **Healthy Forests Restoration Act**
- **Federal Noxious Weed Act of 1974**
PL 101-624



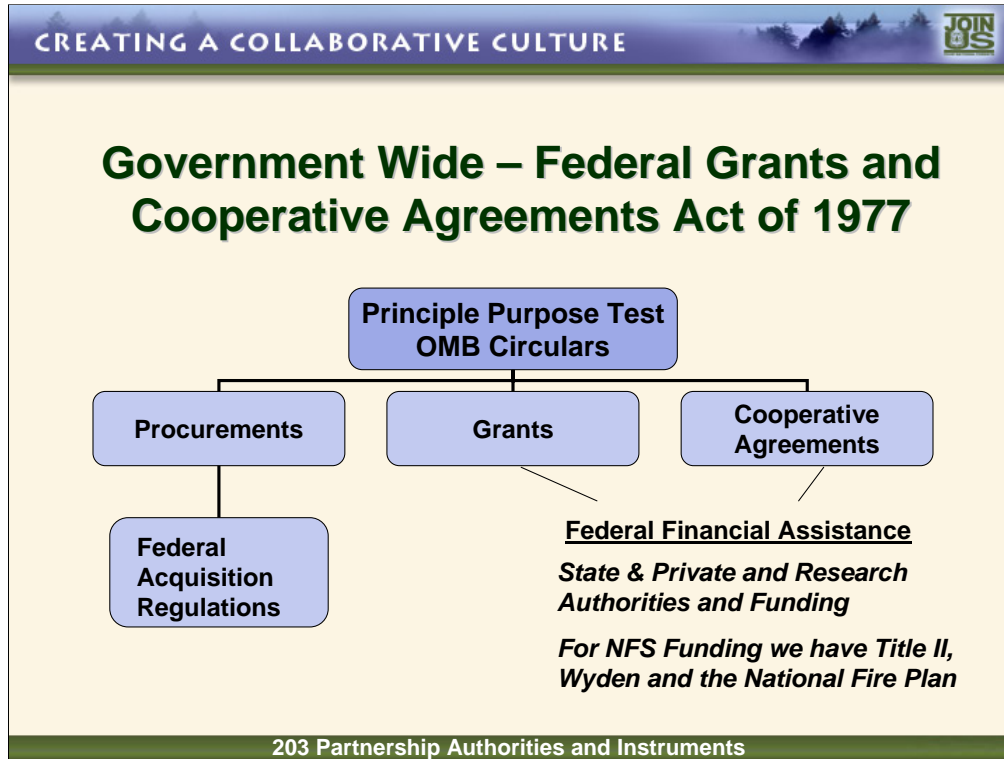
203 Partnership Authorities and Instruments

CREATING A COLLABORATIVE CULTURE 

Additional National Forest System Authorities

- **Service First**
PL 109-54
- **Stewardship Contracting**
PL 108-7
- **Wyden Authority**

203 Partnership Authorities and Instruments



Provide Handout: “*Grant & Agreement Instruments - Typical for the National Forest System*”

These are available to most agencies – **they are government wide.**

This chart shows the overarching authorities but not all in detail.

Was passed in 1977 to provide standardization among the agencies because of myriad of procurement instruments. Difficult for organizations to work with federal agencies.

Reference: FSM 1580.6 FEDERAL GRANTS AND COOPERATIVE AGREEMENTS ACT OF 1977 (31 U.S.C. 6301-6308, PUB L 95-224) (FGCA

CREATING A COLLABORATIVE CULTURE 

Instruments = Agreements



203 Partnership Authorities and Instruments

For the purpose of this presentation, an instrument is synonymous with agreement. There are different types of agreements used, usually dependent upon the authority that is being used to enter into the agreement.



CREATING A COLLABORATIVE CULTURE

JOIN US

Common Forest Service Agreements

- Cooperative Fire Protection, Law Enforcement, and Forest Roads Agreements
- Interagency Agreements
- Volunteer Agreements
- Collection Agreements
- Memoranda of Understanding

203 Partnership Authorities and Instruments

Volunteer Agreements will not be discussed in this presentation. They can be used by individuals or organizations when voluntarily contributing their time toward Forest Service activities. See FSM 1830 for more information.

CREATING A COLLABORATIVE CULTURE 

Common Forest Service Agreements

Other Mutual Interest and/or Mutual Benefit Agreements

- Participating
- Challenge Cost Share
- Joint Venture
- Cost Reimbursable



203 Partnership Authorities and Instruments

These other agreements are not subject to the Federal Grants & Cooperative Agreements Act. They are exempted by OMB and/or are supported by other regulations and statutes, some of which are unique to the Forest Service.

CREATING A COLLABORATIVE CULTURE 

OMB Exempted Cooperative Agreements

Cooperative Law Enforcement
Authority:
Cooperative Law Enforcement Act of August 10, 1971
(16 U.S.C. 551a, Pub. L. 92-82)

Cooperative Forest Road
Authority:
National Forest Roads and Trails Act of October 13,
1964 (16 U.S.C. 532-538, Pub. L. 88-657)

203 Partnership Authorities and Instruments

OMB has provided limited waivers for three types of cooperative agreements and when entered into under these authorities ; Cooperative Law Enforcement, Coop Forest Road, and Cooperative Fire Protection.

CREATING A COLLABORATIVE CULTURE 


OMB Exempted Cooperative Agreements

Cooperative Fire Protection

Authorities:

- Granger-Thye Act of April 24, 1950
- Cooperative Funds Act of June 30, 1914
- Cooperative Funds & Deposits Act of December 12, 1975
- Reciprocal Fire Protection Act of May 27, 1955

203 Partnership Authorities and Instruments

CREATING A COLLABORATIVE CULTURE 


Memorandum of Understanding

- To document a framework for cooperation between the FS and other parties for carrying out their separate activities in a coordinated and mutually beneficial manner.
- Only used when nothing of value is to be transferred/exchanged.
- There are no specific authorities for an MOU.

Reference: FSM 1586 and FSH 1509.11 Chapter 50


203 Partnership Authorities and Instruments

Key Note: This is a non-fund obligating document. If specific work projects or activities involving the transfer of funds, services, or property between the parties are considered, then this will require execution of separate agreements and be contingent upon the availability of appropriated funds. Such activities must be independently authorized by appropriate statutory authority. An MOU does not provide such authority. Negotiation, execution, and administration of each such agreement must comply with all applicable statutes and regulations.

CREATING A COLLABORATIVE CULTURE 

Collection Agreements

References:
FSM 1584 Grants and Agreements
Collection Agreements
FSM 1509.11 Chapter 30



203 Partnership Authorities and Instruments

There are several ways that the FS receives money from other parties; however, this presentation is focused on those situations whereby a Partner voluntarily contributes funding to the FS for work on the NFS lands, or for work within/adjacent to NFS lands but with a public benefit.



CREATING A COLLABORATIVE CULTURE


Collection Agreement

An **instrument** used for the acceptance of money, equipment, property, or products by the Forest Service from a non-federal party to carry out a purpose authorized by law.

203 Partnership Authorities and Instruments

The slide features a blue header with the text 'CREATING A COLLABORATIVE CULTURE' and a 'JOIN US' logo. The main content is on a light yellow background. The footer is a dark green bar with white text.

This is the Instrument. There are several authorities that are considered when entering into a collection agreement. We will take a look at a few of them.

CREATING A COLLABORATIVE CULTURE 

Collection Agreement

Authority: Cooperative Funds Act of June 30, 1914

- Contributions must be cash, check, or money order
- Cannot accept services, equipment, materials or supplies under this authority
- Funds may be advance or reimbursement
- Overhead may be waived (FSH 1909.13, Chapter 40)

203 Partnership Authorities and Instruments


*Reference FSH 1909.13, Chapter 40 for guidance regarding overhead assessment.

Examples of types of work:

Construction and maintenance of NF improvements.

Protection of NF from fire, insects, disease, etc.

Management activities like planning, analysis and studies related to resource activities.


CREATING A COLLABORATIVE CULTURE 

Collection Agreement

Authority: Cooperative Funds Act of June 30, 1914

- Work must benefit a FS program; FS must accomplish the work via force account, contract, or other appropriate method
- Funds must be accounted for separately (CWFS/NFEX)
- No conflict of interest or appearance of
- No endorsement

203 Partnership Authorities and Instruments

CREATING A COLLABORATIVE CULTURE 

Collection Agreement

Authority: Granger-Thye Act (Section 5)

- Work to be performed is responsibility of the contributor but has a public benefit.
- Work must be on land in State, county, municipal or private ownership situated within or near a National Forest.
- FS must collect full costs (including overhead) in advance of work performed.

203 Partnership Authorities and Instruments

*Reference FSH 1909.13, Chapter 40 for guidance regarding overhead assessment.

Examples of types of work:

Land exchange surveys

Biological evaluations


Cultural resource surveys



Collection Agreement

Authority: Granger-Thye Act (Section 5)

- Reimbursement may be allowed with State and local governments.
- Contribution is voluntary
- Acceptance of services is not authorized
- No endorsement
- Forest Service is not liable to the depositor for damage performed under the agreement

CREATING A COLLABORATIVE CULTURE 

Collection Agreement

Authority: Acceptance of Gifts Act of October 10, 1978

- Gifts may include:
 - Cash
 - Real or personal property
 - Net proceeds from liquidation of any real or personal property
 - Proceeds from any insurance on any gift property
- Donated funds are a voluntary, gratuitous transfer of cash to the Forest Service – with “no strings” attached

203 Partnership Authorities and Instruments

Acceptance of Gifts Act is currently listed as a collection authority under Collection Agreements; however, no formal agreement is necessary since there are no strings attached. This is in contrast to contributed funds for a specific purpose pursuant to the Cooperative Funds Act and Granger-Thye Act as previously mentioned.

Authority to accept real or personal property is limited to the Regional Foresters, and Station, Area, and Institute Directors.



Collection Agreement

Authority: Acceptance of Gifts Act of October 10, 1978

- Acceptance of services is not authorized under this Act (see Volunteer Act)
- Acceptance of gifts cannot be contingent on endorsement of firms or products
- Gifts cannot be accepted from interested parties (7 CFR 0.735-12(a))
- A memo to the donor should cite the authority that this gift is being accepted under, and if known, what the gift will be used for.

CREATING A COLLABORATIVE CULTURE 

Collection Agreement

Authority: Intergovernmental Cooperation Act of 1968

- To provide specialized or technical services to State and local governments upon written request.
- Tribal governments are not covered by this Act.
- Cooperator pays for all costs, including indirect costs.
- Has very specific guidelines regarding its use.

203 Partnership Authorities and Instruments

This instrument should only be considered after thoroughly reviewing the OMB circulars applicable to decisions regarding its use: A-97, A-76, A-25



Interagency Agreements

References:

FSM 1585 Grants and Agreements

Interagency Agreements

FSM 1509.11 Chapter 40



Interagency Agreement

An **instrument** used when one Federal agency/department is in a position to provide materials, supplies, equipment, work, or services of any kind that another agency or department needs procured or performed to accomplish its mission.



CREATING A COLLABORATIVE CULTURE

Interagency Agreement

Authority: Economy Act of June 30, 1932

- Ensure work is authorized by FS statutes and appropriations. “Both agencies shall possess the statutory authority to do the work”.
- Requires Economy Act determination.
- Generally reimbursement, but can be advance

203 Partnership Authorities and Instruments

Reference FSH 1909.13 Chapter 40 for Overhead Assessment and guidance.

Most common authority used, but not the only one. Service First is an interagency authority; however, FSM 1580 does not currently have policy in place to apply it within an Interagency Agreement. It is also specific to USDA-FS and USDI – BLM, NPS, FWS.

Handout – form for Economy Act determination

Most common authority used, but not the only one. Service First is an interagency authority; however, FSM 1580 does not currently have policy in place to apply it within an Interagency Agreement. It is also specific to USDA-FS and USDI – BLM, NPS, FWS.

Handout – Service First

CREATING A COLLABORATIVE CULTURE 

Interagency Agreement

Authority: Economy Act of June 30, 1932

- Recover full direct and indirect (overhead) costs
- Agreement may be documented on Form AD-672, in a narrative format, or via another agency's format (any method must include FS agreement # and mandatory FS clauses).

203 Partnership Authorities and Instruments



CREATING A COLLABORATIVE CULTURE

Intra-agency Agreements

Intra-agency: Instruments used when one FS unit is in the position to provide materials, supplies, equipment, work or services of any kind that another FS unit needs procured or performed to accomplish its mission.

203 Partnership Authorities and Instruments

No statutory authority is required. This is solely for internal use. Some Regions still use these narrative agreements and some don't.

Transfers and authorization for expenditure of another Forest Service unit's funds is accomplished by completing and transferring Form FS-6500-46, Authorization for In-Service Expenditures. If the responsibilities of each unit can be satisfactorily documented on the Form FS-6500-46, a narrative formant may not be necessary.

This form is a financial form, not an agreement per FSM 1580.

No funding made available for this type of agreement should be done through IWEB.

CREATING A COLLABORATIVE CULTURE

JOIN US

Mutual Interest and/or Mutual Benefit Agreements


FSM 1587

- Participating
- Challenge Cost Share
- Joint Venture
- Cost Reimbursable

203 Partnership Authorities and Instruments


These instruments typically involve a joint accomplishment of work and have direct benefits to both the cooperator and the Forest Service. These instruments are commonly referred to as partnerships; however, they have been assigned specific agreement titles. Execution of these instruments shall not circumvent procurement, printing, property, or personnel procedures where their use is appropriate or required. All require a financial plan clearly demonstrating the costs borne to each party. Treatment of payments, cost-sharing, and indirect costs is contingent upon the authority/instrument.

For questions regarding Granger-Thye and mutual benefit.....**An example of mutual benefit might be:** The State is improving/restoring riparian vegetation on their lands that are also adjacent to FS land. The FS is doing similar work as this is part of salmon recovery efforts. The FS could accept their money and do the project. (More often we would think of using the Wyden authority but this is an option with G-T). **Usually the situation is more like this:** The FS takes the partner's money for the project because it is in the public's interest. An example would be road maintenance for roads used for timber sales. In this situation we have an interest but there is no mutual benefit because the purchaser needs to assure a maintained road to harvest trees.

CREATING A COLLABORATIVE CULTURE 

Participating Agreement (PA)

FSM 1587.11
FSH 1509.11 Chapter 60
Public Law 94-148
Cooperative Funds and Deposits Act of
December 12, 1975



203 Partnership Authorities and Instruments

Participating Agreements are authorized under PL 94-148; Cooperative Funds and Deposits Act of December 12, 1975. This authority is unique to the FS and is not considered a cooperative agreement under the definition of the Federal Grants and Cooperative Agreement Act.

The use of this type of agreement by the Forest Service was authorized by appropriation legislation in 2003 and has been extended possibly through 2011.

CREATING A COLLABORATIVE CULTURE 

Participating Agreement

**Authority: Cooperative Funds & Deposits Act of
December 12, 1975
P.L. 94-148**

Authorizes the Forest Service to enter into cooperatively performed, mutually beneficial projects with public and private agencies, organizations, institutions, or persons.

203 Partnership Authorities and Instruments

CREATING A COLLABORATIVE CULTURE 


Participating Agreement

**Authority: Cooperative Funds & Deposits Act of
December 12, 1975
P.L. 94-148**

Four Specific Areas:

- 1.Pollution abatement
- 2.Cooperative manpower, job training, and development programs
- 3.Development of publication of cooperative environmental education and forest history materials
- 4.Forestry Protection

203 Partnership Authorities and Instruments

CREATING A COLLABORATIVE CULTURE 


Participating Agreement

Authority: Cooperative Funds & Deposits Act of
December 12, 1975
P.L. 94-148

General Requirements:

- Forest Service may provide reimbursable or advance payments
- Forest Service may reimburse cooperator for part of actual costs of materials and/or labor. Reimbursement can **NOT** be based on value, but must be actual costs incurred in support of the project
- Match can be cash, real or personal property, services, and/or in-kind contribution

203 Partnership Authorities and Instruments

CREATING A COLLABORATIVE CULTURE 

Participating Agreement

**Authority: Cooperative Funds & Deposits Act of
December 12, 1975
P.L. 94-148**

General Requirements

- Financial plans required prior to start of work
- Funds may be used for printing under certain conditions
- Do not circumvent procurement, printing, property or personnel procedures.

203 Partnership Authorities and Instruments

CREATING A COLLABORATIVE CULTURE 

Participating Agreement

Authority: Wyden Amendment, Section 323(A) of the Department of Interior and Related Agencies Appropriations Act, 1999 as included in P.L. 105-277, Div. A, Section 101 (e) as amended by P.L. 107 63, Sec. 330

Authorizes the Forest Service to enter into cooperative agreements with willing Federal, tribal, State and local governments, private and nonprofit entities, and landowners for the protection, restoration, and enhancement of fish and wildlife habitat, and other resources on public or private land that benefit those resources within the watershed.

203 Partnership Authorities and Instruments

Handouts (2): Wyden Amendment

AKA: Watershed Restoration and Enhancement Agreements

CREATING A COLLABORATIVE CULTURE 

Participating Agreement

Authority: Wyden Amendment, Section 323(A) of the Department of Interior and Related Agencies Appropriations Act, 1999 as included in P.L. 105-277, Div. A, Section 101 (e) as amended by P.L. 107 63, Sec. 330

- Agreement template can be either Federal Assistance or Other Agreement.
- There is no specific Wyden appropriation. Funds must be available within existing appropriation; e.g., wildlife funds for wildlife projects.
- There is no mandated match requirement.

203 Partnership Authorities and Instruments


CREATING A COLLABORATIVE CULTURE 

Participating Agreement

Authority: Wyden Amendment, Section 323(A) of the Department of Interior and Related Agencies Appropriations Act, 1999 as included in P.L. 105-277, Div. A, Section 101 (e) as amended by P.L. 107 63, Sec. 330


- Ensure agreement terms protect public investment on nonfederal lands.
- Project(s) must comply with all Federal, state, and local laws and regulations.
- Liability and long term maintenance responsibilities need to be addressed.

203 Partnership Authorities and Instruments

CREATING A COLLABORATIVE CULTURE 

Challenge Cost Share Agreements (CS)

FSM 1587.12
FSH 1509.11 Chapter 60
Interior and Related
Agencies Appropriations Act of 1992
(Pub L 102-154)



203 Partnership Authorities and Instruments

Challenge Cost Share (FSM 1587.12 & FSH 1509.11 Chapter 60)
PL 102-154, 1992

Note that the authority for challenge cost share agreements is under the Interior and Related Agencies Appropriations Act of 1992



Challenge Cost-Share Agreement

**Authority: Interior and Related Appropriations
Act of 1992**

Authorizes the Forest Service to cooperate with other parties to develop, plan and implement projects that are mutually beneficial to the parties that enhance Forest Service activities. This includes financing projects with matching funds from cooperators. Cooperators may be public and private agencies, organizations, institutions and/or individuals.



Challenge Cost-Share Agreement

**Authority: Interior and Related Appropriations
Act of 1992**

- Contributions shall be commensurate with the benefit received. If we're receiving 75% of the benefit, then we can contribute up to 75% of the funds on the project.
- Forest Service may reimburse cooperator for part of actual costs of materials and/or labor. Reimbursement can **NOT** be based on value, but must be actual costs incurred in support of the project.
- No advance payments allowed.



Challenge Cost-Share Agreement

Authority: Interior and Related Appropriations Act of 1992

- Appropriated funds cannot be used for improvements on non-federal lands.
- Match can be cash, real or personal property, services, and/or in-kind contributions
- Financial plans required prior to start of work
- Program income resulting from project must be shown on financial plan.
- Do not circumvent procurement, printing, property or personnel procedures.

CREATING A COLLABORATIVE CULTURE 

Joint Venture Agreements

FSM 1580.11
National Agricultural Research,
Extension and Teaching Act of 1977
as amended by the
Food Security Act of 1985
(7 USC 3152, 3318, and 3319, Pub Law 99-198)



203 Partnership Authorities and Instruments



Joint Venture Agreements

Authorizes the Forest Service to enter into joint venture agreements with any entity for agricultural, research, extension, and teaching activities.

CREATING A COLLABORATIVE CULTURE 

Joint Venture Agreements

- Mutual interests and benefits must be shared.
- Competition is discretionary.
- Can be initiated by either party.
- May be entire or open-ended.
- Executed agreement and financial plan in place before work begins.
- Costs shared commensurate with benefits received.
- 20% minimum cooperator contribution of direct costs.
- Do not circumvent procurement, printing, property or personnel procedures.

203 Partnership Authorities and Instruments

Entire vs. Open-ended is not unique to JV agreements. In all cost-sharing arrangements, that is PAs, CSs, and JVs, open-ended instruments can cover situations for a long-term project (but not more than 5 years), but for which the Forest Service has available only the first year (or other period) of funding.



Joint Venture Agreements

- Cooperator match can be direct costs, indirect costs, in-kind contributions or other non-federal funds or services.
- Cooperator's match cannot be met with other Federal funds except by appropriation law.
- Can only be reimbursed for actual costs – not in-kind.
- State Cooperative Institutions cannot be reimbursed for direct costs.
- Program income deducted from cost of project.
- Negotiate reimbursement instead of advance.
- No improvements on non-federal lands.
- No profit.

CREATING A COLLABORATIVE CULTURE



Cost Reimbursable Agreements

FSM 1580.11

National Agricultural Research, Extension and Teaching Act of 1977 as amended by the Food Security Act of 1985 (7 USC 3152, 3318, and 3319, Pub Law 99-198)



203 Partnership Authorities and Instruments



Cost Reimbursable Agreements

Can be entered into with any State Cooperative Institutions or Educational Institution for acquisition of goods or services, without competition, for agricultural research, extension, or teaching activities.



Cost Reimbursable Agreements

- Do not circumvent procurement, printing, property or personnel procedures.
- Mutual interests and benefits must be shared.
- Competition not required.
- Benefits do not have to be the same.
- Goods and services must be available in house.
- Personal services performed by employees, not trainees.



Cost Reimbursable Agreements

- Agreement and financial plan in place prior to work.
- No advance payments.
- Indirect costs <10% of direct costs.
- No reimbursement of equipment purchases.
- FARs do not apply.

CREATING A COLLABORATIVE CULTURE

Special Authorities:

Stewardship Authority
P.L. 108-7 Sec. 323 (2003)

Wyden Amendment
P.L. 109-54, Sec. 434

Service First
P.L. 109-54, Title IV, Sec 428

203 Partnership Authorities and Instruments

These authorities are particularly relevant to partnerships at the local field level. Wyden was discussed in a previous slide (see Participating agreements and Wyden Amendment handouts)

Service First was also discussed previously within the Interagency agreement slide (see Handout)



CREATING A COLLABORATIVE CULTURE

Stewardship Authority

- Grants authority until 2013
- Stewardship contracting projects with private or public entities by contract or agreement
- Perform services to achieve land management goals for the NF's or public lands that meet local and rural community needs.

203 Partnership Authorities and Instruments

Authority

Agreements have been allowed in Stewardship Contracting starting with the FY-2000 Appropriations language which included contract or agreements with “private persons and entities” and further defined and expanded in FY 2003 appropriations which included contracts or agreements with “private persons or public/private entities”.

Provide 2 handouts



CREATING A COLLABORATIVE CULTURE

**Stewardship Agreement -
Primary Test**

- Is the project for the mutual interest and benefit of the parties?
- Does it advance the mission of the proposed partner, other than for monetary gain, and achieve the FS management goals for the national forests that meet local & rural community needs?

203 Partnership Authorities and Instruments

Factors for determining application of a stewardship agreement

The Stewardship Handbook states that the primary test for determining whether or not an agreement is appropriate for your stewardship project, is that you and your potential partners must have mutual interest and benefits.

These interests and benefits must be other than monetary. In considering such, the missions and goals of potential partners are to be evaluated to identify common interests and benefits.



CREATING A COLLABORATIVE CULTURE 

Instruments which may be allowed under stewardship...

- Challenge Cost Share
- Participatory
- Cooperative Agreements under Wyden authority.
- **SEEK ASSISTANCE** from your Grants and Agreement Specialist.

203 Partnership Authorities and Instruments


What types of agreements may be used under stewardship??

Actually, the legislation did not specify any type of agreement. Rather, the legislation was generic in the use of the term “agreement” and simply authorized the use of existing agreement authorities to barter goods for services.

However, we do know, per manual/handbook direction, that traditional agreements, such as challenge cost-share (FSM 1587.12), participating (FSM 1587.11), and Wyden agreements may be used to implement stewardship contracting projects.

These agreements must be used in accordance with applicable laws, regulations, and direction in FSH 2409.19 Chapter 60 and FSM 1580.

In considering use of an agreement in stewardship contracting, consult the local or Regional Grants and Agreements Specialist for guidance early in project development.

CREATING A COLLABORATIVE CULTURE 


Stewardship Contracting References

Website:
<http://www.fs.fed.us/forestmanagement/projects/stewardship/direction/index.shtml>

- FSH 2409.19 Renewable Resources Handbook, Ch. 60 Stewardship Contracting
- Stewardship Contracting Fact Sheet
- Stewardship Q & As

WO - Tim Dabney – tdabney@fs.fed.us

203 Partnership Authorities and Instruments

CREATING A COLLABORATIVE CULTURE 

Other Resources

- **Wyden Amendment:**
 - WO - Karen Solari – ksolari@fs.fed.us
 - FSM 1587.15
 - FSH 1509.11 Chapter 60
- **Service First:**
 - Support Guide: <http://www.fs.fed.us/servicefirst/>

203 Partnership Authorities and Instruments



In Summary....


- Many different authorities exist for partnership work
- Each authority has a corresponding instrument
- Each instrument has guidelines for terms/conditions.
- Consult with your grants & agreements staff **upfront** to ensure the correct authority and instrument

CREATING A COLLABORATIVE CULTURE 

References

- Forest Service Manual direction:
<http://fsweb.wo.fs.fed.us/directives/>
- Forest Service Grants and Agreements website:
<http://www.fs.fed.us/business/>
- Forest Service G& A Specialists:
<http://www.fs.fed.us/business/>
- Forest Service Agreements Desk guide:
<http://www.fs.fed.us/business/>

203 Partnership Authorities and Instruments

CREATING A COLLABORATIVE CULTURE 

References

- National Grants and Agreements Templates:
<http://fsweb.wo.fs.fed.us/aqm/grants/Templates>
- The Partnership Guide:
<http://www.partnershipresourcecenter.org/>

203 Partnership Authorities and Instruments

CREATING A COLLABORATIVE CULTURE 

Acknowledgements

- Pinchot Institute for Conservation
- National Forest Foundation
- National Park Service
- Bureau of Land Management
- USDA Office of General Counsel
- FS Grant Strategists Enterprise Team
- US Forest Service, including:
 - **National Partnership Network, National Partnership Office, National Forest System, NFS – Business Operations, Research and Development, State and Private Forestry**

203 Partnership Authorities and Instruments

CREATING A COLLABORATIVE CULTURE 

Looking for More Training? Here's a complete list of modules.

- Partnerships and Collaboration 101
- Collaboration 200
- Meeting Objectives Through Partnerships 201
- Developing a Partnership 202
- Partnership Authorities and Instruments 203
- Partnership Conduct and Ethics 204
- Understanding Nonprofits and National Forest Foundation 205
- Partnership Administration 301
- Step by Step Partnership Administration 302
- Partnership and Collaboration Tools 303

203 Partnership Authorities and Instruments