Tanner Ridge, Columbia Gorge, OR

Grants and Agreements: Choosing the Right Tool to Ensure Partnership Success
A Partnership Network Peer Learning Session

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Learning Objectives

- This session will cover G&A topics in the following areas:
  - G&A transaction types– Federal Financial Assistance, Partnership Instruments, Collection Agreements, Interagency Agreements and Memoranda of Understanding
  - Roles and responsibilities in the G&A process
  - Tools and links for selecting the best instrument for your partnership
  - Looking ahead: System and Reporting changes impacting the G&A process

- Is your transaction a procurement, partnership or financial assistance?

  - If the project primarily benefits a Forest Service purpose and no cost sharing is anticipated, it may be a **procurement**.

  - If the project is of mutual benefit to the Forest Service and the other party, and if there is an exchange of something of value that meets the purpose of both parties, it may be a **partnership agreement**.

  - If the project serves a public good and meets the intent of a specified assistance authority, then it may be a **grant or cooperative agreement**.

Common Agreement types:

- **Federal Financial Assistance**

- **Partnership Agreements**

- **Specialized Agreements**

- **Collection Agreements**

- **Interagency Agreements**

- **Memoranda of Understanding**

Common Agreement types

- **Federal Financial Assistance:**
  - Used to transfer money, property, services or anything of value to a recipient in order to accomplish a <u>public purpose</u> of support or stimulation which is authorized by Federal statute.
  - The Forest Service has **24** different FFA programs listed in the Catalog of Federal Domestic Assistance (CFDA)- these are programs of S&PF, Research, IP and for the annual award to Congressionally established foundations; NFF and NFWF
    - Includes:
      - Grants
      - Cooperative Agreements

Common Agreement types, Ctd.

- **Partnership Agreements:**
  - Used to document a cooperative exchange of resources and funding with a non-federal party to accomplish projects that are of <u>mutual interest and benefit</u>.
  - As of October 1, 2016, all outgoing funds agreements with non Federal partners were added to the CFDA in order to comply with the DATA Act.
  - Cost sharing should be commensurate with benefits received. A minimum 20% match should be negotiated- unless otherwise stated.
    - Participating Agreement
    - Challenge Cost Share
    - Stewardship Agreements
    - Good Neighbor Agreements
    - Cooperative Research and Development Agreements (CRADA)
    - Joint Venture Agreements

Common Agreement types, Ctd.

- **Specialized Agreements:**
  - Used to document cooperation and funding between the FS and other specific parties for:
    - Cooperative Law Enforcement,
    - Cooperative Road, and
    - Cooperative Fire Agreements.

Common Agreement types, Ctd.

- **Collection Agreements:**
  - Used for the acceptance of money by the FS from a non-Federal party to carry out a purpose authorized by law.
    - **Cooperative Funds Act of June 30, 1914.** Allows the Forest Service to accept cash contributions to work on Forest Service projects that benefit the National Forests.

    - **Granger-Thye Act of April 24, 1950, Section 5.** Allows the Forest Service to collect funds to perform work for the benefit of a cooperator when the work is related to administration, protection, improvement, restoration, etc. of lands within or near NFS lands.

Common Agreement types, Ctd.

- **Interagency Agreements:**
  - Used when one Federal agency is in a position to provide materials, supplies, equipment, work, or services of any kind that another agency needs to accomplish its mission.
    - Economy Act
    - Service First (All DOI and USDA Agencies)
    - Common 7600 A/B Form, unless otherwise indicated.

- **Memoranda of Understanding:**
  - Used to document a framework for cooperation between the Forest Service and other parties for carrying out their separate activities in a coordinated and mutually beneficial manner where **nothing of value** transfers between parties.
    - Can be area specific or national in scope
    - Each party carries out their separate activities in a coordinated and mutually beneficial manner.
    - Each party directs its own activities and uses its own resources.
    - Nothing of value is transferred between the parties.
    - No funds are obligated.
    - No specific authority needs to be cited, but all activities should be within the Forest Service mission.
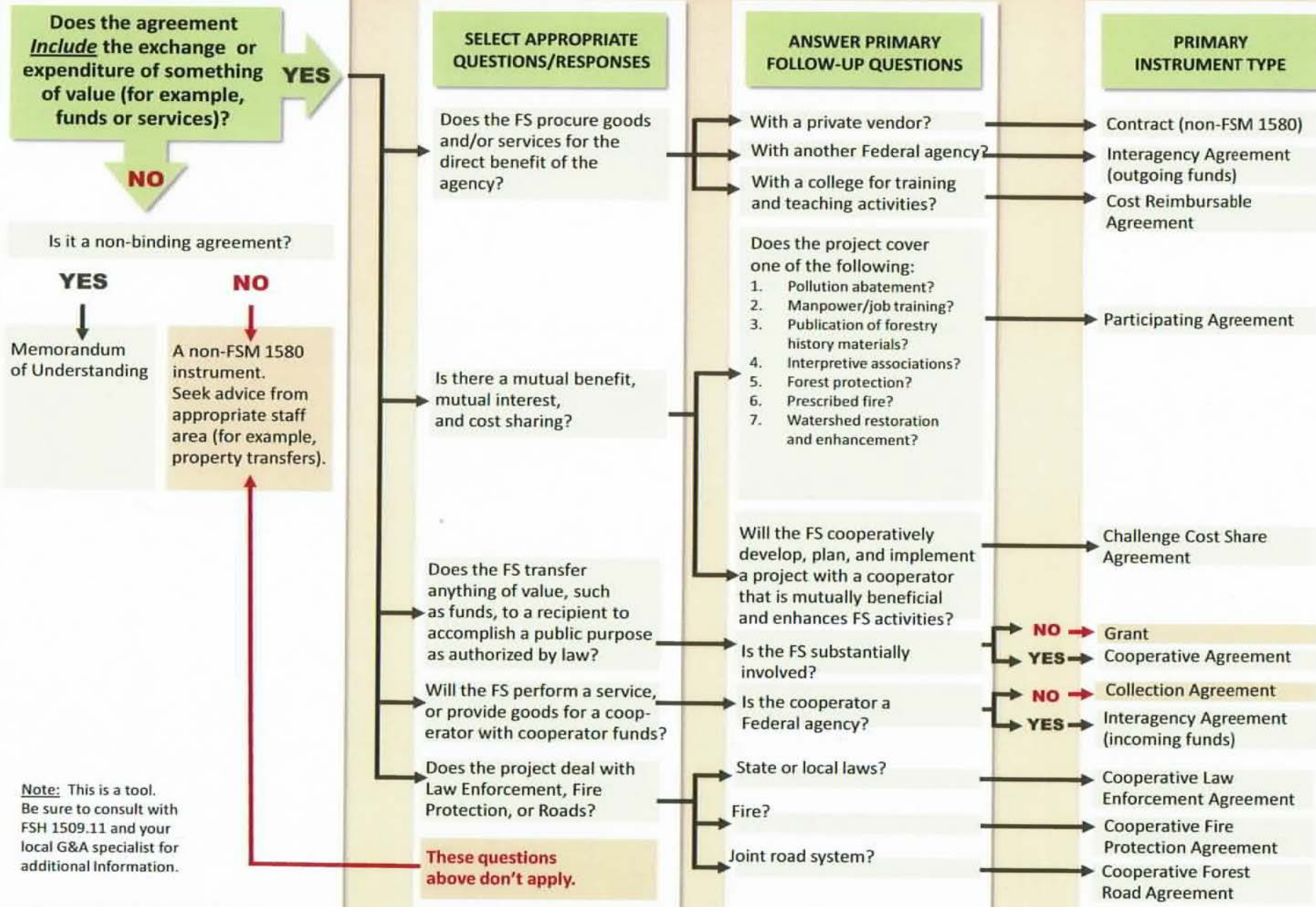
- Introduction to the Agreements decision tree
  - The next slide is a tool created to help guide the discussion toward the correct instrument to document your partnership.
  - This tool can be a very helpful place to start, but it does not replace good old-fashioned discussion between the partner, program staff and G&A which should be ongoing, start early on in the agreement negotiation and continue even after an agreement is executed!

Locate the full NFS Program Manager Quick Guide at:
http://fsweb.wo.fs.fed.us/aqm2/wo/grants/RefLinks.php#pr
(scroll about half way down the page to "Program Manager Resources")

THE AGREEMENTS' DECISION TREE

Does the agreement _Include_ the exchange or expenditure of something of value (for example, funds or services)?

YES →

NO ↓

Is it a non-binding agreement?

YES ↓

Memorandum of Understanding

NO ↓

A non-FSM 1580 instrument. Seek advice from appropriate staff area (for example, property transfers).

Note: This is a tool. Be sure to consult with FSH 1509.11 and your local G&A specialist for additional Information.

These questions above don't apply.

SELECT APPROPRIATE QUESTIONS/RESPONSES

Does the FS procure goods and/or services for the direct benefit of the agency?

Is there a mutual benefit, mutual interest, and cost sharing?

Does the FS transfer anything of value, such as funds, to a recipient to accomplish a public purpose as authorized by law?

Will the FS perform a service, or provide goods for a cooperator with cooperator funds?

Does the project deal with Law Enforcement, Fire Protection, or Roads?

ANSWER PRIMARY FOLLOW-UP QUESTIONS

With a private vendor?

With another Federal agency?

With a college for training and teaching activities?

Does the project cover one of the following:
1. Pollution abatement?
2. Manpower/job training?
3. Publication of forestry history materials?
4. Interpretive associations?
5. Forest protection?
6. Prescribed fire?
7. Watershed restoration and enhancement?

Will the FS cooperatively develop, plan, and implement a project with a cooperator that is mutually beneficial and enhances FS activities?

Is the FS substantially involved?

Is the cooperator a Federal agency?

State or local laws?

Fire?

Joint road system?

PRIMARY INSTRUMENT TYPE

Contract (non-FSM 1580)

Interagency Agreement (outgoing funds)

Cost Reimbursable Agreement

Participating Agreement

Challenge Cost Share Agreement

NO → Grant

YES → Cooperative Agreement

NO → Collection Agreement

YES → Interagency Agreement (incoming funds)

Cooperative Law Enforcement Agreement

Cooperative Fire Protection Agreement

Cooperative Forest Road Agreement
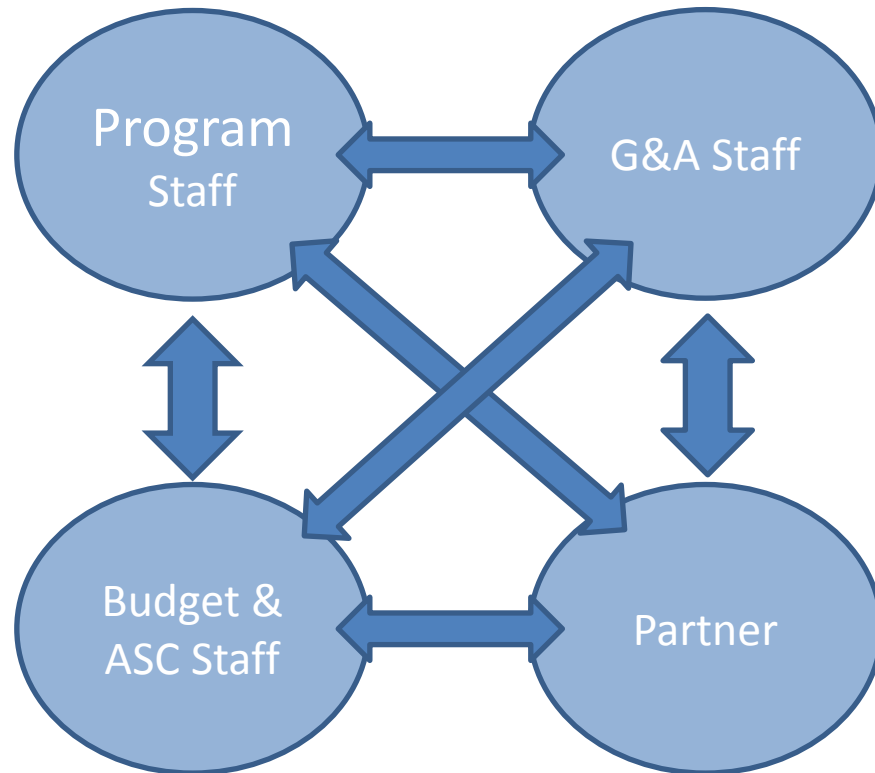
Roles, Responsibilities: Relationships

- It takes all parties working in cooperation to realize a great relationship.

Grants Management Specialist Responsibilities:

- Providing advice and counsel to Program Managers; reviews and approves grants and agreements instruments; and conducts role-specific NRM functions.

- Reviewing grants and agreements for authority and format.

- Ensuring essential provisions are included in agreement documentation.

- Reviewing agreement for potential ethics issues.

- Ensuring the grant or agreement is executed in a timely manner.

FS Program/Partner Staff Responsibilities:

- Contacting G&A early in the process when the need for a grant or agreement is anticipated.
- Negotiating with a partner.
- Developing a draft agreement.
- Performing role-specific NRM functions.
- Monitoring and reporting.
- Approving payments.
- Managing incoming funds.
- Meeting closeout requirements.
- Certifying ethics and conduct.
- Reviewing and certifying civil rights.

Partner Responsibilities:

- Negotiating with the Forest Service Program Manager.
- Ensuring financial capability and resources available to fulfill their role.
- Monitoring performance and reports.
- Invoicing or providing payments in accordance with terms of agreement.
- Meeting closeout requirements.
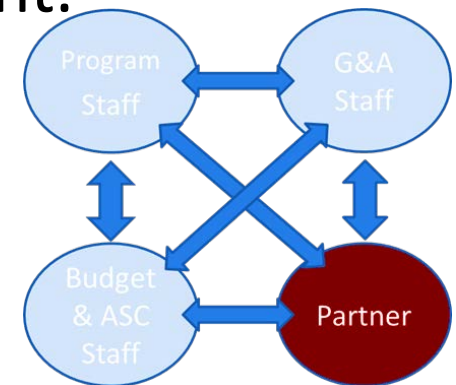
Budget Official Responsibilities:

- Ensuring sufficient funds have been planned (via WorkPlan) and are available for the proposed project.

- Determining if the funding is appropriate for the authority and purpose cited in the proposed grant or agreement.

- Validating accuracy of job codes and budget object codes entered into NRM for the commitment of outgoing funds.

- Approving funding commitments in NRM.

ASC Responsibilities:

- Outgoing funds:
  - Processing fund obligations.
  - Receiving and attach invoices in NRM.
  - Processing payments.
  - Facilitating financial audits and reviews of grant and agreement files.
  - Monitoring unliquidated obligations (ULOs).
  - Assisting with closeout and processing deobligation requests.
- Incoming Funds:
  - Providing budget authority (limitation) for incoming funds.
  - Establishing reimbursable and advance collection job codes.
  - Billing partner based on the terms of the agreement.
  - Resolving job code balances.
  - Assist with financial closeout of agreement.

Helpful G&A Resources

G&A Intranet Page: http://fsweb.wo.fs.fed.us/aqm2/wo/grants/
Contains: Forms, Policy References, Service-wide/Master Agreements, Training links, G&A Contacts, links to related AQM and USDA Pages

EFG Intranet Page: http://fsweb.wo.fs.fed.us/aqm2/wo/grants/ezfedgrants/index.php
Contains: Key agency contracts, Training links, FAQs, Communications and Updates, external resources

NRM Homepage: http://fsweb.nrm.fs.fed.us/
Contains: Link to login to NRM system, System support, Training Resources and NRM Quick Guides

USASpending.gov, Main Page: https://www.usaspending.gov/Pages/default.aspx
USASpending.gov, DATA Act information: https://www.usaspending.gov/Pages/data-act.aspx

Sam.gov: https://www.sam.gov/portal/SAM/

Break for Questions

G&A Looking Ahead: DATA Act

What is it?

DATA (Digital Accountability and Transparency) Act (May 1994) makes federal spending data accessible, searchable, and reliable providing opportunities not only to have an open, public-facing dialogue on how federal dollars are spent, but also to serve as a tool for better oversight, management decision-making, and innovation both inside and outside of government.

What is the impact?

As of October 1, 2016, all new outgoing funding partnership agreements will be reported publicly on USASpending.gov. Partnership agreements must align with authorized appropriation activities in accordance with DATA Act requirements or the funding will be rejected. Funds in use on every outgoing funding agreement must be compatible with the authority in use.

The FS CFO must provide a monthly certification of records that have failed submission to USAspending and explain why the agreements failed.

G&A Looking Ahead: DATA Act

What changes will we see?

A Catalog of Federal Domestic Assistance (CFDA) number is required for all new and modified agreements after October 1, 2016. The CFDA number links specific program authorities to appropriations that are allowable for use with those authorities. The CFDA number needs to be in the NRM record, but does not need to be added onto our agreement forms. Only one CFDA number can be used with each transaction.

In some cases, DATA Act compliance will require separate agreements to do complimentary activities if those activities cite authorities and use specialized funding under different CFDA listings. Multiple lines of funding can be combined in an agreement when they are used to fund activities under the same authority and CFDA number, if allowable and if funding is not specific to the program authority.

All FS partners must have a valid and active registration in SAM.gov and the partner's information must match what is entered into the system exactly or the record will reject.

Helpful DATA Act Resources

USAspending - Publicly accessible, searchable website mandated by the Federal Funding Accountability and Transparency Act of 2006 (FFATA) to give the American public access to information on how their tax dollars are spent
https://www.usaspending.gov/Pages/Default.aspx

FSRS - FATA Subaward Reporting System - is the reporting tool Federal prime awardees (i.e. prime grants recipients) use to capture and report subaward and executive compensation data regarding their first-tier subawards to meet the FFATA reporting requirements.
https://www.usaspending.gov/Pages/Default.aspx

FFATA Reporting Quick Guide *To be updated*
http://fsweb.nrm.fs.fed.us/support/quickguides/quickguide_ga_FFATA_reporting%20.pdf

USPS Look Up a Zip Code (Verify Zip + 4)
https://tools.usps.com/go/ZipLookupAction_input

Zip-Codes.Com (Verify County, Congressional District)
https://www.zip-codes.com/

US House of Representatives – Find Your Rep (Search by Zip Code to find Cong District, good source when a Zip Code has multiple Congressional Districts)
http://www.house.gov/htbin/findrep

Minority Institutions (Verify Minority Code = Education)
https://www2.ed.gov/about/offices/list/ocr/edlite-minorityinst-list-tab.html

G&A Looking Ahead: ezFedGrants

- USDA Enterprise system
  - Builds on the Financial Management Modernization Initiative (FMMI).

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- Cost-effective approach to Data Act compliance.

G&A Looking Ahead: ezFedGrants

- The USDA Grants and Agreements Modernization program is establishing an enterprise-wide solution for all USDA agencies.
- The Foreign Agriculture Service (FAS) developed and deployed ezFedGrants (EFG), formerly called GRANTOR, a SAP® product that provides core grant and agreement management functions.
- FS engaged with NIFA and APHIS design sessions last year.
  - o FS Core Competitive Grant requirements are now built
- FS is now engaged in NRCS is in development sessions.

G&A Looking Ahead: ezFedGrants

Grants Management Specialists
- **End-to-End management of process**
- **Integration with grants.gov**
- **One file location**
- **Electronically created award documents**

Program
- **Real time interaction with award instrument**
- **Milestone reminders**
- **Streamlined consistent processes**

Budget & Finance
- Tight integration with core financials
  - No nightly interface
  - Reduced unliquidated obligations
- Streamlined auditability

Partners
- Real time interaction with award instrument
- Faster payment
- Consistent processing across entire Agency
  - Less Regional variations

G&A Looking Ahead: ezFedGrants

Preparing for EFG:

- Identification of FSM 1580 G&A authorities and subsequent amendments
- Cleanup of NRM data for historical storage
- Plan new awards with sensitivity to possible transition dates
- Ensure existing partners are registered (properly) at SAM.gov
- Identification of corresponding Treasury Account Symbols associated with authorities and appropriations and CFDA-DATA Act Compliance.

G&A Looking Ahead: ezFedGrants

Communications:

- Internal
    - FS Intranet Site Development
        - http://fsweb.wo.fs.fed.us/aqm2/wo/grants/fs_ezfedgrants.php
        - FAQs
        - National Meeting
    - ACT Sessions and other Trainings
- External
    - USDA Collaborative Planning
    - Outward Facing Websites and Resources
        - https://www.youtube.com/watch?v=noJeHTDXe8o
    - Give Heads up to partners it is coming
        - Highlight external portal and faster payment

Thank you for your time today!

We hope that you learned more about:
- The many different authorities and instruments available to the FS to partner with external parties
- Roles and responsibilities in the G&A process
- Useful links for selecting the right agreement
- Looking ahead: System and Reporting changes impacting the G&A process

What questions do you have?

Thank you!

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