



PARTNERSHIP GUIDE



PARTNERSHIP RESOURCE CENTER

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EDUCATION
FIRE
FOREST HEALTH
HERITAGE RESOURCES
RECREATION
ROADS & TRAILS
WATERSHEDS
WILDLIFE, FISH, & PLANTS

"The understanding and trust that can develop through the creation of long-term relationships helps decisions endure and provides a seedbed for future decision making."

Steve Yaffee, Ph.D. & Julia Wondolleck, Ph.D.
Ecosystem Management Initiative
University of Michigan

Feature Story



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Program

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I. Introduction



*More information
for the Introduction
will be provided
at a later date.*

*Please check
future editions for
current updates.*

II. The Power of Partnerships

The purpose of this book is to help both Forest Service employees and their current and potential partners better understand partnerships and the tools and guidelines each needs to consider when entering into a partnership.

Why partnerships? The issues around the management of public land are not simple. The problems and the solutions have become so complex that agency employees and partners often cannot achieve success working alone. Often, bringing in partners to collaborate on solutions to sticky problems results in better ecological, economic and social outcomes. Furthermore, partnerships increase the ability of both the Forest Service and partners to accomplish their respective mission, goals, and objectives.

Working in partnerships is a growing and continuing trend throughout the federal and private sectors. For Forest Service issues, partnerships with other organizations can help to care for, protect and restore ecosystems. Despite this positive trend, the necessary capacity building and human and financial infrastructure has not been widely developed in either communities or government agencies. This guide is one tool to assist in building that infrastructure.



Important points about partnerships

- A partnership is not itself a goal, but rather a means of achieving a goal. It is a voluntary, mutually beneficial, and desired arrangement to accomplish mutually agreed upon objectives.
- One of the most important keys to successful partnerships is mutual benefits and common objectives. No party enters into any relationship that does not provide some form of benefit for each partner. That benefit is often achieved through meeting common objectives.
- Achieving those mutual benefits must be done without conflict of interest.
- Both the agency and nonprofit partners must comply with legal guidelines and policies that govern their status and partnership involvement.
- There will always be bumps in the road but hopefully the information in this guide will help to smooth them.

Elements of a successful partnership:

- All parties share in the decision-making process and responsibility for outcomes
- Mutual benefit
- Mutual understanding of roles, responsibilities, and goals
- Agreement on course of action and measurable outcomes to achieve above
- Good communication including continual check-in on progress
- No one person or organization has the lead
- Combined resources (time, money, skills, etc.)

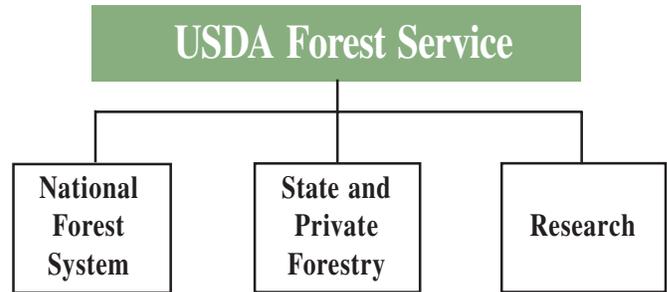
III. Field Guide to the USDA Forest Service

When most people think of the U.S. Department of Agriculture (USDA) Forest Service they think of the National Forest System (NFS). This system comprises the 192 million acres made up of our National Forests and Grasslands. While this may be the most recognized part, there is much more to the USDA Forest Service (Forest Service) than just the acres that it manages. In actuality, the Forest Service is made up of three different branches that have their own rules, regulations and Congressional authority: National Forest System, State and Private Forestry, and Research. Each branch receives budgets through the federal appropriations process and, for the most part, money is not easily transferred between branches.

The national headquarters for the Forest Service is located in Washington, D.C. Often referred to as the WO (Washington Office), this is where broad policy is formulated for all three branches. The WO works with the Presidents' administration to develop budgets and interfaces with Congress on all agency issues. The person who oversees all aspects of the Forest Service is the Chief who reports to the Under Secretary for Natural Resources and Environment in the Department of Agriculture.

This section of the Partnership Guide will explain the areas of responsibility of the different branches and the leadership structure within them. It is important to remember that the

authorities and regulations governing the different branches often vary. Different sets of laws, policies and regulations determine how each of the three branches can enter into partnerships.



National Forest System

The NFS contains 192 million acres of public land managed by the Forest Service. The NFS is overseen by the Deputy Chief, National Forest System who reports to the Chief. Including the WO, there are four levels of national forest offices and each level provides a different aspect of leadership and a different level of authority. Also managed under the National Forest System, but not under the leadership structure outlined below, are the International Forestry Programs.

*INSERT U.S. MAP WITH
REGIONAL BREAKDOWN*

Regions

The NFS has nine regions, each one often referred to as the RO (Regional Office). While there are only nine regions, they are numbered 1 through 6 and 8 through 10. A number of years ago, Region 7 was eliminated and the forests in Region 7 were consolidated into Regions 8 and 9. The highest authority in the ROs are the Regional Foresters who report to the Chief. Among other duties, the staff in the ROs coordinate activities within the region and allocate budgets to the forests. Guidance on contracting, grants, and agreements is often provided at this level. A few of the regions have a partnership staff person who works with forest level employees and partners. Their job is to provide assistance in overcoming partnership barriers and promoting partnership activities.

Forests

Perhaps the most familiar unit in the NFS is the forest or grassland. There are 155 national forests and 20 grasslands. Each forest or grassland is often referred to internally as a unit. Each unit has an office referred to as the SO or Supervisors Office. The person in charge of a national forest or grassland is the Forest Supervisor who reports to the Regional Forester. The SO coordinates activities and priorities between districts, allocates the forest level budget and provides technical assistance to each district. Most contracting officers are located in the SO, unless the forests in the region are organized into zones. A zone is where two or more forests share personnel such as contracting officers, planning staff and human resources staff. A contracting officer is a Forest Service employee who has the skills and authority to bind the Forest Service to a legal contract.

Districts

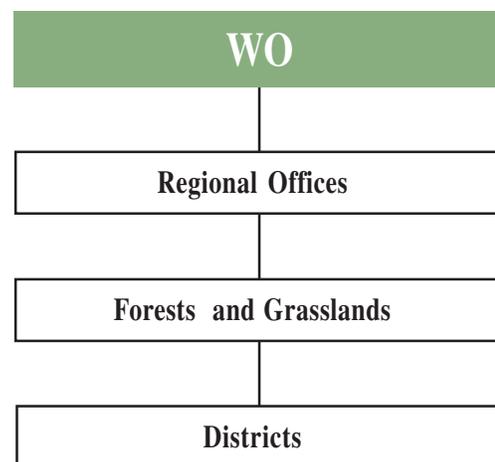
Each forest or grassland is made up of Ranger Districts. A District Ranger is in charge of the activities at this level and reports to the Forest Supervisor. Many on-the-ground activities are directed from the Ranger Districts, including operation of campgrounds, watershed restoration activities,

trail maintenance, and management of vegetation and wildlife habitat. The Ranger District leadership has the closest connection to local communities and on-the-ground activities.

Project Implementation

Forest or grassland project priorities are usually set by the forest leadership team (FLT). The FLT is composed of the Forest Supervisor and staff officers from the SO, along with the District Rangers from the local unit. The employees with the authority to make project decisions are often referred to as line officers. Forest Supervisors and District Rangers are line officers.

At the most basic level, the implementation of project work on units occur in one of three ways. One way is referred to as force account. Force account work means that implementation occurs through Forest Service personnel, either permanent or temporary. Another is through grants and agreements or contracts where non-federal workers complete the implementation. The last is through volunteers. If a project is completed with the use of volunteers, it is still necessary to complete an agreement.



State and Private Forestry

The State and Private Forestry (S&PF) organization of the USDA Forest Service reaches across the boundaries of national forests to states, tribes, communities and non-industrial private landowners. S&PF programs link forestry and conservation with people throughout the country — from the inner city to the rural countryside. These programs include fire and aviation, cooperative forestry, forest health protection and conservation education, and urban and community forestry. Working on forest lands in non-federal ownership through voluntary collaborative approaches, S&PF promotes the stewardship of the nation’s forests. The programs bring forest management assistance and expertise, often through state forestry offices, to a diversity of land-owners through cost-effective, non-regulatory partnerships.

The S&PF branch is overseen by the Deputy Chief, State and Private Forestry, who reports to the Chief. While there is a Northeastern Area State and Private office that serves 20

eastern states, most S&PF staff are either located in the WO or in ROs. Occasionally there will be a S&PF employee assigned to a particular unit.

The intent of most S&PF programs is to work with non-federal partners on non-federal land. As a result, Congress has given S&PF more authority than the other two branches of the Forest Service to enter into partnerships through an array of programs. However, there are also S&PF programs that are extremely useful for working in partnership on NFS lands.

Additional information on the various types of State and Private Forestry programs is listed in the following table. This is not an all-inclusive review of S&PF programs, but it provides some initial guidance on which programs may be useful for working in partnerships.

| Department | Programs | Goals | Partners | Links |
|----------------------|--|---|--|---|
| Cooperative Forestry | Economic Action Programs | Facilitate and foster sustainable community development, including healthy communities sustainable ecosystems, and diverse economies | RC&D’s, NACO’s, State foresters, Economic development organizations, NGO’s, Other federal agencies, Local businesses and community leaders | http://www.fs.fed.us/spf/coop/eap.htm |
| | Economic Recovery | Provide technical and financial assistance to build capacity and diversify the economies of eligible natural resource dependent rural communities located in or near national forests | | http://www.fs.fed.us/spf/coop/rca.htm |
| | Rural Development | Facilitate and stimulate economic potential of local economies historically dependent on forest resources | | http://www.fs.fed.us/spf/coop/rca.htm |
| | Forest Products Conservation & Recycling | Technical and marketing assistance to improve processing and use of forest products waste, residues and low-valued timber | | http://www.fs.fed.us/spf/coop/eap.htm www.fs.fed.us/fpl/tmu |
| | Wood in Transportation | Financial and technical assistance for demonstration and commercialization of wood-based technologies for transportation | | http://www.fs.fed.us/na/wit |

| Department | Programs | Goals | Partners | Links |
|---|---|--|--|---|
| Cooperative Forestry <i>(continued)</i> | Wood Education Resource Center | Assist customers in the eastern hardwood region address economic, environmental, technological, and social challenges by providing state of the art access to information resources. | | http://www.werc-hdw.com/index.htm |
| | Landowner Assistance Programs | | | http://www.fs.fed.us/spf/coop/loa.htm |
| | Forestry Stewardship Program | Assist private forest landowners meet personal forest management goals while providing environmental, economic and social public benefits | | http://www.fs.fed.us/spf/coop/flp.htm |
| | Stewardship Incentives | Provide financial assistance to private woodland owners to carry out their forest management plans. | | http://www.fs.fed.us/spf/coop/sip.htm |
| | Forest Legacy | Support identification of conservation easements to protect important forest lands threatened by present and future conversion to non-forest uses | | http://www.fs.fed.us/spf/coop/flp.htm |
| | Forestry Incentives Program | Financial support for tree planting and timber stand improvements on non-industrial private lands | | http://www.fs.fed.us/spf/coop/fip.htm |
| | Forestland Enhancement Program | Provides educational, technical, and financial assistance to help private forest landowners implement their sustainable forestry management objectives | | http://www.fs.fed.us/spf/coop/flep.htm |
| Fire & Aviation | | To protect life, property, and natural resources on the 192 million acres of National Forest System lands and an additional 20 million acres of adjacent State and private lands | State and territorial foresters, DOI, BIA, F&WS, NPS | http://www.fs.fed.us/fire/ |
| | Wildland Fire Management | Includes Preparedness and Operations | | http://www.fs.fed.us/fire/partners |
| | Preparedness | Coordinate activities associated with planning, prevention, detection, information and education, pre-incident training, equipment and supply purchase | | http://www.fs.fed.us/fire/ |
| | Operations | Coordinate activities associated with suppression of wildland fires, hazardous fuel reduction and burned area emergency rehabilitation | | http://www.fs.fed.us/fire/ |
| | Cooperative Fire Protection | Provide financial and technical support to states to promote efficient wildland fire protection, by providing equipment, training and technical assistance to local volunteer fire agencies. | | http://www.fs.fed.us/fire/ |
| | Federal Excess Personal Property | Re-use excess federal property for use in rural and wildland fire fighting | | http://www.fs.fed.us/fire/partners/fepp |

| Department | Programs | Goals | Partners | Links |
|----------------------|--|--|---|---|
| Forest Health | | | State Foresters, other federal, state and local agencies. | http://www.fs.fed.us/foresthealth/ |
| | Forest Health Monitoring & Assessment | Detect and monitor insect and disease activity, changes in forest conditions, and assess the resilience of forest ecosystems | | http://www.fs.fed.us/foresthealth/ |
| | Forest Insect and Disease Services | Evaluate disease and insect situations, provide management guidance, provide technical and financial assistance | | http://www.fs.fed.us/foresthealth/ |
| | Non-Native Species Management | Detect, evaluate and suppress with management of non-native pathogens and insects | | http://www.fs.fed.us/foresthealth/ |
| | Forest Health Education | Provide scientific information on forest health issues to inform public on forest health issues | | http://www.fs.fed.us/foresthealth/ |
| | Pesticide Use and Coordination | Provide technical assistance, training and NEPA assistance related to use of pesticides | | http://www.fs.fed.us/foresthealth/ |

Research

The Forest Service Research branch is the largest forestry research organization in the world. Forest Service scientists carry out basic and applied research to study biological, physical and social sciences related to forests and rangelands. Through their work they provide the scientific and technical knowledge necessary to protect and sustain the nation's natural resources. Research is overseen by the Deputy Chief, Research and Development. In addition to WO employees and federal scientists located at universities across the country, there are six research stations, managed by Station Directors, and there is the Forest Products Laboratory which is managed by a Director.

Integration

Historically there has not been much integration between the three branches of the Forest Service. As partnerships are becoming a more effective way to achieve conservation results, the need and ability of the branches to work together cooperatively is increasing. Each branch has unique skills, authorities and information to provide to collaborative efforts. On the following page is one of many examples of how the branches are working together cooperatively in implement partnership projects.

Working Together to Foster Economic Vitality in Rural, Forest-based Communities

SBS Wood Shavings

The area around Ruidoso, New Mexico has seen its share of wildland fire. Local residents are well-versed on the reasons for thinning the 270,000 acres in the Smokey Bear and Sacramento Ranger Districts on the Lincoln National Forest. One major concern is water, “Water and fires are the primary reasons that we need to thin”, said a local community planner.

Glen and Sherry Barrow wanted to do their part in the restoration of forest and watershed health. As members of the Ruidoso Wildland Urban Interface Group, they recognized the need to establish a successful wood waste utilization operation. Dennis Watson, the Timber Management Officer on the Lincoln NF estimates that the Forest will grow about 30 to 40 million board feet per year, with a loss on average of 7 million board feet to insects. A top priority for the Forest is developing an outlet for some of the material that needs to be thinned.

With grants from the Forest Service’s Cooperative Forestry-Economic Action Programs through the Four Corner’s Sustainable Forest Partnership and through the Collaborative Forest Restoration Program, Sherry and Glen forged ahead to implement their plans to produce wood shavings for animal bedding, a product in local demand. They began construction in December 2001 and, in less than a year, turned out the first bags of wood shavings bedding. They currently have 4 employees but expect to expand as they develop regular customers and clients.

There are many partners in this successful venture. Working together can provide a level of synergy that ensures success as illustrated by the roles played by NFS, State and Private Forestry, and Research. The following list shows some examples of these roles:

National Forest System

- Identify forest stands to be treated
- Contract arrangements for material
- Interface between logging operators
- Timber sales or stewardship contracts
- Networks with state agencies
- Economic Recovery Grants

State and Private Forestry

- Identify potential funding sources
- Technical assistance on processing
- Networks with peers
- FireWise*
- Interface with state forester’s office
- Small business assistance networks
- Marketing assistance
- Community fire protection

Research

- Information on constructing short log hauling cages
- Information on equipment for processing material into wood shavings
- Information on air emission regulations and quantities in wood dryers
- Assistance with technical troubleshooting

SBS Wood Shavings is a good example of how the Forest Service, through an integrated approach is helping create small, rural business while helping restore degraded forest ecosystems.

IV. Field Guide to Not-for-Profit Organizations

Most non-agency partnerships undertaken with the Forest Service are with not-for-profit organizations, also referred to as nonprofits. It is important to understand why not-for-profit organizations exist and how they are structured. There are hundreds of different types of not-for-profit organizations that exist for as many different reasons. These organizations can be local, regional, national or international in focus. They can be organized around and accountable to members, volunteers, communities or like-minded peers. They can be focused on project implementation such as trail or wildlife habitat restoration or they can focus on research, policy and/or other goals. Therefore, it is extremely important to understand an organizations mission, vision and goals before entering into a partnership.

All organizations that incorporate as not-for-profits exist for the public good rather than for the financial benefit of an individual or stockholders. It is important to know that it is legal for these organizations to make a profit. The difference between these types of organizations and for-profit organizations is that all profits must be channeled back into the management and implementation of the organization's mission and cannot be used, in whole or in part, for the benefit of private shareholders or individuals.

In order for an organization to incorporate as a not-for-profit it must apply to the Internal Revenue Service (IRS) to receive the proper tax exempt designation and to a state to receive incorporation. The tax exempt designation from the IRS is often known as 501(c)(3) although there are other not-for-profit designations as well. Organizations must

comply with both federal IRS and state requirements. While the purposes and missions may vary, the vast majority of not-for-profits are governed by a voluntary board of directors. Board members should have no conflict of interest with the organization, meaning there should be no opportunity for personal gain. The number of board members varies greatly with different types and sizes of organizations but generally there are no fewer than five and not so large as to hamper decision-making. While staff can serve on the board, the board should not consist solely of staff. The board of directors is legally and fiscally responsible for the organization. The board plays a prominent role in strategic planning, establishing an organizations vision and priorities, approving annual budgets and major expenses and fundraising. The board also hires and evaluates the executive director or president who is responsible for the day-to-day running of the organization. The executive hires, evaluates and manages the rest of the staff as needed for the implementation of the organizations mission and strategic plan.

A not-for-profit must raise money in order to carry out the work of the organization. This money can come from many different sources including individuals, corporations, special events, government contracts and grants, income from sales, and from private charitable foundations. Most small not-for-profits have little operating reserve and often exist from project to project. This does not mean that the organization is unsuccessful; in fact, many small organizations can effectively and efficiently carry out project after project.

Some qualities of a strong not-for-profit:

1. Established board of directors whose members have a passion for the cause, represent community interests, bring special skills needed by the organization, have credibility, expertise and linkages to others for funding and resources development. There is high participation of board members in board meetings. Board participation has term limits.
2. Staff are passionate about the cause and have the capabilities and skills appropriate for their positions.
3. Effective communications, internal and external.
4. A clearly articulated vision, mission and values.
5. Sound financial practices and policies and appropriate operating reserves for the size of the organization.
6. Bylaws and operational policies are developed, reviewed and updated as necessary.

Some qualities of a troubled not-for-profit:

1. There are no term limits for board members, so there is little new generation of perspectives and ideas.
2. Board is too heavily involved in day-to-day operations, or roles of staff and board are not clearly defined.
3. Inadequate operating reserve, fiduciary planning, or financial management.
4. Activities undertaken that are too widely removed from central mission.
5. Lack of adherence to bylaws, policies and procedures, and/or federal and state reporting.
6. Poor communication, both internally and externally. The appearance that decisions are made in secrecy or decisions are not well documented.



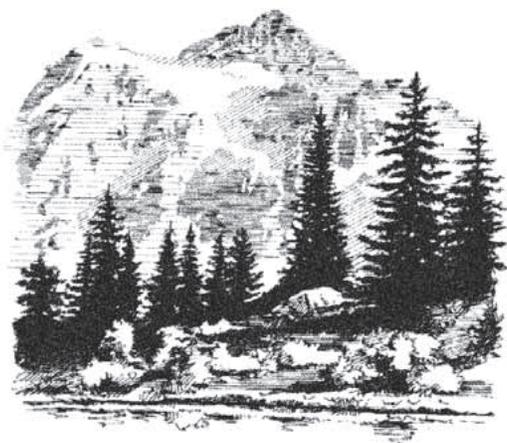
V. National Forest Foundation

What is the National Forest Foundation?

Established by Congress in 1990, the National Forest Foundation (NFF) engages America in community-based and national programs that promote the health and public enjoyment of the 192 million acre National Forest System, and accepts and administers private gifts of funds and land for the benefit of the National Forests. Central to the NFF's strategies is the belief that communities should play a strong role in determining the future of America's forest resources. The NFF has expanded its function from solely a grant-making organization to one that builds partnerships to catalyze forest stewardship and restoration.

The NFF focuses its programs through both geographic and programmatic priorities. The geographic focus areas, chosen based on their rich ecological values and the growing threats to those values, include the Oregon Coast and Cascades, Southern Appalachians, the front range of the Colorado Rockies, and Selway/Bitterroot of Idaho and Montana. Within those areas and elsewhere, the NFF concentrates on projects and programs that address watershed health and restoration, community-based forest stewardship, wildlife habitat and recreation.

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Conservation Grant Programs

The NFF helps to implement conservation projects and create conservation capacity at the local level through a variety of interconnected programs. The most established program is the Matching Awards Program (MAP), through which the NFF provides matching grants to partner organizations engaged in forest conservation efforts. These grants have supported projects that range from anadromous fish passage improvements, to post-wildfire restoration, to trail restoration and improvements. Approximately 80 percent of the NFF's MAP funds support projects within the geographic focus areas, while the remaining funds support projects elsewhere within the National Forest System. To see a current listing of MAP partners and funded projects, visit www.natlforests.org/map_2002awards.html and www.natlforests.org/map_2003awards.html. (This will change once we get internet access.)

In 2002, the NFF launched its Community Assistance Program (CAP) – a small grants program to build organizational capacity at the local level. The grants are awarded to newly forming or recently formed nonprofit organizations that bring together diverse interests in their communities in a collaborative process. With no matching or geographic focus area requirement, CAP grants target the creation of locally based forest partnerships to proactively engage in National Forest and Grassland stewardship and in rebuilding sustainable economies. The CAP supports these nonprofit organizations with grants for a wide range of needs including: basic start-up and operating costs, materials and equipment, technical assistance, training, consultants,

community outreach, obtaining 501(c)(3) status, program development, group facilitation, nonprofit management skill-building, and communications. Grant recipients receive a basic start-up kit containing organizational and technical assistance and links; ongoing communications in the field; and a two-year complimentary membership to the National Network of Forest Practitioners (NNFP). They also benefit from participation in workshops and from ongoing assistance from NFF staff.

Other Conservation Programs

In addition to creating partnerships to accomplish on-the-ground stewardship, the NFF facilitates land conservation projects. Today, land fragmentation and development pose one of the most serious threats to the future integrity of our National Forests and Grasslands. Through the National Forest Trust – a revolving land conservation fund – the NFF is protecting key forest inholdings and lands adjacent to national forests, employing land trades, acquisitions and conservation easements.

Facilitating collaborative processes and partnerships that have larger conservation impacts is also critical to the NFF's strategy. To that end, the NFF builds bridges among groups, in part, through science. A commitment to sharing science-based stewardship information helps the NFF tie its on-the-ground programs together. Through a formal partnership with the National Commission on Science for Sustainable Forestry, the NFF helps connect its network of partners with the latest in forestry science as it relates to ensuring sustainability and biodiversity. Furthermore, the NFF continues to work with partners on providing advice and guidance to multi-party monitoring groups.

In addition, the NFF is developing other programs to fill pressing needs within community-based forest stewardship and conservation. One such program is a Micro-Enterprise Loan Fund. When developed, this revolving fund will help small and medium businesses develop conservation-minded, sustainable forest products. By supporting value-added forest product development, the NFF aims to provide a way for rural communities to revitalize their economies.

The NFF's MAP and CAP programs award money and provide technical and other assistance to more than one hundred partner organizations nationwide to do work that improves or promotes the health of ecosystems, watersheds and communities. MAP awards provide funds that must be matched, whereas CAP awards are meant for newly formed groups that need assistance getting established. Examples of MAP awards include watershed restoration projects on rivers and tributaries in the Northwest, trail maintenance and repair in the central part of Colorado, weed monitoring and mapping in the Selway-Bitterroot Wilderness Area of Montana and Idaho, and monitoring projects on forestry and watershed issues in Southern Appalachia. CAP awards have helped community-based groups establish boards of directors, develop outreach and educational tools, and apply for 501(c)(3) nonprofit status.

VI. Conduct and Ethics

Information will include:

Acceptance of gifts and donations
Conflict of interest concerns
Forest Service participation in outside organizations
Role of Forest Service employees in fundraising
(applying for grants)
Role of Forest Service employees when partners are
fundraising (support of partner grant proposals)



*More information
for Conduct and
Ethics will be
provided at a later date.
Please check
future editions for
current updates.*

VII. Tools/Guidelines

The subject matter in this section contains the nuts and bolts about Forest Service partnership issues. The information included is on issues that continually raise questions when working in partnership. Organizations engaged in developing and implementing partnerships need to be aware of and informed about the legal and regulatory issues involved.

Awards



*More information
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Collection Authorities



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Contracting with Non-Profits and Community Based Organizations

Opportunities and considerations

There are opportunities to contract with non-profits and community based organizations. These opportunities are limited, not by Forest Service policy but rather by government wide procurement regulations. Not to over-simplify, but if the purpose is to assist in building the capacity of organizations rather than procuring goods or services then federal contracting may not be the correct approach. Capacity building can be done through separate and distinct programs like the S&PF Rural Economic Development, and/or the National Fire Plan. Depending on project type and whether or not there is mutual benefit and interest and/or resource sharing, other approaches to use may include Cost Share arrangements and the Wyden amendment. It is essential prior to making commitments with potential partners that local acquisition management personnel (AqM), either in contracting or grants and agreements (G&A) are involved.

As a general rule, the Forest Service sets aside the majority of contracts (solicitations) for goods and services for certified small businesses. By definition, non-profits and community based organizations are not small business concerns. Regardless of size, they are legally considered to be the same as a large business. For contracting purposes the organizations would be treated the same as universities or other institutions of higher learning, large corporations, and the like. Before the FS can solicit for goods or services from other than small business, a determination has to be made that the good or service solicited cannot be supplied by small business. This is not a determination that a non-profit or community based organization or large business can do a better job; it is a determination that there are no small businesses that can provide the service or supply.

Options

So, how does the FS contract with non-profits and community based organizations? First, for any contract or agreement, the organization has to have an official sanction. This sanction will likely be a 501(c)(3) status. If they are loosely formed and have no official structure or legal status then it will be impossible to contract with them as an organization. The organization must be a legal entity in order to sign a contract or there is no way to know who would have the authority to bind the “group” to a contract.

For those organizations that meet the above test, the following briefly describe possibilities:

- Micro-purchasing. Any procurement less than \$2,500 is not subject to the small business set-aside. Therefore an award can be given directly to a non-profit or community based organization. No competition is required. An award cannot be split up into a series of small tasks to meet the total project for the sole purpose of staying below the \$2,500 threshold.
- Simplified Acquisition less than \$25,000. If the Contracting Officer can make a case that there are no small businesses that offer a particular good or service then quotes can be taken from non-profits and/or community based organizations. Competition can be limited to three (3) offerors. Competition can be kept local.

- Simplified Acquisition over \$25,000 but under \$100,000. Again, if the determination is made that there is no small businesses that offer a particular good or service then competition is open to everyone. An announcement will have to be made in Federal Business Opportunities, also know as FedBizOps.
- Sole Source Determinations. A sole source determination means that there is no other business or organization that has the capacity and qualifications to provide the good or service in question. If a sole source determination can be made then the FS can contract directly with the identified non-profit or community based organization. This determination is made by the Contracting Officer and is based on unique characteristics that an entity brings to a project that no one else possesses.
- GSA Schedule. There are several GSA schedules for consulting type services for which non-profits or community based organizations might qualify. A specific GSA schedule that may lend itself for these types of organizations is Federal Supply Schedule 874, Management, organizational and business improvement services.

- National Fire Plan. Under the National Fire Plan legislation there is an exemption to the Small Business Act and Federal Acquisition Streamlining Act (FASA) which makes it easier to contract with local non-profit entities as well as others. This legislation does not give us authority to “sole source” contract with non-profits but does allow them some contracting opportunities previously not readily available. This exemption is limited to Title II funded projects.

In addition to the contracting options above, there are other important partnership and capacity building roles community based organizations can play in their local communities. For example, they may choose to assist local small businesses and local contractors in identifying upcoming FS projects that match with their skills. In conjunction with the FS they could co-host workshops targeting local opportunities like stewardship contracts, or more traditional projects like thinning, planting, monitoring and surveying. Also in conjunction with the FS, they could provide trainings in how to prepare bids for new types of contracts such as stewardship.



Contracting with Tribal Entities

Opportunities

There is a full menu of choices available to work with both Tribal Governments and Native American owned businesses or contractors. There are opportunities and limitations on all these tools so please coordinate early and often with local acquisitions management personnel.

The following discussion is limited to contracting (solicitation) possibilities. Awards under Federal Assistance, or partnering under Cost Share arrangements, or the Wyden amendment, where mutual interest and benefits are present may also be attractive choices depending on the type of project and resources that are brought to the table.

There are also various S&PF programs, for example Rural Economic Development, that target eligible rural areas for Federal Assistance Awards.

Options for Contracting with Tribal Governments

Tribal Governments are considered the same as state governments or a sovereign nation for the purposes of contracting with them under the Federal Acquisition Regulations (FAR). Options that are now available to the Forest Service are:

- Micro-purchasing. Purchases under \$2,500 can be awarded to basically any entity; for-profit, non-profit, large business, small business, Tribal Government, etc. However, you cannot write a series of purchase orders, all under \$2,500 to an entity when the procurement should have been solicited for under a single award.

- Sole Source Determination. If a Contracting Officer can make a determination that a Tribal Government is (1) uniquely qualified and (2) is the only source for the goods or services, then a single source contract may be negotiated with them. An example of this might be a cultural heritage project.
- FAR 17.504, Economy Act. This act allows for Federal agencies to contract with other Federal agencies for goods and services. This would allow the FS to enter into an Economy Act contract (agreement) with the Bureau of Indian Affairs (BIA) who, in turn can subcontract work directly to the tribal entity. The downside is (1) the FS will be assessed a cost by BIA for their role as a “middle man” and (2) the FS will not have a signed agreement with the actual party doing the work; the tribe itself.
- Wyden Amendment. This authority allows for single source contracts, on a case by case basis, for projects that enhance, protect and/or restore resources within a watershed.



Contracting with Native American For-Profit Companies and Contractors

Native American for-profit organizations have the same access to federal contracts as any other entity. The following are some areas where there may be some flexibility in setting aside projects for tribal for-profit companies.

- Micro-purchasing. Same as above.
- Simplified Acquisitions under \$25,000. These acquisitions generally need only three (3) quotes. You can request that Native American firm(s) which are certified as small business be solicited for at least one of those. Additionally, unless the project needs a lot of definition, award can be made on oral quotes.
- Small Business set-asides. Generally, the Forest Service sets aside most of their procurements for Small Business Administration (SBA) certified small businesses. Additionally, per AGAR 37, if an entity is certified and is part of PRONET there are ways to further target the competition to specific areas. This would enhance contracting opportunities for Native American companies. For more information please go to: <http://pro-net.sba.gov/pro-net/search.html>
- SBA HUBZone set-asides. If a contractor is SBA certified in this program, then there are opportunities for limiting the competition to smaller geographical areas. Federally recognized Indian reservations are considered HUBZone. For more information please go to: <http://www.sba.gov/hubzone/internet/>
- SBA 8(a). If a tribally owned business or contractor is certified SBA 8(a) then any federal agency can contract non-competitively with them. Sole source contracts can be awarded up to the \$3MM threshold. Additional information can be found at <http://www.sba.gov/8abd/>.

- USDA “Bringing Rural America Venture Opportunities (BRAVO) program. This is a specific USDA program that is designed to advance the economic prosperity of entire rural communities, through helping tribal and other rural small businesses build competitive enterprises. To qualify for this program the contractor has to be SBA 8(a) certified. Additional information can be found at : <http://www.usda.gov/da/smallbus/bravofact.htm>.
- General Services Administration (GSA) Federal Supply Schedules. Once awarded a GSA contract, competition can be limited to only those companies that have specific qualifications that match a federal agencies needs. Most of the Schedules are open so tribal entities can apply at any time. One specific Schedule that the FS may use more frequently than others is Schedule 899, Environmental Services. For additional information contact mashelpdesk@gsa.gov
- Indian Incentive Program. This program provides an incentive to prime contractors that use Native American organizations and Indian Owned Economic Enterprises as subcontractors. This clause can be made part of any contract if the Contracting Officer determines that there are subcontracting opportunities for Native American owned companies.
- Sole Source Determination. Same as above in contracting with tribal governments. Please note that any sole source anticipated to exceed \$25,000 needs to be announced in Federal Business Opportunities, better know internally as FedBizOps.

The Forest Service is committed to strengthening its working relationships with tribes throughout FS operations and programs. Aggressively pursuing contracting opportunities with tribal entities clearly is one way to foster professional relationship(s) while at the same time developing contracting capacity in rural areas.

Cooperator Use of Government Owned Vehicles

There may be occasions where the Forest Service could provide vehicles as part of their contribution to a partnership for use by the other party. The decision to do so must not be made lightly. There are liability considerations that have to be taken into account. Having said that, current policy at FSM 1580.31 allows for this use as long as all the following conditions exist:

1. The FS and other party have executed a statutorily authorized written agreement in which the use of a Government Owned Vehicle is specified as part of the FS contributions.
2. The Government Owned Vehicle will be used for official FS use only and in accordance with the terms of the agreement.
3. Only properly licensed and qualified drivers will operate the vehicles.
4. Drivers will have completed a defensive driving course within the last 3 years.
5. Drivers will have received and read a copy of the Driver Operating Guide, EM-7130-2.
6. The cooperator provides proof of and maintains comprehensive liability insurance. The cooperator shall carry policies of not less than \$250,000 per occurrence for bodily injury and property damage.

Although liability insurance lessens the risk to the Forest Service, it does not eliminate it. The line officer must decide if the level of risk to his or her unit is an acceptable one and proceed accordingly. If the risk outweighs the benefit then other arrangements should be made for vehicle use. If the risk is manageable, but the activity itself involves, for example, transporting large number of people in a government owned van or bus, then requiring a higher level of liability insurance may be prudent.



Exemption of Partners from Prohibited Source Classifications



*More information
for Prohibited
Source Classifications
will be provided
at a later date.*

*Please check
future editions for
current updates.*

Employee Role on Non-Federal Boards



*More information
for Role on
Non-Federal Boards
will be provided
at a later date.
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future editions for
current updates.*

Federal Advisory Committee Act (FACA)

Have you ever heard the words, “We can’t do that, it would violate FACA”? Here is an explanation of the purpose of the law, some questions to ask and some advice on where to go for additional information.

Some FACA Background

The Federal Advisory Committee Act (FACA) was enacted in 1972. FACA was passed for two reasons – to reduce the influence of special interest groups in setting government policy, and to provide more accountability and public access to policy decisions. When certain conditions are met, FACA requires that a federally chartered advisory committee be created. Members of a federally chartered advisory committee for the Forest Service must be approved by the Secretary of Agriculture.

Agency Context for Implementing FACA

The basic purpose of the law is to support the kind of open discussion and decision processes that occur in a collaborative environment. Why, then, is FACA seen as such a barrier to collaboration?

- There is a lack of understanding at the field level about how to implement the law. This is due in part to the law itself. The text of the legislation focuses mostly on how to set up committees, not on whether you need them.
- Agency employees are admonished not to break the law, and they take that seriously. Good, unambiguous advice on how to implement public processes and comply with FACA is hard to find. There is not much FACA expertise at the field level of the Forest Service. There is someone in each regional office and one person at the national office who are designated as FACA coordinators. However, these individuals have many other programs they are responsible for as well. In the face of this, most managers’ reaction is to be cautious.
- Lawyers aren’t much help. The role of a government attorney is not to give hypothetical or conditional advice. Lawyers don’t give specific answers to hypothetical questions. Additionally, there are organizational barriers for district employees to reach a government attorney.

The Three Key Tests

There is good news. In 2000, the General Service Administration (GSA), the federal agency responsible for implementing the Federal Advisory Committee Act, released revised implementing regulations for FACA. These regulations are based on case law that has developed in the 20 plus years of FACA implementation. They revised regulations do not change FACA, but they do clarify some of the provisions that have created problems for the kind of work the Forest Service is involved in.

Based on FACA and the revised regulations, there are three questions which must be asked to determine if FACA applies in any given situation:

1. Is the group a committee?

There must be a formal committee. This has to do with how the group acts, not what they are called. Advice from individuals, taken either singly or in a meeting, is not regulated by FACA. A committee is any group that has some formal structure, fixed membership, specific purpose, and seeks to reach a position as a group.

2. Is the committee “established” or “utilized” by an agency?

The committee must be established and utilized by the agency – there must be something along the lines of actual management or control before a committee comes under the coverage of FACA. If the agency did not establish the group or does not have a disproportionate share of control of the group (setting agenda, determining memberships, etc...) then FACA is not applicable.

3. Is the purpose of the committee to give advice and recommendations to the agency?

The committee must be providing advice and recommendations to the agency (versus completing operational tasks or providing general, non-targeted recommendations). A committee formed for other purposes, such as monitoring activities, conducting investigations, and carrying out

activities does not fall under the purview of FACA. Neither does FACA apply if a group formed for some other purpose or to give advice to some other entity ends up giving advice to an agency.

Where to Find More Information

General Services Administration Web Site

The web-site is: <http://www.policyworks.gov>. Click on “Committee Management” to be directed to GSA information on FACA and its implementation.

Read the Law and Its Implementing Regulations

The revised regulations include an appendix that has several helpful, clearly written examples. These can be found as Appendix A to Subpart A of Part 102-3. Go to the GSA web site as described above to find the regulations and the text of the original law.

Region Six Toolkit

The Pacific Northwest Region of the Forest Service has published a document that is widely known as the “Region Six Toolkit.” This book contains a variety of valuable resources on working in partnership. Specific to FACA, on pages 100-114 it contains management direction on FACA and a detailed legal opinion describing situations in which FACA does and does not apply. The Region Six Toolkit is available on the Internet at (will get this to you as soon as our service is up)

The Forest Service

Each Forest Service region has a FACA coordinator. There is also a national coordinator. These individuals are the primary resource for field employees who need advice on FACA. Ask your local Forest Service office for more information.

Your Attorney

Each Forest Service region has access to legal opinion through the US Department of Agriculture’s Office of General Counsel (OGC). The process for seeking a legal opinion from OGC varies from region to region. Generally requests for OGC opinions are controlled by the regional offices. Owen Schmidt, an OGC attorney in Portland, Oregon, has written FACA information that is available via the Internet at: <http://www.fs.fed.us/r6/willamette/manage/opalcreek/reference/faca.pdf>

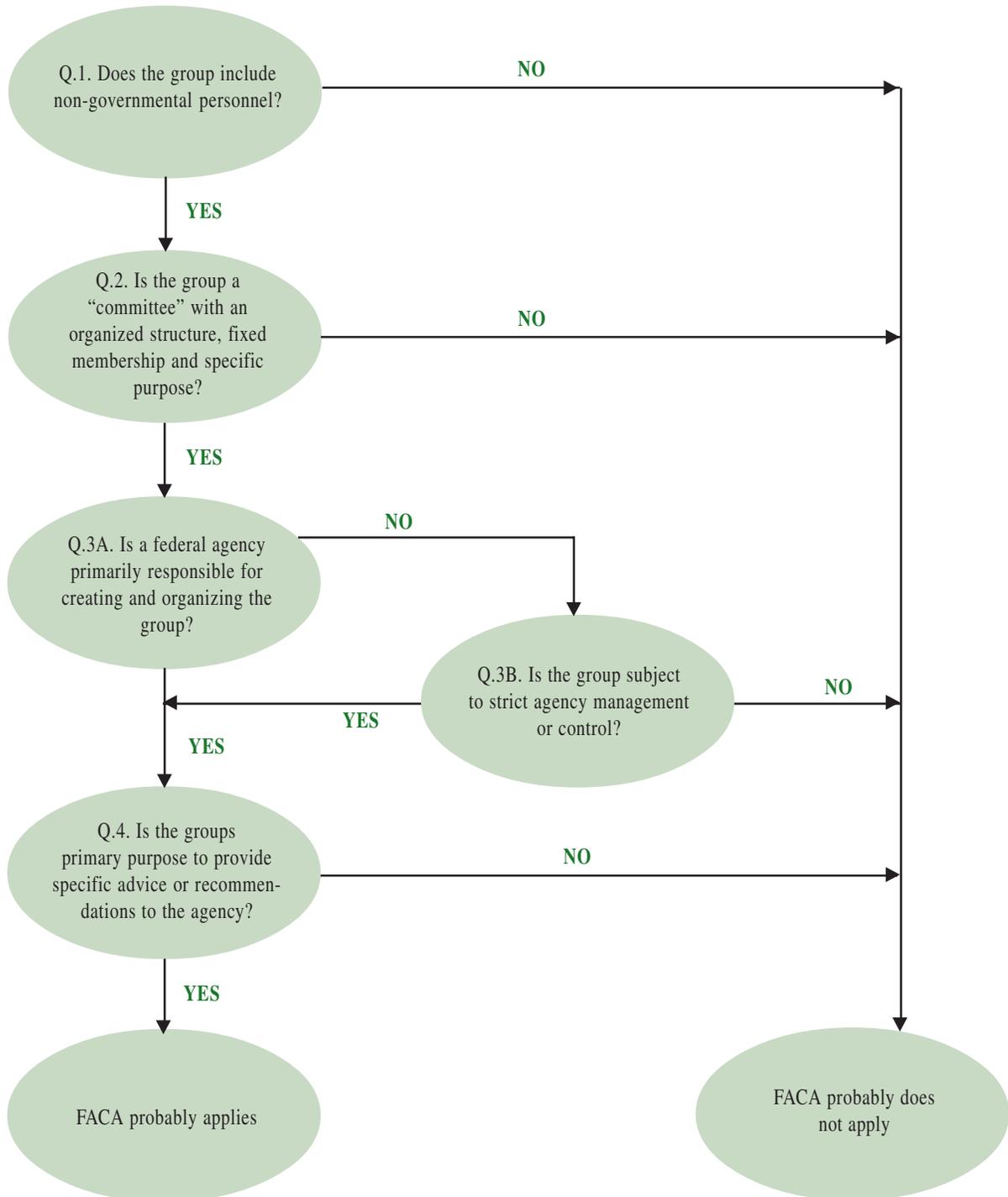
Some organizations that work with the Forest Service have access to legal services. For those groups, their own attorneys provide a source of legal information about the situations in which FACA applies.



FACA Flowchart

This flowchart may help you in thinking through if FACA applies in your situation.

How to Decide if FACA Might Apply to Your Situation



Multi-Year Projects



*More information
for Multi-Year Projects
will be provided
at a later date.*

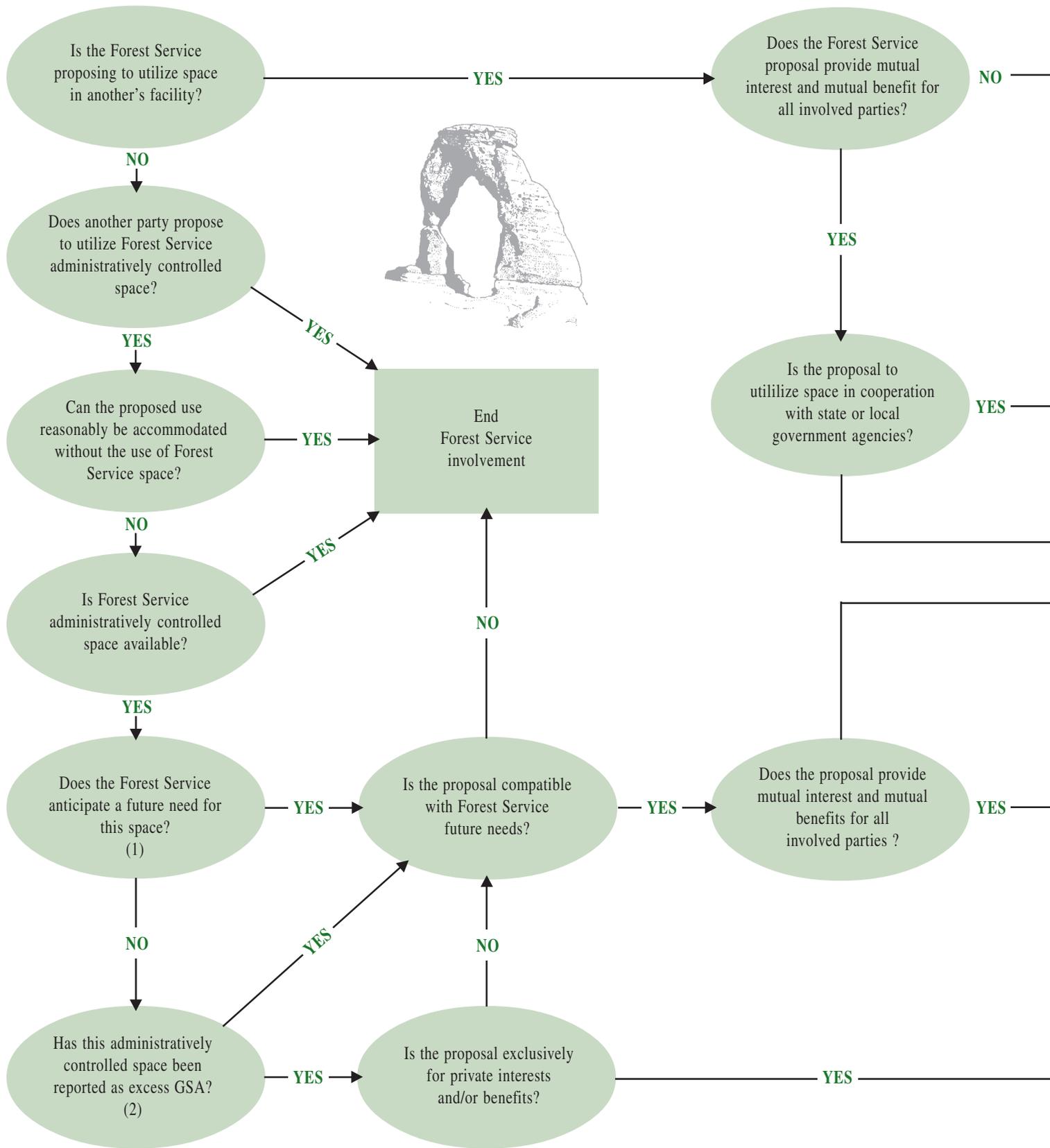
*Please check
future editions for
current updates.*

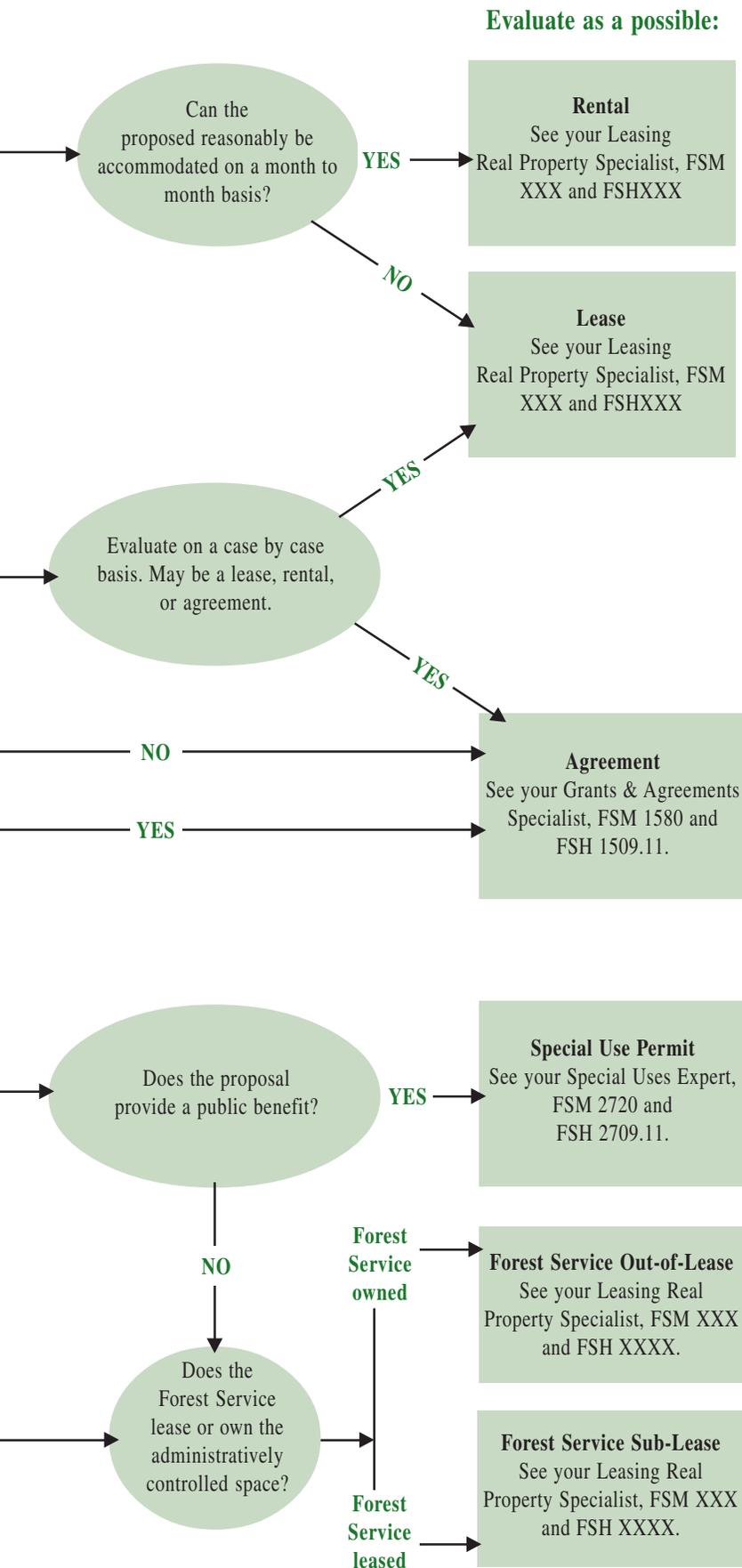
Nature of Relationship



*More information
for Nature of
Relationship
will be provided
at a later date.
Please check
future editions for
current updates.*

Evaluating Non-Emergency Use of Space and Occupancy Flowchart





Definitions:

Agreement:

A voluntary arrangement whereby mutual benefits and mutual interests are documented under proper authority for the purposes of accomplishing mutually agreed upon objectives.

Forest Service Out-of-Lease:

Forest Service Owned:

A facility for which the United States holds clear and unencumbered title, and for which the Forest Service has been delegated administrative authority to manage and operate.

Forest Service Sub-Lease:

A commitment conveying the right of use and occupancy of a property to a third party in which the Forest Service becomes the lessor in a preexisting lease. (sublet – see 552.270-5)

Lease:

A contract which conveys privileges to the Forest Service to exclusive occupancy and use of the land/or interior building space for a determinate period of time.

Mutual Benefit:

Exists when all involved parties benefit in the same qualitative way from the objectives of the proposal.

Mutual Interest:

Interests, other than monetary, common to all involved parties, which relate to the accomplishment of their respective missions.

Private Interest and/or Benefit:

Programs, proposals, applications or uses which primarily afford the proponent, applicant or holder with a lower cost or less restrictive alternative or location, or which merely accommodate a proponent's wishes, typically respond to a private interest or provide private rather than public benefits.

Public Benefit:

A qualitative or quantitative improvement resulting from a program, proposal or use which primarily benefits a broad segment of the general public, either directly, or through the programs of the Forest Service or the Secretary.

Rental:

An "as is where is" commitment with no leasehold interest with occupancy on a month to month basis. Example would be a storage shed.

Special Use Permit:

A qualitative or quantitative improvement resulting from a program, proposal or use which primarily benefits a broad segment of the general public, either directly, or through the programs of the Forest Service or the Secretary.

Footnotes:

- (1) In accordance with a Future Use Determination. See FSM XXXX
- (2) Federal Property Management Regulations.

Does not address the cabin rental program which is properly authorized using Form FS-2700 – 3(e).

Does not address how quarters are provided, Section 8 Granger Thy, or Rec Fee Demo.

Potential Arrangements

| Requesting Entity | Instrument Types | | | |
|----------------------------|------------------|--------------------|-------------------------|---------------|
| | Agmt | Special Use Permit | FS Out-Lease/ Sub-Lease | Lease/ Rental |
| BLM (Service First) | • | | | |
| Other USDA Agencies | • | | | |
| Other Federal Agencies* | • | • | | |
| State, County, Local Gov't | • | • | • | |
| Private Entities | • | • | • | |
| Forest Service | • | | | • |

Obligating Money for Multiple Year Partnerships

Many effective partnerships and projects are multi-year in nature. The Forest Service has the authority to enter into agreements for up to five years at a time with the option to extend beyond that for an additional period. An open-ended agreement can be used in those cases where the work is ongoing, yet the Forest Service only has appropriated funding for a year at a time. The agreement will spell out the general understanding between the parties and require an annual operating plan (AOP) for each of the years that funding is available. The AOP (incorporated by a modification to the agreement) will obligate the funds and include project specific responsibilities and financial plan information. AOP's do not duplicate any language in the original agreement, other than to update billing and funding information.

Although open-ended agreements allow funds to be obligated as they are available and approved for use, care must be used in ensuring that the need for the funding exists in the same year in which the funds are obligated. This is not to say that all the funds have to be spent within the year they are obligated. Once the funds are obligated they are available until expended throughout the life of the agreement. An exception to this would be for those funds that are available only for a specific period of time as specified when they are appropriated by Congress. The bottom line is that once funds are obligated they can cross fiscal years as long as work has started in the same fiscal year as the agreement was executed.



Overhead Assessments (National Burden Rate Application)

Overhead, also known as indirect costs, is a cost of doing business. There is a service-wide standard overhead, or burden rate, for NFS. This rate is established for activities where the agency collects funds to provide services for another party. Stations and Areas have non-standard rates which are established annually. The intent is to attain full cost recovery. In the following explanation, overhead, indirect costs and burden rate are all used interchangeably.

A common question is: If Forest Service personnel involved in a partnership arrangement are already funded, why assess a burden rate onto partners?

An example might help. A forest needs \$500,000 annually for administrative costs. Based on historical data, anticipated collections from overhead assessments is \$75,000. The forest will budget \$425,000 for administrative costs anticipating an additional \$75,000 in future collections (revenue). If \$75,000 is not collected, then the shortfall is covered out of program funds. If more than \$75,000 is collected, the excess funds will be programmed as carry-over for the next fiscal year. Therefore, the units are not fully funded unless anticipated revenue is collected.

The table below shows how overhead rates are assessed on different types of agreements.

Law 31 USC 1535 (Interagency Agreement) specifically states “all costs shall be recovered”, both direct and indirect. There are a couple of operational exceptions. For example, a service-wide agreement with the Bureau of Land Management (BLM) on service first projects. Both 31 USC 6501-6508 (Intergovernmental Agreement) and 16 USC 572 (Granger Thye Collection Authority) have similar language. The common denominator is that the Forest Service is providing a service to another party and mutual benefit is not a consideration.

Conversely, 16 USC 498 (Cooperative Funds Act of June 30, 1914) which is used where mutual benefit does occur, does not mandate total cost recovery. If funds are collected under this authority, it is not required to assess an overhead rate onto the partner. If the Forest Service unit opts to waive the overhead assessment, the cost is recovered through appropriated project funds as described in Forest Service Manual (FSM) 1584.11a(6).

| Authority | Agreement Title | Burden Rate Applicability | Citation |
|------------------|--|-----------------------------|--------------------------|
| Pub L 102-154 | Challenge Cost Share | Can be FS Unit contribution | FSM 1587.12a 1 |
| 16 USC 565a1-a3 | Participating Agreement | Can be FS Unit contribution | FSM 1587.11a 1 |
| 31 USC 1535 | Interagency Agreement | Burden rate assessed | 31 USC 1535, Section 601 |
| 31 USC 6501-6508 | Intergovernmental Agreement | Burden rate assessed | FSM 1584.15a |
| 16 USC 498 | Cooperative Funds Act Of June 30, 1914, Collection Authority | Burden rate may be waived | FSM 1584.11a |
| 7 USC 2269 | Gifts Act | Burden rate may be waived | |
| Pub L 105-277 | Wyden Amendment(Watershed Enhancement) | Can be FS Unit contribution | FSM 1587.15a 1 |
| 16 USC 572 | Granger Thye Collection Authority | Burden rate assessed | FSM 1584.12a |

There are exceptions, or exemptions, against recovering the cost from partners.

Overhead assessments apply against:

1. the Forest Service unit's share of the costs; not the total cost of the agreement, and
2. funds collected and retained by the unit to support force account work.

Examples

Here are some typical examples and an explanation of how they would be handled.

Example 1. A wildlife biologist applies for a \$100,000 grant for wildlife surveys. The grant criteria states: "grant funds cannot be used for indirect costs". The grant is awarded and the funds are used to hire seasonal employees. The national burden rate is assessed at 18 percent. Therefore, the benefiting function is required to recover \$18,000 from the program account.

Example 2. A wildlife biologist applies for a \$100,000 grant for wildlife surveys. The proposal states: "\$80,000 of the grant will fund a third party contractor and \$20,000 will fund force account activities". The grant is awarded. In this case, only \$20,000 would be assessed the 18 percent rate or \$3,600.

Example 3. A wildlife biologist applies for a \$100,000 grant for wildlife surveys. The grant criteria does not restrict funds and therefore can be applied to indirect costs. The wildlife biologist includes the unit's overhead rate in the project budget submitted. The grant is awarded. This is the optimal situation as total cost recovery is achieved.

Example 4. A Forest Service unit receives a grant through a state off-highway vehicle program. The grant criteria states: "only 10 percent of granted funds can be applied towards indirect costs". In this case, the benefiting function is required to recover 8 percent (18 percent minus 10 percent) from the program account.

When a Forest Service unit is notified of a grant award, the funds are accepted via an agreement or letter citing the collection authority, for example 16 USC 498 (Cooperative Funds Act of June 30, 1914). The method of collection is issuance of a Bill for Collection citing the authority. The grant is accepted via letter, citing the appropriate authority and appreciation for the award.

There may be terms and conditions imposed by the grantor's the Forest Service cannot legally agree to; e.g. holding the grantor harmless, or disputes settled in state courts as opposed to the Federal dispute process. These conditions must be mutually agreed upon prior to accepting the grant.

An overhead assessment is determined when entering into cost share arrangements with other entities where mutual interest and benefit exist. The two authorities commonly cited for these arrangements are P.L. 102-154 or Challenge Cost Share (CS), and P.L. 94-148 or Participating Agreements (PA). Whether or not funds are collected by the Forest Service, an overhead assessment percent is determined and shown as the "indirect" Forest Service contribution. This cost is included to show the total cost of the project. If money is collected under a CS, the collection authority must be cited along with the parent authority. Because of the mutuality of benefit and interest, no assessment is made against the collected funds. The principles described in the examples shown above under the Cooperative Funds Act of June 30, 1914, are equally applicable here. Deviations from this policy should be the exception rather than the rule. To justify a lesser rate use the following as a guideline. This process takes time and line officer and/or fiscal management approval. Before beginning the process, discuss it with the line officer and/or fiscal officer.

The baseline cost pool information is provided by the fiscal management staff. The figures on the next page are based on an actual forest budget and used for example only.

Cost Pool Average Cost per FTE per Day

Cost Pool 1 Indirect: $\$422,100/138.52 \text{ FTEs} = \$3,047 \text{ per FTE per yr} / 261 \text{ days} = \$11.67/\text{day}$

Cost Pool 3 Indirect: $\$287,100/138.52 \text{ FTEs} = \$2,073 \text{ per FTE per yr} / 261 \text{ days} = \$7.94/\text{day}$

Cost Pool 4 Indirect: $\$1,300,900/138.52 \text{ FTEs} = \$9,391 \text{ per FTE per yr} / 261 \text{ days} = \$35.98/\text{day}$

Cost Pool 5 Indirect: $\$468,200/138.52 \text{ FTEs} = \$3,380 \text{ per FTE per yr} / 261 \text{ days} = \$12.95/\text{day}$

Total cost/day to cover Indirect Cost Pools 1, 3, 4 and 5 = $\$68.54/\text{FTE}/\text{day}$

Cost Pool 5 Direct: $\$955,200/138.52 \text{ FTEs} = \$6,896 \text{ per FTE per yr} / 261 \text{ days} = \$26.42/\text{day}$.

Collection Agreement Overhead Rate Determination

Administrative Overhead (Indirect Cost Pools 1, 3, 4, and 5)

Initial Agreement Preparation and Set up = 8 hours (example)

Account Maintenance

1 hour/mo x 3 mo. (length of agreement) = 3 hours (example)

Total: 11 hours = 1.38 days

Indirect Cost Pools 1, 3, 4 and 5 = $\$68.54/\text{day} \times 1.38 \text{ days} = \94.59

Project Overhead

Cost Pool 5 direct overhead (rent, utilities, etc.)

1 person for 15 days X $\$26.42/\text{day} = \396.30

Total Overhead Needed: $\$94.59 \text{ (Admin O/H)} + \$396.30 \text{ (Project O/H)} = \490.89

FS contribution to Agreement (NOT agreement total) = $\$3,957$.

$\$490.89 \text{ divided by } \$3,957 = 12.4\%$.

A case may now be made for this specific Agreement that 12.4% overhead assessment (burden rate) is the appropriate rate rather than the established national burden rate.

Primary Purpose



*More information
for Primary Purpose
will be provided
at a later date.*

*Please check
future editions for
current updates.*

Reimbursement of Cooperator's Travel Expenses

The single over-arching principle for the Forest Service paying for a partner's travel expenses is that there has to be a direct benefit to the FS. To show direct benefit exists, the following issues have to be addressed:

1. Purpose of the trip as it relates to FS programs
2. Proposed itinerary, including mode(s) of transportation
3. Statement of direct benefit or service to be rendered to the FS.
4. Identify the means that will officially document the benefit or service; e.g., written report, oral presentation, etc.
5. With whom the non-government personnel interacts to accomplish the service or benefit rendered.
6. Whether the purpose of the meeting is inter-Agency in scope.
7. Total cost to the government; e.g., per diem, transportation, and incidental expenses.

If all these issues are addressed in a justification statement then the FS may pay for travel expenses. Non-group (individual) travel authorizations can be approved at the local forest level by the fiscal officer. The actual travel document is the AD 202. Please note that only the AD 202 is necessary for payment of travel expenses.

Suppose there is a national rural community coordinator meeting being held in another state and a local FS unit wants the Executive Director of a community based organization to attend. The purpose of attendance would be to take part in group discussions and capture innovative ideas generated by other attendees. The seven points shown above would have to be addressed and, if appropriate the fiscal officer can initiate the AD 202. There would be no need to enter into a new agreement to specifically cover this trip.

It is also important to note that the FS does not have to sign these individuals up as forest volunteers. Please remember that forest volunteers are considered the same as Federal employees for the purposes of tort claim liability. In the example above, the Executive Director will not be attending the meeting as a FS volunteer but as an employee of a non-profit organization. As such, there is not need to enter into a forest volunteer agreement. However, if the activity is such that the individual should be signed up as a forest volunteer then that would be the appropriate vehicle to use. An example of this might be where a forest wants to send an individual to a customer service training session so the individual can become a docent at a FS Visitor Information Center.

A case can also be made for contracting for the service the individual is going to provide, have them make their own travel arrangements, and reimburse against those expenditures as part of the contract. In this case, the individual may not be able to take advantage of the Federal government rates for travel, but the administrative time, and therefore cost, may be less to process this action. Remember, procurements less than \$2500 do not have to be done competitively so there may be some flexibility available using this method.



Reporting Partnership Accomplishments



*More information
for Reporting Partnership
Accomplishments
will be provided
at a later date.
Please check
future editions for
current updates.*

Working with Interpretive or Cooperative Associations



*More information
for Interpretive or
Cooperative Association
will be provided
at a later date.
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current updates.*

Wyden Amendment (Watershed Restoration and Enhancement Agreements)

A relatively new authority to enter into watershed restoration and enhancement agreements is perhaps better known as the Wyden Amendment.

Wyden allows the FS to partner with individuals and other public, private and tribal entities on projects that protect, restore, and enhance fish and wildlife habitat, and other resources on public or private land that benefit those resources within this watershed. There is no mandated match requirement. However, the FS like any other partner, should always look for ways to leverage all resources utilized. There are no limitations on the types of projects as long as there are clear benefits to the resources within the watershed and there are benefits to the NFS lands within that watershed. Projects do not necessarily have to be on-the-ground improvements. They could, for example, be aerial photography map overlays; historical data analysis, etc. While this is a new authority, there are no special appropriated dollars that come from the use of the Wyden amendment. If the partnership project is a fire related project then fire funds will have to be available. If the intent is to benefit wildlife resources within the watershed then wildlife project funds need to be used.

Remember, if the anticipated project is off NFS lands then, prior to executing an agreement the following issues have to be addressed: (a) written permission by the landowner(s) to perform work on the property, (b) liability, and (c) long-term maintenance responsibilities.

Generally, if the FS is going to provide funding to an individual or other entity for a project that is totally off NFS lands then the legal instrument to use will be Federal Assistance (domestic grant). As such, all rules and regulations that apply to Federal Assistance apply here as well. If

the project is jointly performed then a Cooperative Agreement (also Federal Assistance) may be the appropriate tool. Alternatively, a format similar to a Challenge Cost Share (CS) can be used for projects totally off NFS lands, partially on NFS lands, or totally on NFS lands. A few of the clauses usually mandatory for CS may have to be customized, or eliminated to accommodate Wyden. Please consult with your grants and agreements specialist in determining which legal instrument makes the most sense for a particular situation.

Wyden allows for increased ability to create and maintain partnerships by (1) allowing for the use of Federal resources off public lands managed by the Forest Service, (2) improving watershed conditions on a larger scale than previously allowed, and (3) providing more flexibility to engage in across-the-boundary issues with a multitude of partners.

Sunset 2005

This authority has a sunset date of 2005. Where the opportunity presents itself, the Forest Service and partners should consider using this authority. The Wyden Amendment provides some new flexibility for watershed restoration and enhancement projects. If the authority proves useful and a request for continuance is submitted, the FS and partners would need to support that request with evidence of the importance it has played in benefiting public lands within the watersheds.

As always, please contact your local grants and agreements specialist and/or read through information on Wyden in the Forest Service Handbook (FSH 1509.11, Chapter 60) and Forest Service Manual (FSM 1587.15) for a more complete picture.

VIII. Agreements



*More information
for Agreements
will be provided
at a later date.*

*Please check
future editions for
current updates.*

IX. Glossary of Terms and Acronyms



*More information
for Glossary of
Terms and Acronyms
will be provided
at a later date.*

*Please check
future editions for
current updates.*

X. Appendices



*More information
for Appendices
will be provided
at a later date.*

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current updates.*