

CHAPTER 9: RESPONSIBILITIES

9.1 **DOI, Office of Acquisition and Property Management**

Develops DOI policies, procedures, and regulations relating to assistance. Such guidance is issued through the Departmental Manual that implements Federal Governmentwide federal assistance statutory or regulatory requirements.

9.2 **Office of the Solicitor**

1. Reviews all cooperative agreements to ensure that the appropriate legislative authority is cited and that the agreement is legally sufficient. Legal review is not required for modifications and task agreements providing they are within the “purpose and objective” and the “scope of work” of the initial agreement.
2. Reviews other agreements at the discretion, and upon request, of the contracting officer. Also reviews agreements that contain liability or intellectual property issues or other non-standard clauses at the discretion of the contracting officer.
3. Reviews agreements upon request of the program manager or key official.
4. Reviews Determination and Findings, supporting documentation and interagency acquisition agreements over \$500,000 under the Economy Act before signature by the contracting officer.

9.3 **Office of the Inspector General**

Conducts audits and negotiates cost rates for cooperative agreements.

9.4 **Director, Deputy Director, and Associate Director**

1. Signs agreements such as memoranda of understanding that provide for mutual understanding only. On a case-by-case basis, may also sign agreements that provide for mutual understandings and have Servicewide impact. Ensures that established policies, procedures, and requirements are met.
2. May sign cooperative agreements with a contracting officer if Servicewide impact is involved.

9.5 **Associate Director, Administration**

Ensures that established Servicewide policies and procedures for agreements are implemented.

9.6 **Regional Director**

1. Signs memoranda of understanding that provide for mutual understanding only, and along with the appropriate contracting officer, signs cooperative agreements, interagency acquisition agreements, and memoranda of agreement that have regionwide impact.
2. On a case-by-case basis, may sign multi-regional memoranda of understanding that involve matters affecting more than one region.

9.7 **Washington Office (WASO)**

1. **Manager, Contracting and Procurement Program, WASO**

Develops the policies, procedures, and other guidance for memoranda of understanding and memoranda of agreement.

Develops policies, procedures, and other guidance for cooperative agreements and interagency acquisition agreements in accordance with the OMB Circulars, Federal Acquisition Regulation, Executive Orders, DOI Departmental Manual, and other federal regulations, to fit NPS programs.

- (a) Approves or disapproves Determination and Findings for interagency acquisition agreements that exceed \$500,000 under the Economy Act.
- (b) Ensures the mandatory training requirement of 40 hours is met prior to delegating authority for signature of agreements to contracting officers. This training may be NPS training or may be provided by an outside training facility.
- (c) Issues contracting officer warrants with delegated authority for signature of agreements.

2. **WASO Directorate**

On a case-by-case basis, may sign multi-regional memoranda of understanding that involve matters affecting more than one region.

9.8 **Superintendent/Service Center Manager/Administrative Program Centers Manager**

Signs memoranda of understanding that provide for mutual understanding only for areas in which they have responsibility.

9.9 **Contracting Officer with Level IIB or Higher Warrant with Agreements Training**

1. Determines the proper agreement instrument to use.
2. Reviews agreement and modification documentation to ensure that the information is complete (i.e., legislative authority, complete statement of work, listing of NPS and partner's contributions, substantial involvement, and funding information).
3. Ensures that agreements are not used to circumvent applicable federal acquisition laws or regulations and the CFR and are in compliance with the Federal Grant and Cooperative Agreement Act of 1977, OMB Circulars, Federal Acquisition Regulation, Executive Orders, and Departmental and NPS regulations and requirements.
4. Reviews Determinations and Findings Requirements for proposed interagency acquisition agreements under the Economy Act that obligate NPS funds. For actions exceeding \$500,000, obtains legal review and final approval or disapproval from the Manager, Contracting and Procurement Program, WASO.
5. Assists program managers or key officials with the development of the statements of work for agreements and modifications.
6. When appropriate, seeks competition for cooperative agreements to the maximum extent practicable. Awards cooperative agreements without the benefit of competition only where the program manager or key official makes a determination, in writing, that competition is not deemed appropriate for a particular project. The contracting officer must approve the determination that justifies a non-competitive award is in the best interest of the NPS. Reasons for non-competitive awards may include, but are not necessarily limited to, the following:
 - (a) Statutory authority which directs the award to a specific recipient.
 - (b) Strong rationale explaining why the recipient is the only entity that can undertake the proposed activities.
 - (c) The cooperative agreement is for the continuation of work started under a previous cooperative agreement.

7. If competition is required, the contracting officer ensures that the cooperative agreement requirement is publicized as follows:
 - (a) In *FedBizOpps* (See *Part 5 of the Federal Acquisition Regulation*); or
 - (b) The Federal Register (See *the DOI Departmental Manual, Section 507*).
8. Negotiates cooperative agreements.
9. Ensures that all agreements and modifications are in compliance with Director's Order 20 and contain the essential elements contained in this handbook. In the case of agreements where the NPS functions as the requesting agency, or when another federal agency initiates the action, that federal agency's format may be used; however, the document must meet NPS essential requirements.
10. Ensures that all cooperative agreements are forwarded to the solicitor's office for legal sufficiency review. This does not include modifications or task agreements.
11. Ensures Form DI-2010, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters, Drug-Free Workplace Requirements, Lobbying" form, and other necessary forms are completed and placed in the agreement file for each cooperative agreement.
12. Appoints NPS key official(s) and delegates payment approval responsibilities (approving officials) to the agreement with written authorities and responsibilities. In the absence of a delegated approving official, the contracting officer is the only person authorized to approve payments. A sample key official delegation letter is provided in Attachment 9.1.
13. Signs agreements within delegated authority. For agreements, the contracting officer must possess a Level IIB or higher warrant and have attended 40 hours of agreements training. Consideration must be given to the cumulative value of the agreement when exercising signature authority. If the life of an agreement is five years and has the potential to exceed the contracting officer's warrant authority, it should be signed by a contracting officer with a warrant level commensurate with the value of the agreement.
14. Distributes a copy of agreements and/or modifications to the Accounting Operations Center, recipient, program manager, and/or key official.
15. In conjunction with the program manager and/or key official, administers agreements. Ensures that all invoices, deliverables, and reports are submitted in accordance with the terms and conditions of the agreement.

16. Prepares and submits reports and other data pertaining to the agreement, when necessary, to respond to audits, congressional inquiries, General Accounting Office requests, and other requests.
17. Transfers information from the "Application for Federal Assistance," Standard Form 424 (SF-424), cooperative agreements, and modifications to the Federal Assistance Award Data System in the established reporting system. The contracting officer uses the information from the SF-424, which is completed by the recipient, to complete the Federal Assistance Award Data System report.
18. Maintains centralized files and records on all agreements and modifications that are signed by contracting officers for a minimum of six years and three months after final closeout of the agreement. Ensures that the files include all necessary forms and documentation. Consultation with the Washington Administrative Program Center's Records Officer, (202) 208-4333, should occur after this period has expired or until a new Records Disposition Schedule is issued. The current Records Disposition Schedule is dated 1986 and is in the process of being revised.
19. Requires that the recipients of federal funds maintain adequate records to permit audit or review by the Secretary, the Inspector General, the Comptroller General, or other authorized representatives.
20. Ensures that procedures are in place for electronic payments under agreements through the Accounting Operations Center.
21. Processes all closeout notices received by the program manager or key official. *(See Chapter 4, Attachment 4.9, for closeout checklist.)*

9.10 **Program Manager or Key Official**

1. Attends an initial 24-hour agreements training course and an eight-hour refresher every three years thereafter. The training curricula for this required 24 hours of training will be developed by the NPS on or before October 2003. Key officials responsible for administering agreements must make plans to attend this training on or before October 2004. The training will be recorded in the NPS warrant and training certification database located on the NPS acquisition website.
2. Ensures that a cooperative agreement program description is published in the *Catalog of Federal Domestic Assistance*, when necessary, and submits a copy of the advertisement to the contracting officer.
3. Prepares a procurement request for agreements and modifications and submits through the budget office to the contracting officer. All procurement requests must be approved by a budget or certifying funds official.

4. Develops draft agreements and modifications, which includes preparing the statement of work, the Determination and Findings Requirement (for interagency acquisition agreements), the justification for a non-competitive agreement, and other pertinent information, for negotiating the agreement. Determines and includes in the draft agreement the appropriate legislative authority for entering into agreement.
5. If necessary, develops the proposed evaluation criteria in consultation with the contracting officer for evaluating technical proposal(s). Recommends individual members to serve on the technical evaluation committee. Evaluates technical proposal(s), and develops the technical evaluation committee report with technical scores and rationale to support such scores.
6. Ensures that the recipient completes the SF-424 for cooperative agreements. This document must be signed by the recipient and attached to the agreement. The contracting officer transfers the information on the awards of cooperative agreements to the Federal Assistance Award Data System, DI-1961, in the established reporting system.
7. Assists the recipient in the technical aspects of the project by participating in decision-making activities, ensuring that all project deliverables are in accordance with the time frames established, and that the contracting officer is kept informed of any problems, in writing.
8. Works with the contracting officer to ensure that all required reports are submitted in accordance with the terms and conditions of the agreement and applicable regulations.
9. Documents financial and technical activities, obtains required approvals, participates in site visits when necessary, and informs the contracting officer, in writing, of potential problems.
10. Ensures that the SF-270 or the SF-271 and the expenditure reports (in the case of advance payments) are submitted by the recipient under the terms of the cooperative agreement. The contracting officer forwards the form to the program manager or key official to certify as the “authorized approving official.” The program manager or key official reviews the form and recommends payment or nonpayment as applicable. If payment is approved, the form is then forwarded to Accounting Operations Center for payment with an identical copy to the contracting officer for placement in the official file folder. If payment is disapproved, the program manager or key official must provide rationale for disapproval to the contracting officer. The contracting officer forwards the rationale to the cooperator.

11. Assists the Property Management Office with the disposal of accountable property under agreements in accordance with 43 CFR Part 12. Monitors and conducts an annual inventory of Federal Government-furnished property in the possession of the recipient.
12. Prepares and provides the contracting officer with one copy (electronic preferred) of the one-page abstract of the final reports resulting from the agreement and forwards it to Denver Service Center (DSC-PGT), Attention: Chief, Technical Information Center, 12795 West Alameda Parkway, Lakewood, Colorado 80228.
13. Submits to the contracting officer closeout notification for all agreements following the completion or termination of the project.

9.11 **Property Office**

Maintains the Bureau's accountable property records for property furnished by the NPS under agreements, and for disposing of excess property acquired under agreements.

9.12 **Partnership Office**

Reviews and provides technical assistance with regard to agreements relating to fundraising campaigns that require the Director's approval.

9.13 **Office of Policy**

Reviews and provides technical assistance with regard to agreements (other than fundraising) intended for signature by the Director.

9.14 **Accounting Operations Center**

Ensures invoices and expenditure reports are reviewed for accuracy, and payments are processed in a timely manner in accordance with the terms and conditions of the agreement.

APPOINTMENT AS KEY OFFICIAL LETTER



United States Department of the Interior

NATIONAL PARK SERVICE
Carlsbad Caverns and Guadalupe Mountains National Parks
3225 National Parks Highway
Carlsbad, New Mexico 88220

IN REPLY REFER TO:

Memorandum

To: Howard Ness, Superintendent, U.S. Mexico Affairs Office

From: Contracting Officer

Reference: Cooperative Agreement Number H125300001, between International Sonoran Desert, Alliance and National Park Service, U.S. Mexico Affairs Office

Subject: Appointment as Key Official

You are hereby appointed as key official for the above-referenced Cooperative Agreement. By copy of this appointment, the cooperator is being advised of your authority.

1. This appointment will remain in effect for the life of the Cooperative Agreement unless:
 - A. The appointment is terminated in writing by the undersigned Contracting Officer.
 - B. You are reassigned.
 - C. Your employment with the National Park Service is terminated.

APPOINTMENT AS KEY OFFICIAL LETTER

2. As key official, your principal responsibilities are as follows:

Thoroughly familiarize yourself with the terms and conditions of the Cooperative Agreement, particularly with those which fall within the area of your authority. Monitor the work progress, and ensure the cooperator complies with the reporting requirements (performance and financial). Recommend approval or disapproval of performance reports and payments. Upon acceptance, submit all performance reports and payment recommendations as required by the Cooperative Agreement to the Contracting Officer.

- A. Do not make any changes in the Cooperative Agreement. Review proposed changes and provide written recommendations (with supporting documentation) to the Contracting Officer, who will evaluate the proposed changes or modifications for appropriate actions. The supporting documentation should include as follows: written justification; cost estimate; verification of prices; cost and price (comparative analysis); and time analysis.
- B. Coordination with a Contracting Officer may be requested to conduct a pre-and post-award conference and any other meetings in which instructions are given to the cooperator. The key official will be responsible for recording and preparing the minutes of the meetings held with the cooperator. Upon completion of the minutes, the key official will provide them to the Contracting Officer.
- C. Administer the Cooperative Agreement from award to closeout in accordance with *OMB Circular A-110* and as codified in *43 CFR Part 12, Subpart F*.
- D. Forward to the Contracting Officer, a copy of all of your correspondence to the cooperator, including memoranda on significant discussions.
- E. Review and recommend approval of financial reports and payments, i.e., SF-270, Request for Advance or Reimbursement, SF-272, Federal Cash Transaction Report, and/or SF-269A, Financial Status Report. Certify and submit financial reports and payment recommendations to the Contracting Officer no later than five working days after acceptance. Prior to approval, ensures that each line item (cost) complies with applicable cost principles, *OMB Circular A-122* or *OMB Circular A-21*.
- F. Submit promptly, to the Contracting Officer, a completed purchase request when a modification is required, detailing the requirement with estimated costs and justification.

APPOINTMENT AS KEY OFFICIAL LETTER

- G. Monitor, administer, and ensure that all Government-furnished property is properly accounted for in accordance with *43 CFR Part 12, Subpart F, Property Standards*.
 - H. The key official may designate an acting key official when the key official is on approved leave (sick, annual, excused absence, etc.) and temporarily away from duty station (travel, training, etc.) This designation should be addressed to the cooperator with a copy to the Contracting Officer.
 - I. On an annual basis, acquire the Single Audit Report (prescribed by *OMB Circular A-133, P.L. 98-502, as amended*) from the cooperator, and submit it to the Contracting Officer.
3. Notwithstanding the authorities delegated under Paragraph 2 above, you will not:
- A. Award, agree to, execute any changes on the terms or conditions of the Cooperative Agreement, or sign any modification or notice of intent;
 - B. Obligate, in any way, the payment of any money or extension of time for the Government;
 - C. Cause the cooperator to incur any cost not otherwise covered by the Cooperative Agreement with the expectation that such cost will be reimbursed by the Government;
 - D. Terminate for any cause, the cooperator's rights to proceed with performance; and
 - E. Make a final decision on any Cooperative Agreement matter, which is subject to appeal under the Dispute Clause, of the Cooperative Agreement.
4. The purpose of these instructions is to ensure that the Cooperative Agreement is performed in strict accordance with terms agreed to by both parties and to provide quality administration. Ask the Contracting Officer for guidance if you are in doubt about the extent of your authority or any circumstances not covered by this appointment. If any problems or questions arise regarding this, please do not hesitate to contact me at () _____.

Please sign and return the Acknowledgment of Receipt page (only) to my attention.

/s/ Jeff Sena
Contracting Officer

APPOINTMENT AS KEY OFFICIAL LETTER

APPOINTMENT OF KEY OFFICIAL

ACKNOWLEDGEMENT OF RECEIPT for appointment of key official, Cooperative Agreement Number H125300001. I certify that I have read the terms and conditions of the Cooperative Agreement and understand my responsibilities and limitations as the key official.

International Sonoran Desert Alliance:

BY: _____
Name

TITLE: _____

DATE: _____

IMPORTANT NOTE: The approving official is defined as the individual who has the delegated authority to approve payments under a cooperative agreement. This individual is the contracting officer unless otherwise delegated. This sample delegation is written for the contracting officer to be the approving official and should be modified if you want to delegate that responsibility elsewhere.