

## 2005 CARE FUNCTIONAL REVIEW EXTRAMURAL AGREEMENTS

For information on the interpretation of clarification on the functional questions in this section, please contact Sherri Carroll on 301-504-1144.

### 8.01 Extramural Agreements Program (General)

Reference: Extramural Agreements Manual (EAM) 280.0 dated April 1994. Additional information can be found on the EAD Web site - <http://www.afm.ars.usda.gov/ead/index.htm>

- Interview the LAO/T to:
  - Identify Location staff involved in the agreements process including the types of agreements they process and their duties/responsibilities. (ADODR's, LAO, LSS, etc.)
- Interview the Location (LAO, LSS, and ADOD'R's) staff involved in the agreements process to document their concerns, comments, or suggestions about the following:
  - turn around time;
  - training needs; and
  - improvement to the extramural agreements process.
- Interview the responsible LSS to determine whether the following assistance is provided to each ADODR:
  - development of the Statement of Work (SOW);
  - development of the budget; (ensure all applicable direct and indirect costs are documented);
  - ensure the appropriate ARIS documents (ARS-416/417/550A/425) are entered correctly;
  - assembly of the agreement request package:
    - approved ARIS (required for all agreements)
    - AD-700 (Commitment Authorization)
    - SOW/ Proposal
    - budget
    - justification for funding increase/decrease or extension of time (if applicable) **Note: The justification can be submitted in the following format: email, on the AD-700, program increase memo, ARIS remarks section, transmittal memo.**
    - transmittal memo or other document providing necessary ADODR and Cooperator information.
  - submission of the complete request package to the Area Office
  - follow up with the Area Office; regarding receipt of the complete request package

## 8.02 Research Support Agreement

**Research Support Agreement (RSA)** – A cost-reimbursable agreement between ARS and a College or University. The RSA formally documents the relationship under which the institution provides goods and services, including personal services, to ARS in support of research activities of mutual interest.

Reference: EAM 280.0, Chapter 2400 and REE Bulletin 01-153

- Determine if the RSA is used at the Location. If yes:
- Determine who serves as ADODR for the RSA. **Note: In most Locations the LAO/T is the ADODR for the RSA.**
- Verify that the Location has a copy of the approved ARS-550, Research Agreements Plan, from the ARMP.
- Interview the ADODR to determine the process for preparing task orders at the Location. Location/Areas may vary in the sequence of steps or other procedures. Verify the following:
  - Task orders are sent to ADO (Upon final signature)
  - ARS is not:
    - Selecting cooperator employees
    - Administratively supervising cooperator employees
    - Administering cooperator payrolls
    - Establishing wage levels
    - Entering into employment agreements with individuals
    - Approving/disapproving cooperator employees' leave
  - ADODR is sending task orders to the Cooperator for pricing and/or determination of wage rates. Note: An Authorized Representative of the Cooperator must co-sign the task order.
  - Services requested on task orders are in accordance with ARS policy and procedures regarding the acquisition of goods and personal services under an RSA.
  - ADODR is aware of ARS policy which specifies a 4-year limitation on acquiring personal services for recurring requirements, i.e., a Lab Technician. Acquiring the services of a University employee equivalent to an ARS Category 1 and/or 4 Scientist position is limited to 90 days (Janitorial and maintenance services are excluded) **(Is the Location's RSA in compliance with the policy?)**
  - ADODR is submitting the fully executed task order to the National Finance Center (NFC), ADO, or the Area Budget and Fiscal Office in order to obligate funds.

- Task Orders contain appropriate ARS Budget Object Code and Sub-Object Code  
Note: BOC = 2554, SUB BOCs = LG and PU. This information is required for FFIS purposes.
  - Task orders are being closed out upon completion.
- Verify that task orders (including amendments) issued by ADODR have the following:
  - Approved AD-700
  - General description and amount of supplies, materials, and/or services
  - Listing of occupational categories (title) with duties
  - Dates or time frame for delivery of goods or performance of services
- If payment method for RSA is under HHS/Payment Management System:
  - Determine if Cooperator is providing ADODR with a Monthly Management Report (MMR) or equivalent.
  - Determine if the ADODR and RL verify and approve the MMR or equivalent.
  - Determine if the ADODR is sending a copy of the MMR or equivalent to the ADO.
- If payment method for RSA is other than HHS/Payment Management System:
  - Determine if Cooperator submits an itemized invoice to ADODR.
  - Determine if RL is certifying and ADODR is verifying the receipt of goods and/or services on the invoice.
  - Determine if the ADODR is promptly submitting the invoices to NFC, ADO, or ABFO for payment.

8.03 Cooperative Agreements: (Specific Cooperative Agreements, Trust Fund and Reimbursable)

**Specific Cooperative Agreement (SCA)** - describes in detail a jointly planned, executed, and funded research program or project.

**Trust Fund Cooperative Agreement (TFCA)** - involves cooperative research between ARS and another party where ARS is paid in advance to conduct research or for the other party to share in the cost of a research project conducted by ARS.

**Reimbursable Cooperative Agreement (RCA)** - similar to the Trust Fund Cooperative Agreement except, that the Cooperator pays when billed by ARS for work completed.

Reference: EAM 280.0 Chapters 2100 and 2300

- Determine if the SCA, TFCA, and/or RCA is used at the Location. If yes:
- Verify that the ADODR maintains an agreement file with copies of information relevant to the extramural project. (The Area office maintains the “official” Agency file). **Note: The file must include the following: (1) fully executed copy of the agreement and (2) copy of the approved ARIS documents. The file may also include the following: (1) amendment(s), (2) payment records/invoices, (3) correspondence, (4) copies of Financial and Performance reports and (5) internal emails and notes.**

#### 8.04 Standard Cooperative Agreement

**Standard Cooperative Agreement** - describes a cooperative relationship between ARS and another party that defines a mutually beneficial relationship relative to the use of land, labor, equipment, facilities, livestock, or other resources. The agreement includes a “make whole” provision using one of the following methods: (1) Tort claims Act, or (2) a fair market value as agreed upon by the parties.

Reference: EAM 280.0, Chapter 2200 and REE Bulletin 03-700

- Determine if the Standard Cooperative Agreement is used at the Location. If yes:
  - And the agreement(s) was executed/awarded at the Location level:
    - Verify the LAO/T has written delegation of signature authority from the ADO.
    - Verify the LAO/T is preparing and sending a written delegation of authority to the ADODR.
    - Verify that the Location maintains an agreement file and forwards a copy the Area office. **Note: The file must include the following: (1) fully executed copy of the agreement and (2) copy of the approved ARIS documents. The file may also include internal emails and notes.**
  - And the agreement(s) was executed/awarded at the Area level:
    - Verify that the Location receives a copy of the agreement and maintains a file. (The Area office maintains the “official” Agency file)

#### 8.05 Grants and Assistance Type Cooperative Agreement

**Grant** - transfers a thing of value (money, property, services, etc.) to the recipient to stimulate or carry out a public purpose with no substantial involvement anticipated between the agency and the recipient

**Assistance Type Cooperative Agreement (ATCA)** - transfers a thing of value to the recipient to stimulate or carry out a public purpose and substantial involvement is anticipated between the agency and the recipient.

Reference: EAM 280.0, Chapter 3100

- Determine if the Grant and/or ATCA is used at the Location. If yes:
  - Verify that the ADODR maintains an agreement file with copies of information relevant to the extramural project. (The Area office maintains the “official” Agency files). **Note: The file must include the following: (1) fully executed copy of the amendment and (2) copy of the approved ARIS documents. The file may also include the following: (1) payment records/invoices, correspondence, (3) copies of Financial and Performance reports and (4) internal emails and notes.**
- Determine whether the LAO/T is familiar with the requirement to document substantial involvement on the ATCA.

8.06                    Supplements to the MMOU

**Supplements to the MMOU** - further defines cooperative research related to the MMOU. **Used prior to August 14, 2003. Supplements have been replaced by Non-Funded Cooperative Agreement.**

- Determine if there are active Supplements. If yes:
- Ensure the Location is advised to work with the Area Office to terminate all active Supplements and convert those still needed to Non Funded Cooperative Agreements.

8.07                    Standard Memorandum of Understanding

**Standard Memorandums of Understanding (SMOU)** - describes a cooperative relationship between ARS and another party that defines a mutually beneficial relationship relative to the use of land, labor, equipment, facilities, livestock, or other resources. The agreement does not include a “make whole” provision. **Used prior to August 14, 2003. SMOU’s have been replaced by Non-Funded Cooperative Agreements.**

- Determine if there are active Standard Memorandum of Understanding. If yes:
- Ensure the Location is advised to work with the Area Office to terminate all SMOU’s and convert those still needed to Non Funded Cooperative Agreements.

8.08                    Individual Memorandum of Understanding

**Individual Memorandum of Understanding (IMOU)** - describes a cooperative program or project between ARS and another party when there was no Master MOU to supplement. **Used prior to August 14, 2003. IMOU’s have been replaced by Non-Funded Cooperative Agreements.**

- Determine if there are any active IMOU’s.
- Ensure the Location is advised to work with the Area Office to terminate all active IMOU’s and convert those still needed to Non Funded Cooperative Agreements.

8.09

Memorandum of Understanding

**Memorandum of Understanding (MOU)** – an agreement between ARS and another party that sets out, in very broad, general terms, a plan for the parties to coordinate their efforts on projects of mutual interest. No specific duties and responsibilities are defined. Only general terms which identify how the parties intend to cooperate are described. There is no substantial commitment of resources by ARS and there is no direct transfer of funding from one party to the other.

Reference REE Bulletin 03-700

- Determine if the MOU is used at the Location. If yes:
- Verify that the ADODR maintains an agreement file with copies of information relevant to the extramural project.
- Verify that the ADODR understands the “new” MOU principles outlines in REE 03-700.

MOU’s may only be used to establish the *intent* to cooperate, with independent performance, on projects of mutual interests where there is no transfer of resources.

8.10

Non-Funded Cooperative Agreement

**Non-Funded Cooperative Agreement (NFCA)** - describes in detail a jointly planned and executed project of mutual interest. All parties contribute resources and benefit independently in the outcome of the project. There is no direct transfer of funding from one party to the other. **NFCA replaces the Individual Memorandum of Understanding (IMOU), Supplements to the MMOU and the Standard Memorandum of Understanding.**

Reference REE Bulletin 03-700

- Determine if the NFCA is used at the Location. If yes:

Verify that the ADODR maintains an agreement file with copies of information relevant to the extramural project. (The Area office maintains the “official” Agency files). **Note: The file must include the following: (1) fully executed copy of the agreement and (2) copy of the approved ARIS documents. The file may also include the following: (1) amendment(s), (2) correspondence, (3) copies of Financial and Performance reports and (4) internal emails and notes.**