

Cooperative Ecosystem Studies Units (CESU) Overview and FA Guidance for the National Park Service

This document was developed to assist financial assistance (FA) personnel, as well as technical and program personnel, in the use and development of CESU financial assistance

Introduction

What is a CESU?

The Cooperative Ecosystem Studies Units (CESU) Network is a national collaborative consortium of federal agencies, tribes, academic institutions, state and local government agencies, nonprofit, nongovernmental organizations, and other partners, working together to support natural and cultural resource stewardship. The CESU Network has more than 375 partners, including 15 federal agencies, in 17 CESUs encompassing all 50 states and U.S. territories. The CESU Network serves as a platform to support scientific research, technical assistance, education and capacity building.

The 105th Congress, under the National Parks Omnibus Management Act of 1998 (Pub. L. 105-391) [13 November 1998], authorized and directed the Secretary of the Interior to establish a network of regional cooperative study units. Additional information can be found in the [December 22, 2014 memorandum](#) from the Office of the Secretary of the Interior, Director, Office of Acquisition and Property Management.

Federal agencies participate in the CESU program within the scope of their respective programs, authorities, and administrative structures. Federal agencies are substantially involved in CESU activities, working closely with host universities and partner institutions on research, technical assistance, and education projects to accomplish a public purpose. The CESU Network is governed by the CESU Network Council. The CESU Network Council includes executive level administrators and scientists representing each participating federal agency. The Council sets the strategic direction and policy for the CESU Network, prepares guidance and process guidelines for participation in the network, manages CESU network cooperative and joint venture agreements renewals, and coordinates administrative functions, technical assistance, communications, data sharing, and reporting. The CESU network national program office is administratively hosted by the National Park Service. The national program office is led by a national coordinator and small staff, who serve as staff to the CESU National Council.

CESUs provide agencies an opportunity to more effectively meet performance objectives toward achieving a public purpose. CESUs provide access to high-quality scientific research, technical assistance, and educational services through partnerships between federal agencies, institutions of higher education, and other non-federal organizations to share resources and expertise.

Each CESU unit includes a host university, partner universities, Federal agencies, and other institutions. Both the host university and partner institutions provide access to the skills and expertise of their faculty, staff, students, laboratories, libraries, and other resources. An added benefit to a Federal agency's participation in a CESU is that the agreements have been pre-negotiated outlining partner roles and responsibilities and award terms and conditions, including a system-wide reduced indirect cost rate for all nonfederal entities (currently 17.5%).

How do CESU Cooperative and Joint Venture agreements work?

Between the years of 1999 - 2003, each of the 17 CESU units in the Network were selected through five rounds of formal competition. Cooperative and joint venture agreements were then awarded with the host university and all federal and non-federal partners. Visit the [CESU website](#) for more information about the selection process.

Each CESU cooperative and joint venture agreement has a term of five years. At the end of the five-year term, as a provision of the agreement and upon mutual consent of partners, each CESU can apply for approval for continuation for a subsequent five-year term. Each CESU undergoes a formal evaluation every five years to continue their participation in the CESU network. The CESU Network Council staff coordinates the renewal process, with evaluation conducted by the host university and its tribal and non-federal partners, the participating federal agencies and designated external reviewers, and the CESU Network Council.

Tribal, state, and local governments, academic institutions, nonprofit conservation organizations, and other non-federal entities are eligible to apply to become partners in any particular CESU at any time. A potential partner submits an application package to the CESU's host university Director. Each new partner application is distributed to partners for review and consideration following a process specified by the CESU Network Council. If approved, the CESU Network National Office drafts an amendment to the CESU cooperative and joint venture agreement formally adding the new partner.

Federal agencies participate in CESUs within the scope of their respective programs and administrative structure. There is no expiration on federal membership, so NPS and other federal

agencies do not need to renew membership. If an organization wishes to withdraw from an individual CESU, the non-federal entity must submit a written request. The National Park Service's participation in all individual CESUs is initiated through the signing of the cooperative and joint venture agreements. These overarching agreements provide a framework for mutually-accepted expectations among federal agencies and non-federal partners participating in a CESU. Each is available on the [CESU website](#).

Each of the CESU cooperative and joint venture agreements is assigned a NPS specific tracking number. Currently all of the tracking numbers follow the Financial and Business Management System (FBMS) numbering schema. After the implementation of [FAP&P 1443-2017-02](#), the CESU cooperative and joint venture agreements will continue to be reviewed and signed by the individuals noted in those agreements, but as they expire the FBMS numbers will not be updated, nor will the documents be entered into the FBMS PRISM module. As the numbers serve only as references and do not need to be recorded or updated into NPS financial systems a new numbering schema will be developed.

How does the NPS obligate funds referencing the CESU cooperative and joint venture agreement?

The National Park Service awards funding for implementing specific projects to CESU partners through NPS specific cooperative agreements following the financial assistance process established and documented per NPS [FAP&P 1443-2017-02](#).

Funds will be awarded to a CESU recipient organization under the following options:

Stand-alone Cooperative Agreement – A Financial Assistance Awarding Officer can enter into a stand-alone cooperative agreement for a one time project with a definite period of performance. The agreement can be entered into either as a single source selection, in the case where the qualifications for such as listed in [FAP&P 1443-2015-06](#) can be met, or part of a competitive selection process. Note that currently a competition can be limited to specific eligible recipients, i.e. – CESU partners.

Master Cooperative Agreement – A Financial Assistance Awarding Officer can choose to enter into a master cooperative agreement with a CESU partner, if the work will be done over a longer period of time, and/or as multiple tasks within the overall statement of work. A master CA can be entered into either as a single source selection in the case where the qualifications for such as listed in [FAP&P 1443-2015-06](#) can be met, or part of a competitive selection process. Note that a competition can currently be limited to

specific eligible recipients, i.e. – CESU partners. Once the master CA is established, task agreements can be awarded under this specific master CA agreement number following the same process as today.

Entering into a cooperative agreement, be it a master or stand-alone agreement, will require pre-award documentation; the creation and retention of an official file of record, which includes all NPS mandatory templates and documentation; posting requirements for single source award determinations; and, in the case of competitions, required documentation as set forth in [2 CFR Part 200](#).

The title of the cooperative and joint venture agreement, along with the NPS issued tracking number, located in the top right-hand corner of each CESU cooperative and joint venture agreement, must be referenced in the NPS cooperative agreement.

Authorities and Regulations

The CESU program is authorized under *Chapter 54 of the United States Code, 54 U.S.C § 100703, Cooperative Study Units*, in which the Secretary of the Interior is directed to establish a network of “cooperative study units” with academic and other non-federal partners to provide research, technical assistance, and education related to the resources of National Park Service units and regions. CESU financial assistance projects can also cite other legislative authorities that allow for financial assistance funding. When awarding a task agreement, any referenced legislative authorities must be included in the master CESU agreement.

Each CESU cooperative and joint venture agreement contains the following language, “All Federal Agencies, Host University and Partner Institutions agree to: Issue individual funding documents, in accordance with each agency’s procedures that, include a specific “scope of work” statement and a brief explanation of the following:

- (a) the proposed work;
- (b) the project contribution to the objectives of the CESU;
- (c) the methodology of the project;
- (d) the substantial involvement of each party;
- (e) the project budget and schedule;
- (f) the specific project outputs or products.”

NPS cooperative agreements are entered into in accordance with the Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6301-6308), Federal Financial Assistance Act of 1999 (P.L. 106-107), 2 CFR, Part 200 in its entirety, Office of Management and Budget (OMB)

Circulars, Executive Orders (E.O.'s), Department of the Interior (DOI) regulations and policies, and National Park Service policies.

Single Source Determinations

In order to award a cooperative agreement for via single-source selection, DOI and NPS policy requires that an award-specific description that justifies the award of single-source without competition be constructed that meets at least one of the following five single-source justification criteria:

- (1) Unsolicited Proposal – The proposed award is the result of an unsolicited assistance application which represents a unique or innovative idea, method, or approach which is not the subject of a current or planned contract or assistance award, but which is deemed advantageous to the program objectives;
- (2) Continuation – The activity to be funded is necessary to the satisfactory completion of, or is a continuation of an activity presently being funded, and for which competition would have a significant adverse effect on the continuity or completion of the activity;
- (3) Legislative intent – The language in the applicable authorizing legislation or legislative history clearly indicates Congress' intent to restrict the award to a particular recipient of purpose;
- (4) Unique Qualifications – The applicant is uniquely qualified to perform the activity based upon a variety of demonstrable factors such as location, property ownership, voluntary support capacity, technical expertise, or other such unique qualifications;
- (5) Emergencies – Program/award where there is insufficient time available (due to a compelling and unusual urgency, or substantial danger to health or safety) for adequate competitive procedures to be followed.

The award-specific justification explanation should be comprehensive and specific. The written justification must specifically address the criterion or criteria indicated as well as provide enough information to clearly explain why the award is not being competed. Examples of comprehensively written justifications can be found in the [CESU Regional FA Planning Documents](#) webpage in the [NPS Financial Assistance Documents Portal](#). To assist in drafting a

comprehensive justification, the Agreements Technical Representative (ATR) or other program personnel involved in the project can request additional information from the potential recipient. It is recommended that prior to award market research is conducted to ensure the single source selection is proper.

If the justification for single-source is found to be insufficient or, as a result of the NOI announcement, additional potential applicants express the qualifications and interest to accomplish the project objectives, then the project must be reviewed by the FA Awarding Officer to determine if it should be competed prior to award. If the justification is found to be sufficient by the FA Awarding Officer, it then must be published on Grants.gov.

When the projected cost of a single-source financial assistance agreement is \$25,000 and above, the FA Awarding Officer must, prior to award, publish a notice of its intent to award federal funds on Grants.gov. The NOI should be posted for a minimum of 10 calendar days. In instances where the FA Awarding Officer makes a determination to post the NOI for less than 10 days, a written justification must be included in the file of record documenting the reason for the reduced time.

Notice of Funding Opportunity (NOFO)

A competition process must be used in instances where a specific park unit, program, or regional office has a research, technical assistance, or education related opportunity that meets proper elements for a financial assistance award and either: 1) the park unit, program, or regional office expects to receive proposals; or 2) the anticipated recipient or project does not meet any of the single source criteria necessary for a single source determination. The competition process as outlined in [FAP&P 1443-2015-06](#) must be followed.

For [Per DOI-AAP-0009](#) all competitive awards, FA Awarding Officers are required to make awards based on a merit review process. To facilitate the competition process, a NOFO may be posted on either a standard (traditional) or rolling basis. A standard NOFO is a one-time notice to grants.gov which contains the full programmatic description of the funding opportunity, award information, eligibility requirements, application instructions, application review information, and Federal award administration information (reference [2 C.F.R. § 200.203](#) and [Appendix 1 to 2 C.F.R](#) Part 200). A standard NOFO must be posted to grants.gov for a minimum of 60 days unless approval is obtained for a shorter period of time in accordance with [FAP&P 1443-2015-06](#). Once the announcement closes, a merit review is then conducted for all applications received prior to the closing date in accordance with the instructions and review process contained in the announcement.

A rolling NOFO follows the same process as a standard NOFO, except the announcement remains open for an extended period of time and a merit reviews are conducted independently for individual applications as they are received in response to the announcement. The merit review criteria and process for review are specified within the announcement.

The NOFO template is mandatory, and must be utilized for the competition on Grants.gov; however, FA Awarding Officers have flexibility in establishing the specific merit review criteria and process for their NOFOs. The rolling NOFO template is a variation of the mandatory NOFO template that may be used when a grants.gov announcement will be posted on a rolling basis. The merit review and evaluation plan is an optional template which complies with the NOFO and merit review requirements of [2 C.F.R](#) Part200 and can be utilized as a tool in formulating your evaluation and review process.

Proposed Budget (SF-424s and Detailed Budget Information)

FA Awarding Officers have a responsibility to verify that all costs are reasonable, allowable, and allocable prior to award of financial assistance funding. A detailed budget for the funded project shall be presented by the recipient. In terms of cost review refer to the [NPS Justification for Use of Financial Assistance mandatory template, DOI-AAAP-0062 “Financial Assistance Pre-Award Budget Review,”](#) and [2 CFR, Part 200, Subpart E, Cost Principles](#). The estimated costs must match the level of effort needed to meet the project objectives and lead to the successful completion of the project. It is important to ensure that the recipient’s budget proposal is not inflated, and that cost estimates are not too low to complete the project as outlined in the proposal. If cost share is required it shall be included as part of the overall budget, and reviewed in regards to cost reasonableness, allowability and allocability as well.

It is recommended that the FA Awarding Officer work closely with the ATR, program personnel and CESU Coordinator to review and approve a budget that is necessary, reasonable, allowable, and allocable. Any travel costs included in the budget should be ancillary to the cost of the research as travel should not be the primary reason for the agreement.

Risk Assessment

FA Awarding Officers are required to undertake all necessary due diligence in assessing a recipient’s risk prior to award. Prior to award of a cooperative agreement, a risk assessment must be accomplished in accordance with DOI Policy ([DOI-AAAP-0068](#)) and NPS Policy ([NPS](#)

[FAP&P-1443-2016-01](#)). In the event that a high risk area is identified for a recipient, the FA Awarding Officer should consult [2 C.F.R. § 200.207](#) for possible specific conditions that may be imposed on that recipient. In addition, the FA Awarding Officer should consult the NPS High Risk/Agency Review Process and Procedures for additional guidance on the process to be followed for designating a recipient as High Risk.

Regional Considerations

Getting Started

The drafting of a cooperative agreement involves a team of people. At a minimum the FA Awarding Officer and/or Agreements Specialist; the CESU Coordinator listed in the CESU cooperative and joint venture agreement; the ATR and/or program staff; and the recipient's point of contact should be involved in the pre-planning and execution of the cooperative agreement. Each has specific responsibilities throughout the financial assistance process.

CESU Coordinators:

1. Responsible for participating in regular recurring coordination meetings in accordance with each CESU cooperative and joint venture agreement.
2. Responsible for informing the scientific and technical staff within their CESU and regional boundaries about how they can utilize CESUs to accomplish collaborative research and scientific studies relevant to their programs.
3. Responsible for providing support to CESU recipient representatives.
4. Responsible for coordinating with the FA Awarding Officers and ATRs.

FA Awarding Officers:

1. Responsible for awarding the agreement which obligates funding to the recipient.
2. Responsible for delegating ATR authority to assist in the administration of the cooperative agreement.
3. Responsible for assisting the CESU Coordinator and/or ATR in finalizing relevant cooperative agreement documents in accordance with regulations and policy and the terms of the CESU cooperative and joint venture agreement.
4. Responsible for reviewing, approving, and monitoring the cooperative agreements as initiated.
5. Responsible for coordinating with the CESU Coordinators and ATRs.

ATRs & Program Personnel:

1. Develop a cooperative agreements package to include all required supporting documentation for award.
2. Provide subject matter expertise to ensure successful award.
3. Ensure NPS meets its obligation for substantial involvement.
4. Monitor the cooperative agreement through project completion.
5. Ensure project reports and/or results are obtained from Principal Investigator (PI) and delivered to the appropriate repository and FA Awarding Officer.

Cross-regional Coordination

As demonstrated on the map below, there is some cross-over experienced between the territorial boundaries of individual CESUs and NPS Regional Service Areas.



The responsibility regarding cooperative agreement obligation should be with the specific park unit, program, or regional office with the research, technical assistance, or education related requirement, rather than the park unit, program, or regional office that serves as signatory to the particular CESU cooperative and joint venture agreement. In other words, the ATR or program staff member seeking to utilize a CESU cooperative and joint venture agreement to enter into a NPS level cooperative agreement should contact their regional or park financial assistance office to begin the award process. The regional or park financial assistance office will coordinate with the CESU Coordinator associated with CESU cooperative and joint venture agreement that the NPS level cooperative agreement will reference.

Based on regional or park financial assistance office workload, and/or location of the project or recipient, the regional or park FA Awarding Officer can request support from another region in consultation with the ATR/program staff and the CESU Coordinator listed on the CESU cooperative and joint venture agreement. This guidance does not create a prohibition on assisting other regions or offices.

If the needed research-related requirement is national in scope, the WASO financial assistance office would be the obligating office. Examples of projects with national scope would include, but not be limited to, research, technical assistance, or education related opportunities with a statement of work encompassing multiple regions or parks within multiple regions. A national level of dissemination of research results does not constitute a project with national scope. The reporting lines of the ATR/Program Manager who initiated the purchase request (PR) can also be considered in determining national scope of a project, for instance an employee of a WASO national program with a duty station at a regional level.

When a cross-region cooperative agreement is being developed, and there are differences in deadlines or documentation requirements among the regions involved, it is the responsibility of the ATR/program staff to comply with the requirements of the region processing and executing the cooperative agreement. It is understood that although all NPS financial assistance personnel shall utilize the mandatory financial assistance forms and templates as outlined in NPS Policy [FAP&P 1443-2015-05](#), Financial Assistance Mandatory and Optional Templates, regional offices may have additional templates and specific procedures designed to assist users of CESUs.

As required by NPS policy, FA Awarding Officers should not approve any actions that use alternate templates in lieu of the mandatory FA templates, but in an effort to assist the users of this guidance, additional process documents from various regional offices have been compiled. These documents are available on the [InsideNPS, Financial Assistance Document Portal](#) website. When in doubt, an ATR should contact the CESU Coordinator assigned to the partner institution

and the CESU Coordinator administratively housed in the awarding region to ensure that all documentation and review requirements are met.

Information Sharing

It is one of the functions of the CESU Coordinator to collect information, specific to CESU cooperative agreement award activities, for a number of reports. The CESU Coordinator must track the initiation of cooperative agreements that are associated with their CESU cooperative and joint venture agreement. A variety of information is collected for reports and data calls including, but not limited to, the DOI Environmental Justice Progress Report, Annual Research and Development Report, Reported Federal Funding for Minority-serving Institutions, and Congressional Annual Reports on CESU project funding. In order to assist the CESU Coordinators with tracking all pertinent information, the FA Awarding Officer should work closely with the CESU Coordinator named on the CESU cooperative and joint venture agreement and vice versa.

In order to ensure that the CESU Coordinator is aware of, and has a copy of all cooperative agreements associated with the CESU cooperative and joint venture agreement they are affiliated with, it is recommended as a best practice for the FA Awarding Officer/ Specialist to include the CESU Coordinator on the final agreement distribution. Distribution of the final agreement must also include the national CESU office via “cc” email to agreements@cesu.org.

In some cases the CESU Coordinator also serves as the ATR, but in many cases an ATR is appointed that may not have close communications with this CESU Coordinator. As this can be the case, it is also recommended that the FA Awarding Officer advise the ATR to include the CESU Coordinator on any internal correspondence related to agreements.