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	U· S· DEPARTMENT OF THE INTERIOR **OFFICE OF SURFACE MINING** **RECLAMATION AND ENFORCEMENT** **DIRECTIVES SYSTEM**	**Subject Number:** GMT-9 **Transmittal Number:** 183 **Date:** 7/11/83

Subject: Approval of Federal Reclamation Program Cooperative Agreements by Administrators of Technical Centers

Approval: J. H. Harris **Title:** Director

1. Purpose. This directive provides policy guidance to Administrators of Technical Centers for approving agreements or amendments to cooperative agreements for Federal Reclamation Program projects.

2. Definitions.

a. Agreement - the document signed by the State and an authorized official of the Office of Surface Mining (OSM) obligating the State to perform certain activities in return for Federal funds being provided.

b. Amendment - a written change in the provisions of the agreement.

c. Application - the material submitted by a State when applying for Federal funds.

d. Approval Package - material submitted by the Technical Center to Headquarters, Technical Services and Research (TSR) for processing a cooperative agreement.

e. Audit - a report examining financial records and compliance with laws and regulations for a cooperative agreement.

f. Close Out - the process of administratively declaring a cooperative agreement completed. It involves a review and reconciliation of all financial and programmatic actions relating to the cooperative agreement.

g. Cooperative Agreement Approval - the action taken when the grantee first accepts the terms and signs the agreement and then the grantor signs the agreement approving the document. When a cooperative agreement is executed the recipient's letter of credit is increased by the amount specified in the agreement.

h. Cooperative Agreement Award - the process culminating in an approved agreement and transmitting the agreement to the grantee.

i. Letter-of-Credit - an instrument certified by an authorized official of OSM which authorizes a recipient to draw funds. The drawdown requests may be submitted as frequently as cash is needed to meet expenditures chargeable to awarded funds. The funds advanced under the OSM letter-of-credit system are made available by the Treasury Disbursing Centers and Treasury Regional Disbursing Offices.

j. Obligation Package - the material submitted by Headquarters Federal Reclamation Programs Division (FRP) to the Division of Grants Administration (DGA) for obligation of funds and increasing the recipient's letter-of-credit.

3. Policy/Procedures.

a. Concept. It is the policy of OSM to delegate to Administrators of Technical Centers signature authority to approve cooperative agreements and amendments for Federal Reclamation Program projects. Approval authority shall be contingent on the following conditions being satisfied:

(1) A briefing paper for the project has been developed and approved.

(2) Project funds in the amount specified in the approved briefing paper have been allocated to the Technical Center.

b. Responsibility. The Administrators of the Technical Centers are responsible for approving and executing cooperative agreements and amendments for all Federal Reclamation Program projects. The Administrator may delegate this responsibility to the Deputy Administrator.

The Chief, Division of Federal Reclamation Programs, Eastern Technical Center or Chief, Branch of Federal Reclamation Projects, Western Technical Center, is responsible for determining if applications submitted for cooperative agreements or amendments are complete and qualitatively acceptable for processing.

c. Approval Process:

(1) Processing of the Application. Applications for FRP cooperative agreements or amendments shall be submitted by the State to the appropriate Field Office Director who shall conduct a preliminary review of the application to determine whether or not it is complete. The five items required in a

complete application are: (1) letter requesting the project or amendment; (2) Application for Federal Assistance (SF-424); (3) Project Approval Information (OSM Form 50 A/B); (4) Budget Information (OSM Form 47 or OSM Form 48); and (5) Program Narrative Statement (OSM Form 51).

The Field Office Director shall have 15 days from the date the application is received in the Field Office to conduct this preliminary "completeness" review; notify the State of any deficiencies in the application package; and transmit the application package to the Administrator of the appropriate Technical Center (Attn: FRP).

The Technical Center shall have 30 days from the date the application is received in the Technical Center to review all application documents, determine if the documents are complete and qualitatively acceptable for processing, and notify the State of the acceptability or unacceptability of the application for further processing.

When the application is complete and acceptable for processing the Technical Center shall prepare three copies of the cooperative agreement and assurances and transmit these documents through the Field Office Director to the State for approval. After approval by the State all signed copies of the cooperative agreement shall be returned by the State through the Field Office Director to the appropriate Technical Center (Attn: FRP).

Upon receipt of the signed cooperative agreement a memorandum recommending approval shall be prepared and transmitted together with the 3 original copies of the cooperative agreement signed by the State and a procurement request (OSM Form 1-79) to the Administrator of the Technical Center for approval.

For applications that include environmental assessments (EA) the following procedure should be followed. The Technical Center Administrator or his representative shall review the EA for completeness and prepare the Findings of No Significant Impact (FONSI). The Technical Center shall identify those EA's requiring further study and shall coordinate that work with the State and the Field Office prior to preparation of the FONSI.

The FONSI shall be submitted for approval to the Administrator with the cooperative agreements and the OSM Form 1-79.

OSM Directive Number 148, dated January 25, 1983, shall be followed for environmental assessment procedures when the environmental assessment for the project is being prepared by the Technical Center.

(2) Preparing and Issuing an Award. Upon approval of the application, the Administrator shall sign all Three (3) original copies of the cooperative agreement, the OSM Form 1-79 and the FONSI, if applicable. Distribution of the signed agreement shall be as follows: One (1) signed original shall be returned through the Field Office to the State; one (1) signed original shall be retained by the Technical Center, and the remaining signed original shall be forwarded as part of the approval package.

The Administrator will forward the approval package to Headquarters, TSR (Attn: Chief, FRP).

FRP will forward the obligation package to the DGA. DGA will assign a cooperative agreement number and send the required documents to the Branch of Financial Operations (BFO) to obligate funds and increase the State's letter-of-credit. DGA will return a copy of the approved OSM Form 1-80 to FRP. FRP will provide a copy of the approved OSM Form 1-80 to the appropriate Technical Center and Field Office.

(3) Amending Cooperative Agreements. The Administrator, or his delegated representative, is authorized to sign all amendments to cooperative agreements for Federal Reclamation Program projects. The procedure to be followed in approving an amendment is the same as that cited in the preceding sections for approving a cooperative agreement. All documentation shall conform to the requirements of Action Transmittal DOI-OSM-MB-80-1.

d. Administering Cooperative Agreements - Federal Reclamation Program:

(1) The Technical Center retains primary responsibility for monitoring the performance of the State under a Federal Reclamation Program cooperative agreement. The Field Office shall assist the Technical Center in project site inspection and liaison activities on an "as needed" and "as available" basis.

The Field Office shall conduct post reclamation monitoring of Federal Reclamation Projects in those instances where the Field Office is near to or frequently visits the project vicinity. The Field Office Director shall report inspection findings to the Administrator of the appropriate Technical Center (Attn: FRP).

All narrative and financial status reports (OSM Form 51, SF-269, SF-271) submitted by the State shall be reviewed by the Technical Center for compliance with Action Transmittal DOI-OSM-MB-80-2. The original and two copies of all documents shall be forwarded to Headquarters TSR (Attn: Chief, FRP). FRP shall forward the original and one copy of all approved reports to the DGA. DGA shall transmit the original copy of the reports to the BFO.

> NOTE: For Federal Reclamation Program projects, the State shall submit narrative and financial reports on a quarterly basis. The first quarterly report shall be submtted no later than 30 days following the end of the quarter in which the effective date of the cooperative agreement falls. Subsequent reports shall be submitted within 30 days from the end of a quarter. The final report shall be submitted within 90 days after completion of the cooperative agreement.

(2) Resolution of Problems. When a potential problem situation occurs the State should contact the Field Office, which will transmit the information to the appropriate Technical Center. The Technical Center and Field Office shall evaluate the situation and recommend appropriate action to be taken by the State. If the problem involves a policy issue, the Technical Center shall provide its recommendations to Headquarters TSR (Attn: Chief, FRP). Headquarters TSR, working in coordination with DGA shall develop a recommended course of action in consultation with the Technical Center. The Technical Center then notifies the State agency through the Field Office and implements the action.

(3) Cooperative Agreement Closeout. When a cooperative agreement is completed, closeout documents are developed by the State and transmitted through the Field Office to the Technical Center. After receiving the closeout forms and other documents from the State, the Technical Center reviews the material, resolves any issues with the State,

develops the final OSM Form 1-80 and forwards the original and two copies of the OSM Form 1-80 and two copies of all other documents to Headquarters TSR (Attn: Chief, FRP) with its recommendations. FRP reviews the material, resolves any issues with the Technical Center and forwards the original and one copy of the OSM Form 1-80 and one copy of all other documents to the DGA. DGA will send the required documents to the BFO to deobligate any excess funds, reduce the State's letter-of-credit and close out the cooperative agreement. DGA will return a copy of the approved OSM Form 1-80 to FRP. FRP will provide a copy of the approved OSM Form 1-80 to the appropriate Technical Center and Field Office.

(4) Resolution of Audit Reports - Federal Reclamation Program Projects. The Assistant Director, Technical Services and Research (AD-TSR), in conjunction with the Assistant Director, Budget and Administration (AD-B&A), is responsible for resolving all audit findings pertaining to Federal Reclamation Programs. After an audit is conducted, a report is transmitted to the OSM Audit Liaison Officer, who provides the report to the Financial Management Liaison Office (FMLO). Copies are forwarded, together with the time frames for resolving any outstanding issues, to the AD-TSR (Attn: Chief, FRP). FRP transmits the report to the Technical Center, which works with the Field Office and the State agency to jointly arrive at solutions. The audit report resolution is then transmitted to TSR (Attn: Chief, FRP). TSR forwards the audit findings to FMLO.

4. Reporting Requirements.

As specified in this program directive. Reference, Attachment 1.

5. References.

a. Action Transmittals DOI-OSM-MB-80-1, 2 and 4.

b. Federal Assistance Manual.

c. OSM Directive Number GMT-8.

6. Effect on Other Documents. None.

7. Effective Date. Date of Issuance.

8. Contact. Federal Reclamation Programs Division, Technical Services and Research. (202) 343-3375

Reporting Requirements

A. New Cooperative Agreement.

1. Application.

a. Letter requesting project.

b. Two (2) original, hand-signed copies of the Application for Federal Assistance, SF-424.

c. Two (2) copies of Project Approval Information, OSM Form 50 A/B.

d. Two (2) original copies of Budget Information Report, OSM Form 47 and/or Budget Information Construction Report OSM Form 48, with an itemized breakdown of budget items by object class.

e. Two (2) copies of Program Narrative Statement, OSM Form 51.

f. Two (2) copies of clearinghouse review letter.

2. Approval Package.

a. Two (2) copies of Procurement Request, OSM Temp. Form 1-79.

b. Two (2) copies of Contract Award Report, OSM Temp. Form 1-80.

c. One (1) original and two (2) hand-signed copies of the approved cooperative agreement with list of AML non-construction and/or construction assurances attached to each.

d. One (1) original and two (2) hand-signed copies of the Application for Federal Assistance, SF-424, with Section III completed by the Technical Center.

e. Three (3) copies of the clearinghouse review letter.

f. Three (3) copies of Project Approval Information, OSM Form 50 Sections A and B.

g. Three (3) copies of the Findings of No Significant Impact (FONSI) or Environmental Impact Statement (EIS), applicable only when project involves construction activities.

h. One (1) original and two (2) copies of Budget Information Report OSM Form 47 and/or Budget Information Construction Report OSM Form 48 with an itemized breakdown of budget items by object class.

i. Three (3) copies of Program Narrative Statement, OSM Form 51.

j. Three (3) copies of letter requesting the project or amendment.

3. Obligation Package.

a. One (1) copy of Procurement Request, OSM Temp. Form 1-79.

b. One (1) copy of Contract Award Report, OSM Temp. Form 1-80.

c. One (1) original, hand-signed and one (1) copy of the approved cooperative agreement with list of AML non-construction and/or construction assurances attached to each.

d. One (1) original and one (1) hand-signed copy of the completed Application for Federal Assistance, SF-424.

e. Two (2) copies of clearinghouse review letter.

f. Two (2) copies of Project Approval Information (OSM Form 50) Sections A and B.

g. Two (2) copies of FONSI or EIS. Applicable only when project involves construction activities.

h. One (1) original and one (1) copy of Budget Information Report OSM Form 47 and/or Budget Information Construction Report OSM Form 48, with an itemized breakdown of budget items by object class.

i. Two (2) copies of Program Narrative Statement OSM Form 51.

j. Two (2) copies of letter requesting project.

B. Amendments to Cooperative Agreements Changing Funding Levels.

1. Application.

a. Letter requesting change in funding.

b. Two (2) original, hand-signed copies of the Application for Federal Assistance, SF-424.

c. Two (2) original copies of Budget Information Report OSM Form 47 and/or Budget Information Construction Report OSM Form 48, with an itemized breakdown of budget items by object class.

2. Approval Package.

a. Two (2) copies of Procurement Request, OSM Temp Form 1-79.

b. Two (2) copies of Contract Award Report, OSM Temp Form 1-80.

c. One (1) original and two (2) hand-signed copies of the amendment to the cooperative agreement.

d. One (1) original, hand-signed and two (2) copies of the Application for Federal Assistance, SF-424, with Section III completed by the Technical Center.

e. One (1) original and two (2) copies of Budget Information Report, OSM Form 47, and/or Budget Information Construction Report, OSM Form 48, with an itemized breakdown of budget items by object class.

f. Three (3) copies of letter requesting changes in funding.

3. Obligation Package.

a. One (1) copy of Procurement Request, OSM Temp. Form 1-79.

b. One (1) copy of Contract Award Report, OSM Temp. Form 1-80.

c. One (1) original, hand-signed and one (1) copy of the amendment to the cooperative agreement.

d. One (1) original and one (1) hand-signed copy of the completed Application for Federal Assistance, SF-424.

e. One (1) original and one (1) copy of Budget Information Report, OSM Form 47, and/or Budget Information Construction Report, OSM Form 48, with an itemized breakdown of budget items by object class.

f. Two (2) copies of letter requesting change in funding.

C. Amendments to Cooperative Agreements Changing the Period of Performance.

1. Application.

a. Letter requesting change to period of performance.

b. Two (2) original, hand-signed copies of the Application for Federal Assistance, SF-424.

2. Approval Package.

a. Two (2) copies of Contract Award Report, OSM Temp. Form 1-80.

b. One (1) original and two (2) hand-signed copies of the amendment to the cooperative agreement.

c. Three (3) copies of letter requesting change in period of performance.

d. One (1) original, hand-signed and two (2) copies of the Application for Federal Assistance, SF-424, with Section III completed by the Technical Center.

3. Obligation Package.

a. One (1) copy of Contract Award Report, OSM Temp. Form 1-80.

b. One (1) original, hand-signed and one (1) copy of the amendment to the cooperative agreement.

c. One (1) original, hand-signed and one (1) copy of the completed Application for Federal Assistance, SF-424.

d. Two (2) copies of letter requesting change in period of performance.

D. Amendments to Cooperative Agreements Changing Scope of Work.

1. Application.

a. Letter requesting change in scope of work.

b. Two (2) original, hand-signed copies of the Application for Federal Assistance, SF-424.

c. Two (2) copies of Program Narrative Statement, OSM Form 51.

d. One (1) original and one (1) copy of Budget Information Report, OSM Form 47, and/or Budget Information Construction Report, OSM Form 48, with an itemized breakdown of budget items by object class. (Applicable only if funding is increased.)

2. Approval Package.

a. Two (2) copies of Procurement Request, OSM Temp. Form 1-79.

b. Two (2) copies of Contract Award Report, OSM Temp. Form 1-80. (Applicable only if funding is increased.)

c. One (1) original and two (2) hand-signed copies of the amendment to the cooperative agreement.

d. One (1) original, hand-signed and two (2) copies of the Application for Federal Assistance, SF-424, with Section III completed by the Technical Center.

e. One (1) original and two (2) copies of Budget Information Report, OSM Form 47, and/or Budget Information Construction Report, OSM Form 48, with an itemized breakdown of budget items by object class. (Applicable only if funding is increased.)

f. Three (3) copies of Program Narrative Statement, OSM Form 51.

g. Three (3) copies of letter requesting change in scope of work.

3. Obligation Package.

a. One (1) copy of Procurement Request, OSM Temp. Form 1-79. (Applicable only if funding is increased.)

b. One (1) copy of Contract Award Report OSM Temp. Form 1-80. (Applicable only if funding is increased.)

c. One (1) original, hand-signed and one (1) copy of the approved cooperative agreement with list of AML non-construction and/or construction assurances attached to each.

d. One (1) original, hand-signed and one (1) copy of the completed Application for Federal Assistance, SF-424.

e. One (1) original and one (1) copy of Budget Information Report, OSM Form 47, and/or OSM Form 48, with an itemized breakdown of budget items by object class. (Applicable only if funding is increased.)

f. Two (2) copies of Program Narrative Statement, OSM Form 51.

g. Two (2) copies of letter requesting change in scope of work.

E. Progress Reports.

1. Application.

a. Two (2) original, hand-signed copies of the Financial Status Report, SF-269 or SF-271.

b. Two (2) copies of quarterly Narrative Report, OSM Form 51.

2. Approval Package.

a. One (1) original, hand-signed and two (2) copies of the Financial Status Report, SF-269 or SF-271.

b. Three (3) copies of quarterly Narrative Report, OSM Form 51.

3. Obligation Package.

a. One (1) original, hand-signed and one (1) copy of the Financial Status Report, SF-269 or SF-271.

b. Two (2) copies of quarterly Narrative Report, OSM Form 51.

F. Close Out Reports.

1. Application.

a. Two (2) original, hand-signed copies of the Financial Status Report, SF-269 or SF-271.

b. Two (2) copies of Final Performance Report, OSM Form 51.

c. Two (2) original, hand-signed copies of Report of Government Property, OSM Form 60.

2. Approval Package.

a. Two (2) copies of Contract Award Report, 1-80, marked "Final Close Out."

b. One (1) original, hand-signed and two (2) copies of the Final Financial Status Report, SF-269 or SF-271.

c. Three (3) copies of the Final Performance Report, OSM Form 51.

d. One (1) original, hand-signed and two (2) copies of the Report of Government Property, OSM Form 60.

3. Obligation Package.

a. One (1) copy of Contract Award Report, 1-80, marked "Final Close Out."

b. One (1) original, hand-signed and one (1) copy of the Final Financial Status Report, SF-269 or SF-271.

c. Two (2) copies of the Final Performance Report, OSM Form 51.

d. One (1) original, hand-signed and one (1) copy of the Report of Government Property, OSM Form 60.