

CHAPTER 1: PURPOSE AND BACKGROUND

As an agency of the Federal Government, the National Park Service (NPS) has the authority to enter into agreements and is responsible for ensuring that all agreements are managed responsibly and in accordance with law and regulations. Agreements allow the NPS to work cooperatively with other federal, state, nonprofit, not-for-profit, and for-profit organizations to further the NPS mission. The goal of the *NPS Agreements Handbook*, which supplements Director's Order 20, is to provide detailed guidance to all who have a role in the development, administration, and closeout of agreements such as cooperative agreements, interagency acquisition agreements, and other types of agreements. The NPS has limited grant authority for specific programs; therefore, guidance on this topic is excluded from this handbook.

The organization of this handbook correlates to the structure of Director's Order 20, which can be accessed on the Internet at <http://www.nps.gov/refdesk/policies.html>. Each type of agreement is described separately, detailing mandatory elements and clauses to be used with samples, approvals to be obtained, signature requirements, and applicable forms.

Cooperative agreements are not subject to the Federal Acquisition Regulation (FAR); therefore, many of the traditional managerial and administrative techniques, policies, and procedures do not apply to actions taken by both the recipient and sponsoring agency during the life of these agreements. Such agreements are covered instead by the Federal Grant and Cooperative Agreement Act of 1977, Federal Financial Assistance Act of 1999 (*P.L. 106-107*), Office of Management and Budget (OMB) Circulars, Executive Orders (E.O.), Comptroller General Decisions, and other Department of the Interior (DOI) regulations and policies. Even though the Competition in Contracting Act does not apply to agreements, the NPS encourages competition, whenever practicable. Competition is discussed further throughout this handbook.

The first step in acquiring goods and services for the NPS is to determine whether the needs should be met using acquisition procedures or agreement procedures. This decision should be made in consultation with acquisition and program personnel before any discussions with potential partners.

In selecting the type of agreement to be used, one must first determine if "legal authority" exists. Second, one must determine the nature and the type of relationship anticipated between the NPS and the potential partner or supplier.