

Civil Works Planning

Working with Non-Traditional Non-Federal Sponsors

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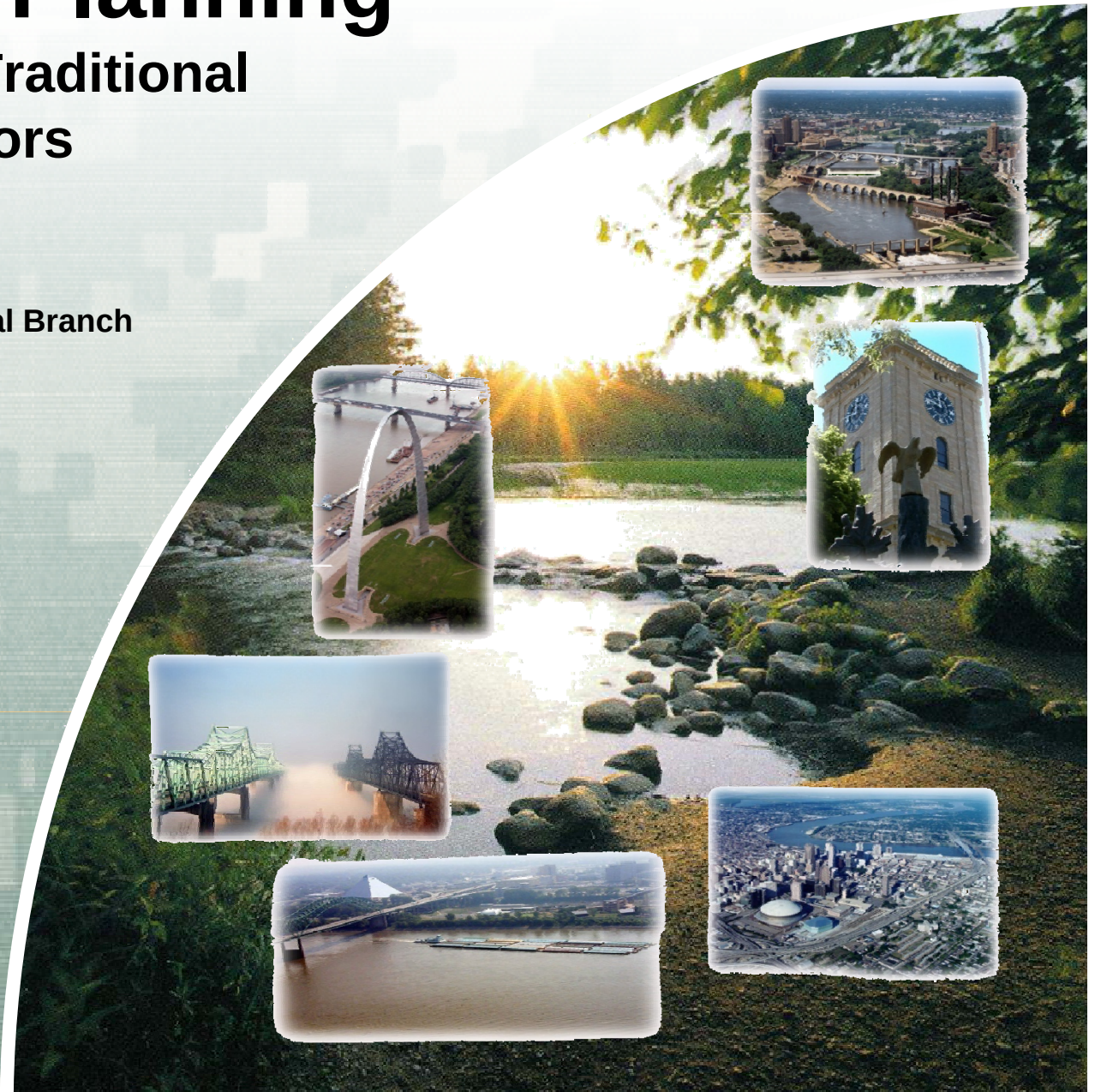
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February 2013



US Army Corps of Engineers
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Purpose

- Identify potential/often overlooked NFSs
- Understand several key characteristics of many non-traditional NFSs and how those characteristics may impact your project
- Anticipate and avoid common mistakes/pitfalls
- Improve the likelihood of success

Topics

- Traditional/Non-traditional NFSs
- Important Similarities & Differences
- Common Opportunities
- Common Issues
- Key Points to Take Away



Typical NFS Examples

States

- ▶ Counties/Boroughs/Parishes
- ▶ State Agencies
- ▶ Cities
- ▶ Port Authorities
- ▶ Economic Development Authorities



Water Management Districts/Authorities

Levee Boards/Districts

Non-Traditional NFS Examples

- Non-Governmental Organizations
 - ▶ 501(c)(3) (Tax-exempt Organizations)
 - The Nature Conservancy
 - Ducks Unlimited
 - Audubon
 - Conservation Fund
- Chartered Regional and Interstate Commissions and Committees
- Federally Recognized Tribes [\(not addressed here\)](#)

Several Important Differences

Traditional

- Accountable to and backed by a governmental entity
- Identifiable/Stable source of revenue
- Intended to represent general public's interests
- Predictable life span
- Generally seeks direct tangible benefits

Non-Traditional

- Not accountable to or backed by a governmental entity
- Revenue is often based on less reliable sources or donations
- Often represents specific interests or a subset of the general public
- Less predictable life span
- May not be seeking direct tangible benefits

Opportunities

- May be willing to sponsor projects when traditional NFS will not
- May bring knowledge, expertise and energy to the table
- May be motivated by non-economic benefits
- May be able to assemble a team of small sponsors



Off to a “Slow-Start”

Common Issues with Cost-Share Agreements

- Often require non-standard agreement text
 - ▶ Agreement may need ASA(CW) approval
 - ▶ May need written approval from impacted local governments
 - ▶ May need specific accounting and auditing procedures for non-profits (Some models do others are being updated)
- Be prepared to discuss the one-sided text that protects the Federal Government from liability
- It is not always clear who will sign the agreement and associated certifications for the NFS

Common Issues

High Expectations: Most non-traditional NFSs will not understand Corps processes and are normally more efficient and flexible than the Corps

- Communicate (early and often) the high cost, level of effort and the limited flexibility associated with Corps funding controls, internal processes, upward reporting requirements, travel restrictions and review requirements



Common Issues

(Cont.)

NFS – Work in Kind Contributions

- ▶ Abilities are often concentrated in one field of expertise or overstated in terms of skill set and overall capacity
- ▶ NFS cannot get credit for volunteered labor or donated material or services (This applies all phases including construction)
- ▶ The scope of the work in kind efforts must match the study needs and NFS capabilities (avoid imbalances)
- ▶ Most NGO pay rates are much lower than their Federal counterparts
- ▶ High personnel turn-over rates are common



Common Issues

(Cont.)

Scope Management

- ▶ Many non-traditional NFSs have narrowly scoped goals and missions: The Corps team members must control the scope to maintain focus on broad public interests



Common Issues

(Cont.)

Construction, Operations, Maintenance, Repair, Rehabilitation and Repair of Constructed Features

- ▶ NFS is required to provide land, easements, rights of way, relocations and disposal facilities
- ▶ NFS is required to operate and maintain assets constructed for project purposes in order to maintain the project purpose in perpetuity
- ▶ Some sponsors may not have that capability
- ▶ Your project should have a complete path to success defined before it starts

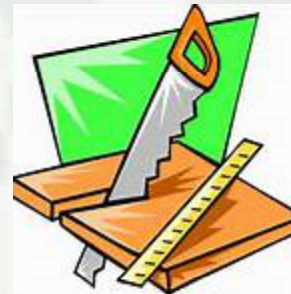
Tools and Resources

NRM Gateway Partnership Page (Contacts, Existing Agreements, Templates, etc.)

<http://corpslakes.usace.army.mil/partners/partners.cfm>

5 April 2012 Guidance Memorandum – Definition of Non-Federal Interest (Specific guidance related to requirements)

http://www.usace.army.mil/Portals/2/docs/civilworks/Project%20Planning/wrda/2007/sec_2003b.pdf



Take Away

Your project should have a complete path to success defined before it starts: Don't set your NFS up for failure. Objectively consider the strengths and weaknesses of any potential NFS and make sure your project is compatible with its capabilities.



Questions?



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