



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240



Department of the Interior Guidance Release ARRA-2009-02

Subject: COOPERATIVE AGREEMENTS WITH ORGANIZATIONS THAT SERVE YOUTH AND YOUNG ADULTS FOR PROJECTS APPROPRIATED UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

References: OMB Updated Implementing Guidance for the American Recovery and Reinvestment Act of 2009, dated April 3, 2009
Department of the Interior Guidance Document ARRA-2009-01, dated April 23, 2009
Department of Labor Guidance Document dated May 29, 2009

Issue Date: June 19, 2009

1. Purpose:

This guidance release is issued to define the parameters for entering into cooperative agreements with youth organizations for projects funded by the American Recovery and Reinvestment Act of 2009 (ARRA).

2. Effective Date:

Effective upon issuance.

3. Authorities:

The following authorities apply to DOI's cooperative programs:

- 16 U.S.C. 1703(a)(3) (Youth Conservation Corps);
- 16 U.S.C. 1726 (Public Lands Corps);
- 42 U.S.C. 12655f (American Conservation and Youth Service Corps (AmeriCorps)); and
- 42 U.S.C. 4955 (Volunteers in Service to America (VISTA))

4. Background and Explanation:

The Department of the Interior has a number of ways in which to engage and employ young people, providing opportunities for work or volunteer experience and encouraging a life-long commitment to public service and to protecting our natural environment and cultural heritage. Many programs help DOI ensure that young people from different economic, ethnic, social, and cultural backgrounds gain access to our Nation's natural resources. Through partnerships with organizations such as the Youth Conservation

Corps, Job Corps, Public Land Corps, and in cooperation with colleges and universities, young people are provided with opportunities to gain experience in Interior's mission.

ARRA provides increased opportunities to enter into cooperative agreements with organizations providing seasonal or temporary employment opportunities to youth and young adults. Section 702 of ARRA states: "In carrying out the work for which funds in this title are being made available, the Secretary of the Interior and the Secretary of Agriculture shall utilize, where practicable, the Public Lands Corps, Youth Conservation Corps, Student Conservation Association, Job Corps and other related partnerships with Federal, State, local, Tribal or non-profit groups that serve young adults."

Davis-Bacon Wage Rates:

Federal youth programs whose authorizing statutes empower the Secretary of the Interior to determine compensation of their participants are not covered by Davis-Bacon labor standards. Section 4 of the Davis-Bacon Act, 40 U.S.C. 3146, provides that the statute "does not supersede or impair any authority otherwise granted by Federal law to provide for the establishment of specific wage rates." The authorizing statutes for the Youth Conservation Corps and Public Lands Corps specifically require the Secretaries of the Interior and Agriculture to set the rates of pay or living allowances for the Corps' participants. The statutory authorities for other youth programs, such as the American Conservation and Youth Service Corps (AmeriCorps) and Volunteers in Service to America (VISTA), specify the living allowances and other benefits that must be provided to each participant.

Cost Share Under the Public Lands Corps Act:

The Public Lands Corps Act stipulates that DOI must share the costs of work performed by youth or conservation corps with non-Federal sources. Pursuant to 16 U.S.C. 1729, the Secretary of the Interior may not pay more than 75 percent of the costs of any appropriate conservation project carried out on public lands by a qualified youth or conservation corps. The remaining 25 percent of the costs may be provided from non-Federal sources in the form of funds, donations, services, facilities, materials, equipment, or any combination thereof.

5. Guidance and Actions Required:

Department of the Interior Bureaus and Offices should seek opportunities to engage young people, as appropriate, in ARRA activities. The following provides actions that are required when entering agreements with youth organizations under ARRA.

- **Notice of Opportunity/Transparency:** Compliance with the Department's policy on Procurement Contracts, Grant and Cooperative Agreements, 505 DM 2 (2008), is required. The policy states that "competition in making awards through cooperative agreements is strongly encouraged and is expected in awarding discretionary grants, unless otherwise directed by Congress." In all cases, Bureaus and Offices are required to make awards based on the merits in

accordance with the law. See 505 DM 2.12 (Posting); 2.13 (Competition); and 2.16 (Awarding Discretionary Agreements).

- **Single Source Determinations:** Pursuant to 505 DM 2.14, decisions to transfer funds under a cooperative agreement to a single source without engaging in competition must be able to withstand scrutiny, should protect the public interest, and should comport with management priorities, objectives and statutory requirements. When single source awards are anticipated, prior to issuance, the Bureau or Office must:
 - Post a notice of intent to make the award in Grants.gov; and
 - Prepare a written justification and document the file to explain why competition is not practicable.

Specific circumstances that may support a single source award are enumerated in that section.

Additional ARRA Guidance:

- All cooperative agreements for youth programs greater than \$25,000 also will follow the procedures for posting opportunities on Grants.gov as outlined in the April 23, 2009, Department of the Interior Guidance Document ARRA-2009-01.
- **Solicitor Review:** The Solicitor's Office will review all new financial assistance award packages greater than \$500,000, or any change to an existing action to incorporate ARRA funds, regardless of dollar amount, as specified in the Department of the Interior Guidance Document ARRA-2009-01.

6. Additional Information:

Questions regarding this guidance may be directed to Anita Hairston, Financial Assistance Manager, Office of Acquisition and Property Management, at (202) 208-3433; or via e-mail at Anita_Hairston@ios.doi.gov



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