

Wildlife Services Directive

3.102
August 30, 2013

COOPERATIVE COST SHARE PROGRAMS

1. PURPOSE

To provide guidelines for Wildlife Services (WS) cost-sharing practices in interagency and cooperative service agreements (CSAs).

2. REPLACEMENT HIGHLIGHTS

This is a new directive.

3. AUTHORITY

Interagency Agreements: Authority to enter into interagency agreements with other Federal agencies for the acquisition or provision of goods and services is pursuant to the Economy Act, 31 USC § 1535.

Cooperative Service Agreements: Authority to enter into mutual interest CSA's with non-Federal entities to control nuisance mammals and birds is pursuant to 7 USC § 426 (and appropriate subsections therein).

4. POLICY

a. It is WS policy that program managers cooperate with Federal, State, and local agencies and public stakeholders to conduct wildlife damage management programs. Where permitted, program managers may use WS appropriated funds to cost-share (i.e., use WS Federal funding to support the cost of a particular project) with the cooperating entity.

b. It is WS policy that program managers may not use Federal appropriations to cost-share with other Federal entities **unless** specific statutory authority exists that allows for such cost-sharing. However, WS program managers may use WS appropriated funds to cost-share with non-Federal entities to the extent that such funding is available, and as approved by Congress.

c. Program managers shall consult and adhere to the cost-share decision model contained at Enclosure (1). There is no specific formula for cost-sharing, as cost-sharing shall be based on whether the work supports WS strategic priorities; whether it is appropriate for the cooperator

under a particular agreement; and, whether efficiency of the service is substantially furthered by cost-sharing.

5. BACKGROUND

a. Generally, a Federal agency may not augment its appropriations by receiving additional resources from other sources without specific statutory authority. Consequently, when Congress establishes a program, it provides the required funding and establishes a maximum authorized program level – in other words, an agency cannot, absent statutory authorization, operate beyond the level that can be paid for by its appropriations.

b. WS has a long-established and Congressionally-approved practice of cost-sharing with non-Federal cooperators in the performance of work to protect agricultural and other resources. The Rural Development, Agriculture, and Related Agencies Appropriations Act of 1988, as amended, specifically permits and contemplates that the Secretary of Agriculture will “...conduct activities and enter into agreements ... and deposit any money collected under any such agreement into the appropriation accounts that incur the costs to be available immediately and to remain available until expended for Animal Damage Control activities.”

6. DEFINITIONS

a. Actual Cost: Expenses established by WS programs that are based upon the cost of rendering the service and that does not appear to be excessive; the sum of WS-established direct and indirect costs.

b. Augmentation of Appropriation: Transactions or reimbursements that charge too much (augments the performing agency’s appropriation) or transactions that charge too little (augments the ordering agency’s appropriations) for the work being performed.

c. Cooperator: An individual, organization, agency, unit of Government, or entity with which WS programs enters into an agreement.

d. Cost Share: Contribution of WS appropriated funding toward the actual cost of a particular project.

e. Direct Cost: Any item of expense which can be computed and identified directly with a product, service, activity, or project.

f. Indirect Cost (Overhead): Any item of expense incurred for a common objective that is not readily identifiable with a particular program or project, but is necessary to the general operation and conduct of program activities; costs distributed among multiple benefitting projects or activities.

g. Interagency Agreement: Agreement entered into by WS programs to establish arrangements with a Federal entity to provide technical assistance, goods, or services on a cost-recovery basis. In the Financial Management Modernization Initiative (FMMI) these are called INTRAs.

h. Over the Counter Transaction: A transaction requiring that payment be made at the time the service is provided. Typically, the transactions are collections under \$7,500 and the agreements have a period of performance of less than 12 months. No bill is submitted to the cooperator.

i. Pooled Job Cost: Any item of expense that may not be directly identified with a particular project or program and is distributed across all identifiable projects or programs to which it pertains.

j. Reimbursable Order with Advance (ROWA): An agreement with a non-Federal cooperator where the cooperator provides payment in advance of a WS program's performance.

k. Reimbursable Order with Exception (ROWE): An agreement with a non-Federal cooperator where the cooperator does not provide payment in advance of a WS program's performance.

l. Reimbursable Order with No Advance (RONA): An interagency agreement with a non-U.S. Department of Agriculture Federal entity where that agency does not provide payment in advance of a WS program's performance.

m. Reimbursement Basis: A cost recovery method whereby a WS program performs a service or provides goods, and recoups its costs from a cooperator pursuant to an agreement.

n. Trust Fund Account: An account established for the receipt and expenditure of funds by the Government for carrying out specific purposes and programs, in accordance with the terms of a statute that designates the fund as a trust fund. WS uses ROWA instead of Trust Funds.

o. Trust Order with Advance (TOWA): An agreement whereby the cooperator is required to deposit, in advance, an amount equal to the estimated cost of services to be provided. (The advance payment must be in an amount sufficient to cover expected costs to be incurred by the program to perform the service or complete the project.) WS uses ROWA instead of TOWAs.

7. IMPLEMENTATION

a. Interagency Agreements: WS programs are able to cooperate and cost share with other Federal agencies through interagency agreements as authorized or directed by Congress. As such, WS shall be reimbursed by that agency for the actual costs of the project. The following examples provide clarity regarding cooperating with other Federal agencies:

(1) **Scenario 1 – Permissible:** The project costs \$13,000 and both WS and the Department of Defense (DoD) are authorized to perform the work. WS and DoD enter into an interagency agreement because WS has specific expertise that DoD lacks. The interagency agreement must stipulate the entire cost of the work to be performed by WS (i.e., \$13,000). WS performs all the work and charges the DoD for reimbursement of actual costs.

(2) **Scenario 2 – Permissible:** The project costs \$13,000 and both WS and U.S. Fish and Wildlife Service (USFWS) are authorized to perform the work. WS and USFWS enter into an agreement because the project fits within both agencies' missions and WS has specific expertise that USFWS lacks. The agreement must stipulate the entire cost of the work that WS will be performing under the project will be reimbursed by USFWS (i.e., \$10,000). The agreement must also stipulate that USFWS will pay its own costs for its part of the project – which is \$3,000. This scenario is appropriate where two Federal entities jointly undertake a project for which each agency's performance is integral to its success and each agency performs a discrete part of the project.

(3) **Scenario 3 – Not Permissible:** The project costs \$13,000 and both WS and DoD are authorized to perform the work. WS performs all of the work (i.e., \$13,000 worth), but only charges DoD \$10,000 in an effort to cost-share. In effect, WS would be “contributing” \$3,000 to DoD and that is considered augmentation of DoD's appropriation.

b. **CSA's:** WS programs are authorized to establish arrangements (i.e., cooperate) with non-Federal entities to provide technical assistance, goods or services, on a cost-recovery basis. CSAs may be established on a one-time, annual, or multi-year basis, and provide for cost-recovery on a reimbursable or advance payment basis. Multi-year agreements may not exceed five (5) years.

c. **Costs and Payments:** Cooperators' share of costs may range from a pre-determined percentage up to 100% of the sum of the direct and indirect costs of the services rendered. A waiver of APHIS indirect or WS indirect costs shall be expressly approved by the APHIS Administrator or WS Deputy Administrator, respectively, as provided in the WS Financial Control Risk and Management Directive 2.215. Enclosure (2) provides a table that identifies direct and indirect costs.

(1) **Reimbursement Basis:** Program managers may provide goods and services on a reimbursement basis to cooperators so long as the cooperator is legally and financially able to absorb the costs incurred under the agreement. Program managers have an affirmative duty to verify that potential cooperators are not debarred or suspended, and verification may be made by using the System for Award Management, accessed at <https://www.sam.gov/portal/public/SAM/>. Where a cooperator defaults, the WS program shall absorb the expenses associated with the agreement pending collection of amounts due pursuant to established APHIS debt management procedures.

(2) RONA Basis: WS programs are authorized to enter into interagency agreements whereby Federal entities are not required to provide payment in advance of WS program's performance.

(3) ROWA Basis: WS programs are authorized to enter into CSAs whereby cooperators provide payment in advance of the WS program's performance.

(4) ROWE Basis: WS programs are authorized to enter into CSAs whereby cooperators do not provide payment in advance of the WS program's performance.

(5) TOWA Basis: WS programs are not authorized to establish trust fund accounts or enter into CSAs on a TOWA basis. WS uses the ROWA instead of the TOWA when cooperators are paying in advance.

d. **Cost-Share Decision Model**: The WS cost-share decision model contained at Enclosure (1) establishes the framework within which program managers shall evaluate the dedication of resources to cost-sharing for a particular project.

(1) Eligible Costs: It is WS policy that to the extent practicable, both direct and indirect costs are eligible for cost-sharing with cooperators. However, WS programs shall not generally waive or cost-share an amount that equals the sum of the APHIS and WS direct and indirect (overhead) costs; in no case shall the cost-share amount **exceed** the sum of the APHIS and WS direct and indirect costs.

(2) Request by a Cooperator: Performance must be requested by a cooperator and WS must have the authority to provide the requested services. Program managers may agree to provide services under a CSA only when it is determined that WS has or will obtain the required resources to meet its obligations under the CSA.

(3) Alignment with Strategic Priorities: WS strategic goals guide our workforce as we work to ensure we deliver services with respect to wildlife that is injurious to agriculture, livestock and livelihoods, human health and safety, and natural resources and do so with constrained resources. Program managers shall review the WS Strategic Plan to ensure that delivery of goods and services to cooperators comport with WS guidance.

(4) Priority of Work Performed: WS recognizes that our stakeholders may request assistance with tasks that are not directly linked to one of our strategic priorities; however, the request may represent assistance that is nonetheless important and that may further other high-priority core functions. Additionally, where appropriate, program managers may respond to requests for assistance with work that represents lower priority core functions and other core functions that are 100% funded by the cooperator.

(5) Core Functions: Program managers shall consider requests for assistance from cooperators in relation to where on the list of core functions that request falls within the WS Strategic Plan, and to the extent practicable, give preference to cost-sharing where requests

represent higher priority work. Additionally, the fact that a project is 100% cooperator funded shall not be the sole factor considered when responding to requests for assistance.

e. Cost Assessment Waivers: Generally, neither the APHIS nor the WS assessments may be waived. However, to account for unique or unforeseen circumstances, both APHIS and WS have created processes whereby a waiver for assessments may be requested. Factors that may be used to support waiver requests include limitations on indirect charges as imposed by statute or regulation. However, a cooperator's lack of funding shall not be used to justify waivers, except as provided for in Enclosure (1) and the WS Financial Control and Risk Management Directive 2.215.

(1) APHIS Cost Assessment Waiver Process: The APHIS assessment shall generally not be waived for any Agreement. However, **on an exception basis**, the Administrator (or his designee) may waive the APHIS assessment. All such waivers must be submitted to the WS Deputy Administrator for review and submission to the APHIS Administrator (or his designee) in accordance with the procedures contained in the Financial Control and Risk Management Directive 2.215.

(2) WS Pooled Job and Indirect Cost Assessment Waiver Process: The WS assessment shall generally not be waived for any Agreement. However, **on an exception basis**, the Deputy Administrator (or his designee) may waive the WS pooled job cost or indirect assessment, subject to the limitations in provided for in Enclosure (1) and in the WS Financial Control and Risk Management Directive 2.215.

8. APPLICABILITY AND SCOPE

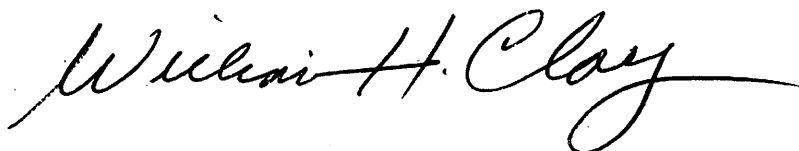
This Directive is applicable to all WS programs.

9. REFERENCES

- a. 7 U.S.C. 426, 426b-c
- b. 31 U.S.C. 1535 (Economy Act)
- c. Code of Federal Regulations, Title 48, Subpart 17.5 (Federal Acquisition Regulation)

10. ENCLOSURES

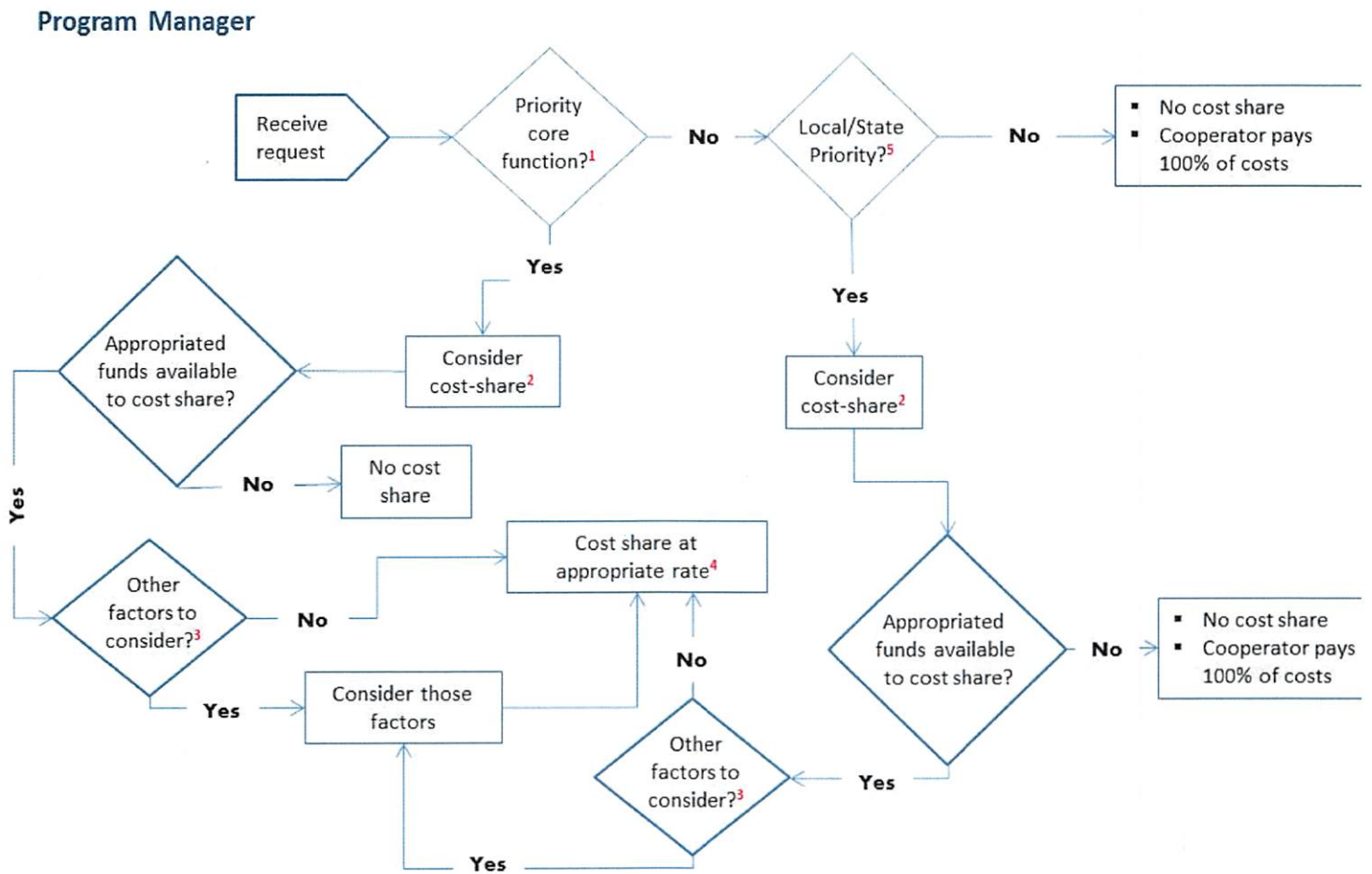
- Enclosure (1): Wildlife Services Cost Share Decision Model
Enclosure (2): Table of Direct, Pooled, and Indirect Costs



Deputy Administrator

Enclosure (1)

Cost-Share Decision Model



Cost Share Decision Model Explanations and Guidance

1. Priority Core Functions:

Wildlife may cause significant damage to agricultural crops and livestock, forests, pastures, property and infrastructure in urban and rural areas, and threatened and endangered species and their habitats. Wildlife also can threaten human health and safety through animal-borne diseases and hazards to aircraft. Prevention and management of wildlife conflicts is an essential and responsible part of wildlife management. Wildlife Services (WS) uses a program-wide strategic approach to planning and carrying out its missions.

Program managers are required to ensure any work that is undertaken on behalf of a Federal or non-Federal cooperator aligns with WS Strategic Plan and policies and the Animal and Plant Health Inspection Service (APHIS) policies regarding national strategic intent, financial accountability, and resource management.

2. **Consider Cost-Share:**

Cost-sharing refers to the practice of using appropriated funds to cover a portion of a cost for the services provided to non-Federal cooperators. Cost-sharing represents the portion of the costs not borne by the cooperator. WS programs are not required to cost-share; however, it is Congress' intent that WS maximizes the use of cost-sharing to reduce the burden on program operations – that intent has been documented in legislative reports that accompany our appropriations.

3. **Other Factors to Consider:**

A determination whether cost-share is appropriate should be based on technical and programmatic considerations. Consideration should also be given to the best use of program funds; specifically, whether the program will achieve expressed objectives that align with WS strategic goals and core functions. While an exhaustive list of considerations is not possible, below are examples as to when cost-sharing may be beneficial:

(a) Where the work is initiated by a WS program because that work furthers an important WS or APHIS strategic goal.

(b) Where the cooperator can leverage the contribution to build industry capacity to mitigate the damage caused by wildlife.

(c) Where it is critical activity that will continue after WS participation ends, and the work can be sustained with reduced funding, or without assistance from WS.

(d) Where the cooperator has a long-practiced history of engaging WS programs on a cost-share basis.

(e) Where policy or statute limits the Federal or non-Federal entity's liability for indirect assessments. For example, some Federal agencies may be required by statute to limit the amount they pay in overhead to a certain percentage of the project's total costs, and the same may be true for some State agencies.

4. **Cost Share at Appropriate Rate:**

The WS approach to cost-sharing includes pegging the level of cost-sharing to a calculated percentage of the total project cost. However, program managers are responsible for determining/negotiating the appropriate cost share for individual CSAs – subject to the limitations set forth in this policy.

In general, if a cost is allowable and eligible for reimbursement, then it is allowable as a cost-share. Conversely, if a cost is not allowable or eligible for reimbursement, then that cost is not

allowable as a cost-share.

Cost-sharing may take the form of staff time; cost of materials; equipment costs; or, a combination thereof. In such cases, a reasonable approximation of the value of the cost-share is required, but shall not exceed the fair market value of the contribution. Additionally, cost-sharing may include waiving a portion of the APHIS or WS direct or indirect charges. However, in no instance shall the cost-share equal or exceed the sum of the APHIS and WS direct and indirect costs.

Costs that are expressly unallowable for cost-sharing include: costs that were incurred prior to the effective date of the agreement; costs incurred after the project's termination date; and costs that cannot be attributed to the WS program's performance – either as direct or indirect costs.

5. Local/State Priority:

Within the framework provided by the WS Strategic Plan, Regional Directors, Director of the National Wildlife Research Center, and State Directors have wide latitude in determining whether it is appropriate to respond to cooperators' requests for assistance. Historically, the center of gravity for WS operations was the State offices. And, to a large extent, that is still true. However, in the era of declining Federal resources and greater emphasis on strategic goals, WS program managers must adhere to overarching principles that will ensure the required level of consistency across all WS programs and the continued viability of Wildlife Services.

As local and State priorities may be as varied as the locations themselves, it is neither possible nor practical to attempt to prioritize work at that level. State Directors shall continue to mitigate operational and financial risks by carefully managing appropriated resources.

Enclosure (2)

Table of Direct, Pooled Job, and Indirect Costs

Categories	Direct		Pooled Job Costs (11%)		State/NWRC Office Indirect ¹		Agency Indirect ²	
	YES	NO	YES	NO	YES	NO	YES	NO
Salary/benefits	x		x					
Volunteer Salary/benefits		x		x		x		x
Travel	x							
Volunteer Travel	x							
Vehicle Usage (gas and maintenance)	x		x					
Supplies	x		x					
Equipment used for project(s)	x		x					
Services (aerial operations, dog hire, horse hire)	x		x					
Accrued Annual Leave/Compensatory Time			x					
Accrued Sick Leave			x					
Severance Pay, Lump Sum Leave Payouts			x					
Buyouts /VSIPs			x					
Relocation			x					
Direct costs tied directly to appropriated functions, not related to reimbursable work or outside of the agreement dates		x		x		x		x
Utilities					x			
Telecommunication Costs					x			
Copier Maintenance					x			
General Office equipment					x			
General Administrative Salary/Benefits					x			
Facility Rent/Lease					x			
Facility equipment and maintenance, other related services					x			
State-wide NEPA					x			
Accidents (Tort)					x			
Security Systems					x			
General Training					x			
Agency Costs							x	
Indirect costs tied directly to appropriated functions, not related to reimbursable work		x		x		x		x

¹ For Interagency Agreements: State/NWRC Office indirect is 16.15% of direct costs; For Cooperative Service Agreements: State/NWRC Office indirect is 15.15% of direct costs in FY 2013, decreasing 1% a year to 11% in FY 2017.

² For Interagency Agreements: Agency indirect is 5.15% of direct costs; For Cooperative Service Agreements: Agency indirect is 1% of direct costs in FY2013, increasing to 1% per year to 5.15% in FY 2017.

Direct, Pooled Job, and Indirect Cost Definitions

Accidents (Tort): **As indirect cost**—Tort claim costs related to project work but not tied to any specific project, spread out among all projects (example, small tort claim charged to state/NWRC office for accident), costs charged to State/NWRC's indirect account (costs can be split with an appropriated account if costs are also tied to appropriated work).

Accrued Annual Leave/Compensatory Time: **As pooled job cost**—annual leave of staff working directly on more than one project/pooled to spread cost to many projects, at the field level (example, all annual leave taken during the year), costs charged to pooled job cost account.

Accrued Sick Leave: **As pooled job cost**—sick leave of staff working directly on more than one project/pooled to spread cost to many projects, at the field level (example, all sick leave taken during the year), costs charged to pooled job cost account.

Agency Costs: **As indirect cost**—Agency indirect costs mandated to be collected (example, 5.15% of direct costs on an interagency agreement), costs collected for the agency's indirect account.

Buyouts /Voluntary Separation Incentive Program (VSIP): **As pooled job cost**—buy outs /VSIP costs of staff working directly on more than one project/pooled to spread cost to many projects, at the field level (example, all buy outs /VSIPs incurred during the year), costs charged to pooled job cost account.

Copier Maintenance: **As indirect cost**—general copier maintenance costs related to project work but not tied to any specific project (example, copier maintenance contract), costs charged to state/NWRC's indirect account (costs can be split with an appropriated account if costs are also tied to appropriated work).

Direct costs tied directly to appropriated functions, not related to reimbursable work or outside of the agreement dates: **Not allowed** to charge direct costs tied directly to appropriated functions, not related to reimbursable work or outside of the agreement dates.

Equipment used for project(s): **As direct cost**—project equipment used directly and exclusively on the project, at the field level (example, ATV for only project conducted for the cooperator, ongoing relationship), costs charged to direct account; **as pooled job cost**—equipment used by one or more identifiable projects (example, a vehicle).

Facility Rent/Lease: **As indirect cost**—general office rent/lease costs related to project work but not tied to any specific project (example, District Office lease), costs charged to State/NWRC's indirect account (costs can be split with an appropriated account if costs are also tied to appropriated work).

Facility equipment and maintenance, other related services: **As indirect cost**—general facility maintenance costs related to project work but not tied to any specific project (example, equipment lift for vehicles and equipment maintenance), costs charged to State/NWRC's indirect account (costs can be split with an appropriated account if costs are also tied to appropriated work).

General Administrative Salary/Benefits: **As indirect cost**—general office administrative costs related to project work but not tied to any specific project (example, clerk salary), costs charged to state/NWRC's indirect account (costs can be split with an appropriated account if costs are also tied to appropriated work).

General Office Equipment: **As indirect cost**—general office equipment costs related to project work but not tied to any specific project (example, furniture, computers, printers), costs charged to State/NWRC's indirect account (costs can be split with an appropriated account if costs are also tied to appropriated work).

General Training: **As indirect cost**—General training costs related to project work but not tied to any specific project, spread out among all projects (example, mandatory annual agency training), costs charged to State/NWRC's indirect account (costs can be split with an appropriated account if costs are also tied to appropriated work).

Indirect costs tied directly to appropriated functions, not related to reimbursable work: **Not allowed** to charge indirect costs tied directly to appropriated functions, not related to reimbursable work.

Relocation: **As pooled job cost**— Relocation of staff working directly on more than one project/pooled to spread cost to many projects, at the field level (example, all relocation costs incurred during the year), costs charged to pooled job cost account.

Salary/Benefits: **As direct cost**—staff working directly and exclusively on the project, at the field level (example, wildlife technician), costs charged to direct account; **As pooled job cost**—staff working directly on more than one project, at the field level (example, District Supervisor), costs charged to pooled job cost account.

Security systems : **As indirect cost**—Security systems related to project work but not tied to any specific project, spread out among all projects (example, security system on firearms storage building), costs charged to State/NWRC's indirect account (costs can be split with an appropriated account if costs are also tied to appropriated work).

Services (aerial operations, dog hire, horse hire): **As direct cost**—project services used directly and exclusively on the project, at the field level (example, dog hire conducted for the cooperator, ongoing relationship), costs charged to direct account; **as pooled job cost**— project services used on more than one project, at the field level (example, aerial operations), costs charged to pooled job cost account.

Severance pay, lump sum leave payouts: **As pooled job cost**—lump sum leave/severance pay of staff working directly on more than one project/pooled to spread cost to many projects, at the field level (example, all lump sum leave/severance pay incurred during the year), costs charged to pooled job cost account.

State-wide National Environmental Policy Act (NEPA): **As indirect cost**—State-wide NEPA

costs related to project work but not tied to any specific project (example, NEPA training, document preparation), costs charged to State/NWRC's indirect account (costs can be split with an appropriated account if costs are also tied to appropriated work).

Supplies: **As direct cost**—project supplies used directly and exclusively on the project, at the field level (example, bait for only project conducted for the State on the species), costs charged to direct account; **As pooled job cost**— project supplies used on more than one project, at the field level (example, trapping supplies), costs charged to pooled job cost account.

Telecommunication costs: **As indirect cost**—general telecommunication costs related to project work but not tied to any specific project (example, cell phone charges), costs charged to state/NWRC's indirect account (costs can be split with an appropriated account if costs are also tied to appropriated work).

Travel: **As direct cost**—staff travelling directly and exclusively for the project, at the field level (example, wildlife technician stays at hotel during wildlife assessment), costs charged to direct account.

Utilities: **As indirect cost**—general utility costs related to project work but not tied to any specific project (example, electric bill), costs charged to State/NWRC's indirect account (costs can be split with an appropriated account if costs are also tied to appropriated work).

Vehicle usage (gas and maintenance): **As direct cost**—vehicle used directly and exclusively on the project, at the field level (example, wildlife technician), costs charged to direct account; **As pooled job cost**—staff working directly on more than one project, at the field level (example, district supervisor), costs charged to pooled job cost account.

Volunteer Salary/benefits: **Not allowed** to pay salary and/or wage benefits to volunteer (direct costs must come from other categories listed here).

Volunteer Travel: **As direct cost**—volunteer travelling directly and exclusively for the project, at the field level (example volunteer stays at hotel during wildlife assessment), costs charged to direct account.