
United States Department of Agriculture
Marketing and Regulatory Programs
Animal and Plant Health Inspection Service

Agency Directive

APHIS 2450.1

4/10/2020

AGREEMENTS SERVICES

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1. PURPOSE

This Directive establishes the policy and procedures for Agreements Services for the Animal and Plant Health Inspection Service (APHIS).

2. SPECIAL INSTRUCTIONS AND REPLACEMENT HIGHLIGHTS

- a. This Directive supersedes APHIS 2450.1 Grants and Cooperative Agreements for Domestic Programs, dated 11/2/1992.
- b. This Directive is in force until canceled or superseded.

3. AUTHORITIES AND REFERENCES

- a. [7 U.S.C. Chapter 54, Sections 2131-2147 and 2149-21555 – Animal Welfare Act.](#)
- b. [7 U.S.C. Chapter 55, Section 2279g – Marketing Services.](#)
- c. [7 U.S.C. Chapter 104, Sections 7701-7772 and 7781-7786 – Plant Protection.](#)

- d. [7 U.S.C. Chapter 109, Sections 8301-8317 – Animal Health Protection.](#)
- e. [7 U.S.C. Chapter 109A, Sections 8351-8353 – Control of Wild Animals.](#)
- f. [15 U.S.C. Chapter 44, Sections 1821-1831 – Horse Protection.](#)
- g. [Consolidated Appropriations Act, 2019.](#)
- h. [2 CFR Parts 1-200 – Office of Management and Budget Guidance for Grants and Agreements.](#)
- i. [2 CFR Parts 400-499 – Department of Agriculture Regulations for Grants and Agreements.](#)
- j. [APHIS Agreements Management Manual.](#)

Note: Additional authorities and legal references can be found in [chapter 3](#) of the APHIS Agreements Management Manual.

4. SCOPE

This Directive applies to the APHIS agreements community and management officials and provides guidance on how to apply policy and regulations as they relate to the following:

- a. agreement execution;
- b. agreement selection;
- c. control numbers;
- d. delegations of signatory authority;
- e. authorities and regulations;
- f. OMB circulars;
- g. grants and cooperative agreements;
- h. interagency agreements,
- i. cooperative service agreements (trust funds and reimbursable);
- j. memoranda of understanding;

- k. international agreements; and
- l. technology transfer agreements.

5. POLICY

It is APHIS policy to:

- a. Manage grants, cooperative agreements, interagency agreements, memoranda of understanding, cooperative service agreements, technology transfer agreements, and international agreements in accordance with agreement documentation (e.g., terms and conditions) while recognizing the following order of precedence:
 - (1) Federal legislation
 - (2) Federal regulations and OMB circulars
 - (3) Executive Orders
 - (4) Departmental Regulations
 - (5) Terms and conditions of the award document
 - (6) APHIS Agreements Management Manual.
- b. The management of the various grants, agreements, and agreement documents stated above is to be carried out through the policy and procedures outlined in this Directive and the APHIS Agreements Management Manual.

6. ROLES AND RESPONSIBILITIES

The implementation of the policy and procedures as established by this Directive requires the responsibility of the following individuals and/or groups:

- a. Authorized Departmental Officer (ADO)/Signatory Official (SO) (also referred to as Awarding Officials) will:
 - (1) Have the highest-level accepting authority or official as designated by the Agency and Recipient Organization to sign the agreement;
 - (2) Ensure that general terms and conditions are properly defined, including the stated statutory authorities and scope of work can be fulfilled per the agreement;

- (3) Certify that funds are accurately cited and properly accounted for per the purposes set forth in the agreement;
- (4) Sign off to obligate funds, approve to start the work; and to bill, collect, and properly account for funds from the Recipient Organization, in accordance with the agreement;
- (5) Ensure the appropriate agreement instrument type (refer to 5a) is utilized based on the Cooperator type;
- (6) Ensure that a Decision Memorandum or equivalent approved process is submitted for each agreement and approved by the designated official for their program area (as required by instrument type);
- (7) Ensure competition for competitive agreements when there is a potential pool of applicants and that announcements are posted on grants.gov; and
- (8) Ensure the review and approval of the APHIS Form 63 as appropriate for non-competitive agreements.

b. Authorized Departmental Officer's Designated Representative (ADODR) / Program Manager (PM) (also referred to as Program Official) will:

- (1) As identified by the Agency and Recipient Organization, ensure the scope of work is properly defined and can be fulfilled for agreements;
- (2) Confirm that a bona fide need exists and funds are legally available for projects;
- (3) Prepare a Decision Memorandum or equivalent approved process for each agreement (as required by instrument type) for approval by the Administrator, his/her Program's Deputy Administrator, or designated official, as required;
- (4) Monitor performance of the Recipient Organization;
- (5) Review and approve reimbursements;
- (6) Review and approve financial and/or performance reports;
- (7) Verify mission authority with ADO before any contact/negotiation with applicant or posting of an announcement of a funding opportunity;
- (8) Confirm the use of the selected instrument as needed with the Management Analyst;

- (9) Prepare funding announcements for competitive projects. Work with Grant Specialist to complete the necessary documents for posting on grants.gov. Develop evaluation criteria for conducting a fair and equitable evaluation -OR- prepares the APHIS Form 63 to justify non-competition; and
- (10) Seek guidance and take training necessary to become familiar with applicable laws related to agreements management, in order to apply when announcing, negotiating, and managing agreements.

c. Budget Analysts and/or Grant Specialist will:

- (1) Ensure payment, billing, and advance/accounting information is accurate and timely for the agreement;
- (2) Determine and provide guidance to the Awarding Official and Program Manager regarding instrument selection;
- (3) Develop delegation letters, to include the roles and responsibilities, for ADO approval. Provide preliminary training/overview of those responsibilities and related regulations and policies;
- (4) Work with and provide guidance and feedback to the Program Official to complete the necessary documents to post competitive announcements. Review the APHIS Form 63 for proper completion. As needed, consult with the Awarding Official on adequacy of the justification before issuing an agreement; and
- (5) Collaborate with and provide operational support to ADODRs in interpreting laws related to the development and administration of agreements. Provide training and guidance necessary to ensure compliance. Take mandatory training to obtain and maintain competency.

d. Agreement Services Center (ASC) Analyst (also referred to as Management Analyst) will:

- (1) Prepare agreement documents in accordance with Departmental and OMB Management;
- (2) Monitor performance of Recipient Organizations;
- (3) Monitor reimbursements and funding;
- (4) Ensure agreements are extended/amended via modification if performance or funding is required beyond what was agreed upon;

- (5) Close-out agreements timely; and
- (6) Manage the procedures and overall content of the [APHIS Agreements Management Manual](#) and lead any efforts to make necessary changes or updates.

Note: Additional details on the above and other roles and responsibilities can be found in [exhibit 4-4](#) of the APHIS Agreements Management Manual.

7. PROCEDURES

A complete and detailed list of procedures for Agreements Services can be found in the [APHIS Agreements Management Manual](#).

Note: The APHIS Agreements Services Center manages the procedures and overall content of the manual and will lead any efforts to make necessary changes or updates.

8. FORMS

This Directive establishes the use of the APHIS Form 63 *Justification for Non-Competitive Federal Assistance*, which can be accessed in the [APHIS Electronic Forms Library](#).

9. RECORDS MANAGEMENT

Federal records created by this Directive must be maintained in accordance with the established [General Records Schedule \(GRS\)](#) and/or the [APHIS Records Management Handbook](#) when applicable. If employees are named in an active litigation hold, Freedom of Information Act (FOIA) request, and/or other action, those records, regardless of media, must be preserved and maintained in their native format until otherwise notified by your Agency Records Officer and/or the Office of General Counsel.

- a. The [Marketing and Regulatory Programs – Information Technology, Information Management Branch \(MRP-IT, IMB\)](#) is the official recordkeeper of this Directive which is to be preserved permanently, per [Paperwork and Data Management \(PDM\) 4-1](#).
- b. [Resource Management Specialist](#) for Financial Management Division (FMD) are the official recordkeepers of the records listed below, which will be maintained in accordance with:
 - (1) GRS 1.2 – Item 010: Records related to the coordination, implementation, execution, monitoring, and completion of grant and cooperative agreement

programs; destroy 3 years after final action is taken on the file, but longer retention is authorized if required for business use.

- (2) GRS 1.2 – Item 020: Official record of successful applicant case files held in the office of record; destroy 10 years after final action is taken on file, but longer retention is authorized if required for business use.
- (3) GRS 1.2 – Item 021: Official record of unsuccessful applicant case files held in the office of record; destroy 3 years after final action is taken on file, but longer retention is authorized if required for business use.
- (4) GRS 1.2 – Item 022: Copies used for administrative or reference purposes; destroy when business use ceases.
- (5) GRS 1.2 – Item 030: Tangible result of a completed grant or cooperative agreement produced/delivered by the recipient to satisfy the purpose of the award; destroy when business use ceases.

10. INQUIRIES AND ADDITIONAL INFORMATION

- a. Address inquiries concerning this Directive to the Agreements Services Center via email to agreements.trackingandclearance@usda.gov.
- b. For inquiries on specific matters please contact your appropriate [ASC Agreements Specialist](#).
- c. For records management inquiries contact your [Program Records Management Liaison](#).
- d. Additional materials and information can be found on the [Agreements Service Center](#) homepage.
- e. This Directive can be accessed on the [APHIS Directives](#) homepage.

/s/

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