

**NATIONAL WEATHER SERVICE INSTRUCTION 70-211  
OCTOBER 26, 2022**

**Financial Management  
Financial Management Policy, NWSPD-70-2  
AGREEMENTS**

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**NOTICE:** This publication is available at: <http://www.nws.noaa.gov/directives/>.

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**SUMMARY OF REVISIONS:** This directive supersedes NWSI 70-211, “*Agreements*”, dated January 13, 2022. The following changes were made to:

- Reflecting changes to the procurement directive & routing process in the *Agreements* directive:
  - NWS OCFO delegates review and approval of procurement requests of up to \$500K to Portfolio/FMC directors.

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Date

**Agreements**

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**1. Purpose**

This directive establishes the National Weather Service (NWS) policy for Agreements (e.g., Interagency Agreements, International Agreements, No-Cost Agreements, Reimbursable Agreements, and Intergovernmental Personnel Act Agreements) and is in addition to any National Oceanic and Atmospheric Administration (NOAA) policies or guidance. This directive is for agreements between NWS and other Federal Agencies, State and Local Governments, Commercial Businesses, Universities and Research Institutions, International Governments and other entities, either public or private. This directive does not cover service level agreements (SLAs) between NWS and other components within NOAA.

This directive also assigns responsibilities and establishes procedures for the processing of proposed agreements, and amendments thereto, with other agencies and to assure proper coordination, control and administration of such agreements.

## 1.1 Applicability

The provisions of this order apply to all Interagency Agreements, International Agreements, No-Cost Agreements, Reimbursable Agreements, and Intergovernmental Personnel Act Agreements, modifications, and amendments, except for SLAs between NWS and other components within NOAA.

## 1.2 Policy

- Agreements cover a wide range of services and may involve one or more administrative actions such as contract negotiation, assignment of employed personnel, allocation of employment ceiling, allotment of funds, rental of space, etc. It is therefore essential that all such agreements be reviewed for pertinent administrative as well as substantive program implications by the Program Manager as well as the Department of Commerce (DOC) Office of General Counsel (OGC).
- The Program Manager and Portfolio / Financial Management Center (FMC) Director is ultimately responsible for ensuring that program funds are spent in a manner that results in planned outcomes. Further, NWS FMCs must ensure that adequate documentation is maintained with respect to the results achieved under each agreement.
- During the drafting and planning process, the Program Manager shall communicate with stakeholders within NOAA and NWS to ensure that the terms of the agreement can be executed. Prior to signature, the agreement should be reviewed / approved by the appropriate Portfolio or FMC Director(s). After the agreement has been approved by all parties, the Program Manager (unless otherwise specified in this directive) is responsible for providing the affected NWS Offices with a signed copy of the agreement and answering any questions they may have with regards to the management and execution of the agreement.
- Agreements are not to be signed until after the DOC OGC has performed a review.
  - DOC OGC sets a deadline for processing agreements in the 4th quarter of the fiscal year. Priority review will be provided to those who submit their agreement package by the deadline in early July. Any agreements submitted after the deadline will not be guaranteed clearance within 30 to 45 days except for extenuating circumstances. If you are expecting delays with your agreements, please coordinate with the NWS Office of the Chief Financial Officer (OCFO), Budget Formulation and Execution Division ([CFO1 Reimbursable Team](#)) so a notice can be provided to the DOC OGC to accommodate delays.

## 1.3 Outline of an Agreement

- All agreements must cite the statute upon which the agreement is based. Agreements may rely upon one or more statutes. The Economy Act should be used as the statutory authority for an agreement involving the transfer of funds only when a more specific authority supporting the transfer is not available.
- Please refer to the reimbursable webpage for assistance with how to construct a proper reimbursable agreement located at:

[https://sites.google.com/a/noaa.gov/nws-best-practices/nwshq/cfo/reimbursable\\_agreements? Pli=1](https://sites.google.com/a/noaa.gov/nws-best-practices/nwshq/cfo/reimbursable_agreements? Pli=1)

- All agreements will be documented in writing. At a minimum, agreements shall include the following:
  - Services being performed.
  - Period of performance (should not exceed five (5) years).
  - Period of Funding Availability (if applicable).
  - Estimate of Cost for Services or Fixed Amount (if applicable).
  - Obligating Authority (if applicable).
  - Programmatic Authority.
  - Termination Clause.
  - Dispute Resolution Clause.

## 2. Type of Agreements

To assure appropriate coordination and consistent documentation of proposed agreements, the following procedures and routing are prescribed for the different types of agreements.

### 2.1 International Agreements

Agreements with any international partners, whether it be a foreign governmental or non-governmental partner, are required to be drafted in conjunction with the NWS Office of [International Activities](#) (IA) and reviewed by the DOC OGC to make sure that the agreement complies with the Case-Zablocki Act of August 22, 1972, 1 U.S.C. § 112b (the Act). The Act requires that all international agreements entered into by the U.S. Government receive prior approval by the Secretary of State.

- For a list of IA Staff, please follow this link [here](#).
- Notify IA of your intent or need to enter into an agreement with an international partner prior to beginning discussions with your foreign counterparts. IA will assist you with foreign counterpart consultation and developing draft language that adheres to both NWS international policy and U.S. foreign policy and is in compliance with the Case-Zablocki Act.
- When IA has been notified of your intent to enter into an agreement with an international entity, IA will assign a liaison from its office to assist you with the clearance process. The liaison will coordinate interactions with NWS CFO1, DOC OGC, the Sponsor, Department of State (DOS), Management, and any other party concerning the agreement.
- Submit unsigned agreement and paperwork to IA for review. IA will submit the paperwork to the NOAA International Affairs Council and DOC OGC for Case-Zablocki review and/or clearance.
- Once an International agreement is cleared by the DOC OGC and DOS, IA will coordinate the signing procedures.
- Once an International agreement is signed, IA must provide a signed copy of the agreement to the appropriate parties involved.

### 2.2 No Cost Agreements

Agreements between NWS and another party where no funds are being exchanged between NWS and the other partner.

- Submit agreement to [NWS Executive Affairs](#) (EA). NWS EA will submit the agreement to

DOC OGC for review. Documents may be submitted electronically.

Submission should include the following documents:

- Document 1. If requesting expedited clearance, a written justification shall be provided and will include the point(s) of contact name(s), phone number(s) and e-mail address(es).
- Document 2. Previous OGC clearance (new agreements will not have prior clearance).
- Document 3. Agreement to be cleared.
- Document 4. Statement of Work, if appropriate.
- Document 5. Backup/Miscellaneous documents, if appropriate.

### **2.3 Reimbursable Agreements**

Reimbursable agreements will be approved and executed in accordance with appropriate delegations of authority set forth in [NOAA Reimbursable Agreement User Guide](#) and Chapter 10 of the [NOAA Finance Handbook](#).

#### **2.3.1 Reimbursable Agreements (Incoming Funds)**

Requests initiated by other agencies for NWS to be the Performing Agency.

**OGC Clearance** – As soon as an agreement is drafted that requests NWS to provide services subject to reimbursement, the unsigned agreement, along with any funding documents, will be referred to the [CFO1 Reimbursable Team](#) for review.

The FMC submits the following documents into the [DOC OGC Clearance Submission](#):

- Document 1. If requesting an expedited clearance, a written justification shall be provided.
- Document 2. Provide the point(s) of contact for technical and budget / administration so DOC OGC can reach out to the appropriate personnel for questions related to the agreement.
- Document 3. Previous OGC clearance memorandum, if applicable.
- Document 4. The agreement and/or other documents for funding (i.e., 7600A and/or 7600B, Military Interdepartmental Purchase Request (MIPR), Modification, etc.).
- Document 5. Statement of Work, if applicable.
- Document 6. Determination & Findings (D&F) (Economy Act), if applicable.
- Document 7. Addendum or other backup documents, if applicable.

The CFO1 Reimbursable Team will then review the documents submitted above for completeness and forward the paperwork for DOC OGC's clearance. This process takes 30-45 days on average unless expedited.

**Signatures** – After the DOC OGC has provided a memorandum of clearance, the CFO1 Reimbursable Team will assist the FMC with routing the package for signatures above \$250,000.00 within NWS. Refer to section 3 for the incoming agreements signature procedure. The FMC is responsible for acquiring the signatures from the partner agency.

**Allotment Approval** – After the DOC OGC has cleared the agreement and the authorized signatures have been acquired from both NWS and the partner agency, the FMC shall submit a

signed agreement package into the [Unfilled Customer Order \(UCO\)/Allotment Submission](#) for processing.

A complete package for allotment approval would include the following:

- Document 1. DOC OGC clearance memorandum.
- Document 2. Signed agreement to (i.e., Acceptance MIPR, Modification, Amendment, 7600A and/or 7600B).
- Document 3. Signed [UCO / allotment form](#).
- Document 4. [Project code request form](#), if applicable.
- Document 5. [Statement of Work](#), if applicable.
- Document 6. D&F (Economy Act), if applicable.
- Document 7. Addendum or other backup documents, if applicable.

Once the FMC submits the complete documents above for allotment, the CFO1 Reimbursable Team creates the CM004 (project code) and RADG002 (reimbursable allotment) in the Commerce Business System (CBS). A Request for allotment approval in CBS shall then be forwarded to NOAA Finance. Once NOAA Budget has posted the allotment, funding is available in CBS for Budget Operating Plan (BOP) pick-up by the FMC.

### **2.3.1.1 Reimbursable Funding**

Funds are paid to the sponsors after the work is performed. Reimbursable agreements are limited to other Federal Agencies, State and Local Governments, and Universities.

- Fund Code 0007 – Funds are paid to the sponsor after the work is performed. NOAA Finance will automatically bill the sponsors on a quarterly basis.
- Fund Code 0097 (NON Work-In-Process (WIP)) – Reimbursable Sales Fixed Fees (RSFF) are based on fixed price for a product or service. Recipients are not billed on actual accrued costs and RSSF projects are not recorded in the Commerce Finance System (CFS). Fund Code 0097 projects are billed only when NWS submits a request to NOAA Finance to bill the Sponsor.

### **2.3.1.2 Advance Funding**

Funds are paid by the sponsor in advance of work being performed. Both U.S. Government (Federal, State, and Local) and non-federal (private, non-profit, research institutions and international) entities can be setup as agreements requiring advance payment.

- In order to set up an advance agreement with a Federal entity, you must cite an authority that allows you to accept funds in advance of work being performed.
- Fund Code 0006 – Funds are collected before NWS provides services in advance of work being performed.
- Fund Code 0096 (NON WIP) – RSFF are based on fixed price for a product or service. Recipients are not billed on actual accrued costs and RSSF projects are not recorded in CFS. For Fund code 0096, project funds must be collected or billed in advance of work or services being performed.

### **2.3.2 Intergovernmental Personnel Act (IPA) Agreement**

IPA agreements are a specialized form of an agreement that involves the detail of an employee from one organization to another. An IPA agreement is substantially similar to any other agreement, but includes a few additional provisions.

The FMC must submit the following documents to the NWS CFO1 Reimbursable Team for review (Personally Identifiable Information (PII) must be removed):

- Document 1. Form CD-435, Procurement Request (unsigned).
- Document 2. An IPA Agreement (unsigned).
- Document 3. Form CD-516, Classification and Performance Management Record.
- Document 4. Standard Form (SF)-52, Request for Personnel Action (most current).
- Document 5. Certification of Bona Fide Need.
- Document 6. Position Description (most current).
- Document 7. D&F (Economy Act) (if applicable).
- Document 8. Official Memorandum from the FMC Director and concurrence emails supporting the details.

The CFO1 Reimbursable Team will coordinate the review of the above documents with the OCFO Management and Organization Division (CFO2) for completeness and forward the paperwork to DOC OGC for review.

After the DOC OGC has reviewed and cleared the agreement, the FMC must submit the following additional items to the [CFO1 Reimbursable Inbox](#):

- Document 1. Signed UCO / Allotment Form.
- Document 2. Project Code Request Form.
- Document 3. DOC OGC Clearance Memorandum.
- Document 4. Signed CD-435, Procurement Request.
- Document 5. Signed IPA agreement.

All details of NWS personnel to positions outside of the NWS and all details of Senior Executive Service (SES) employees and political appointees must be approved by the DOC Office of Human Resources Management (OHRM). Therefore, the CFO1 Reimbursable Team shall coordinate with CFO2 to submit the IPA packet to DOC OHRM.

After DOC OHRM approves, the CFO1 Reimbursable Team creates the CM004 (project code) and RADG002 (Reimbursable allotment) in the CBS, then forwards the IPA packet to the NOAA Finance for approval of the CM004 and RADG002. After NOAA Finance approves the agreement, it will be sent to NOAA Budget for allotment posting.

Additional Resources and Information:

- Further information can be found in the [DOC Agreements Handbook](#).
- The FMC is responsible for maintaining and storing the above documents in a file.

### **3. Cleared Agreements & Signatures**

Once an agreement is cleared by DOC OGC, routing approval should follow the table and guidelines

below. For anything above \$500,000, use the [prepared routing template](#) and submit your complete package to the [NWS Agreements Team](#).

| From           | To (Limit)     | Approver                             |
|----------------|----------------|--------------------------------------|
| \$0            | \$2,999.99     | Program Manager                      |
| \$3,000.00     | \$499,999.99   | FMC Director                         |
| \$500,000.00   | \$999,999.99   | CFO                                  |
| \$1,000,000.00 | \$4,999,999.99 | Deputy Assistant Administrator (DAA) |
| \$5,000,000.00 | +              | NWS Assistant Administrator (AA)     |

**EXCEPTION:** The approval levels outlined above are only for new agreements and outgoing agreements (NWS is the requesting agency). Previously approved Agreements (\$500K and greater) requiring a modification, incremental funding, or a change to period-of-performance where NWS will be the servicing agency (e.g. where the partner agency is sending funds to NWS to perform services) will only require signature by the OCFO.

A complete reimbursable package to the CFO1 Reimbursable Team requires the following:

Outgoing Agreement for Signatures (NWS is the Requesting Agency):

- Document 1. NWS Correspondence Routing Sheet.
- Document 2. DOC OGC clearance memorandum.
- Document 3. Agreement and funding documents that require signatures (i.e., Acceptance MIPR, Modification, Amendment, 7600A and/or 7600B).
- Document 4. Bona Fide Need Certificate form.
- Document 5. Statement of Work, if appropriate.
- Document 6. Signed D&F, if appropriate.
- Document 7. CD-435 that requires signatures (within NWS use only).
- Document 8. Backup/Miscellaneous documents such as price quote, if appropriate.

Incoming Agreement for Signatures (NWS is the Servicing Agency):

- Document 1. NWS Correspondence Routing Sheet.
- Document 2. DOC OGC clearance memorandum.
- Document 3. Agreement and funding documents that require signatures (i.e., Acceptance MIPR, Modification, Amendment, 7600A and/or 7600B).
- Document 4. Statement of Work, if applicable.
- Document 5. D&F (Economy Act), if applicable.
- Document 6. Addendum or other backup documents, if applicable.

**4. Record Keeping**

The FMC in charge of an agreement is responsible for maintaining a file of paperwork associated with the agreement for audit purposes. This file must be kept in accordance with DOC record keeping requirements. This file, regardless of location, must contain the documents and information

listed below, as applicable.

- A copy of the agreement and all amendments and addendums with signatures by all parties to the agreement. The operating unit file copy of each of these documents shall contain the agreement identification number.
- A copy of all clearance documents obtained in developing and completing the agreement.
- A copy of the budget or other basis for estimating funds to be obligated and/or resources committed by each party, if applicable.
- Financial information (e.g., billing, MIPRs, receivables, payables, etc.), if applicable.
- Other pertinent material.

More information regarding record keeping procedures is located at:  
<https://www.noaa.gov/organization/administration/noaa-records-management>

#### **4.1 Retention**

The official agreement file must be retained in accordance with the applicable operating unit specific records retention schedule or the Government-wide general records schedule. To the extent you have questions about what materials constitute records and the length of time records must be maintained, you should consult with your operating unit's records management officer.

#### **4.2 Storage (Incoming Agreements Only)**

The FMC is ultimately responsible for record keeping of their agreements; however, the CFO1 Reimbursable Team will also upload digital copies to the [NWS repository page](#). This will ensure that all parties in NWS have access to the agreements online if questions or concerns may arise.

#### **5. Waivers**

There are three types of waivers associated with agreements with incoming funds:

- Policy – In situations where advance payment is required (such as with an international agreement), but the actual costs are unknown until the time of execution. A policy waiver must be submitted prior to establishing the agreement within CBS.
- Rent – For all reimbursable agreements where a NWS federal employee codes their hours to a reimbursable project code, a rent surcharge is automatically created. If the NWS employee is not stationed in a NWS facility when working on the agreement, a waiver request should be submitted.
- Overhead – For all reimbursable agreements where a NWS federal employee codes their hours to the reimbursable project code, three levels of overhead (NOAA, Line Office (LO), and FMC) surcharges are automatically created. If NWS Management feels that the full rates should not be charged to the sponsor, they must obtain CFO approval on waiving rates. Overhead rates cannot be waived on agreements under the Economy Act. Per NOAA policy, overhead waivers are limited to 60%.

The FMC must coordinate with the [CFO1 Reimbursable Team](#) for the review and approval of their waiver memorandum.

## 6. Definitions

Assisted Acquisition(s): Interagency acquisitions for which a requesting agency, at its discretion, has determined that it is in the best interest of the government to seek the acquisition services of a servicing agency in the procurement of supplies or services from the private sector and where the servicing agency awards a contract or order on behalf of the requesting agency.

Interagency Agreement: A written agreement between Federal agencies or components of Federal agencies to acquire supplies or services as authorized by Statute.

Reimbursable Agreement: A contractual relationship under which the Service provides a product or service to a non-Service party (including private entities), the costs of which are reimbursed by the recipient.

Requesting Agency: A Federal agency that has a requirement and desires to obtain goods or services from a servicing agency.

Servicing Agency: A Federal agency that is willing and able to provide goods or services to a requesting agency.