



**Court Services and Offender Supervision Agency
for the District of Columbia**
Office of the General Counsel

POLICY STATEMENT

Title: Management of Agency Agreements
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Overview

Background

The mission of the Court Services and Offender Supervision Agency (CSOSA or the Agency) is to increase public safety, prevent crime, reduce recidivism, and support the fair administration of justice in close collaboration with the community.

Partnering effectively with other criminal justice agencies and community organizations is one of the operational strategies that CSOSA uses to fulfill its mission. One method CSOSA uses to build partnerships is by managing and developing agreements (Agency Agreements) with federal, state, local agencies, and community-based organizations. Agency Agreements include a wide range of formalized financial and non-financial arrangements with external entities, typically with specific stipulations and terms.

CSOSA enters into various types of Agency Agreements with its partners, which include, but are not limited to:

- Memorandum of Agreement (MOA) or Memorandum of Understanding (MOU);
- Cooperative Agreement;
- Interagency Agreement (IAA);
- Interstate Compact; and
- Grants.

These agreements may have different processes and are managed by the responsible Initiating Agency Component (IAC) in accordance with Agency policies and procedures as well as any applicable laws, rules, and regulations.

The purpose of this Policy Statement (PS) is to outline the roles and responsibilities of Agency components, programs, and personnel involved in the management, development, and reporting of Agency Agreements.

General Disclaimer

This policy does not impact contractual agreements involving goods and/or services entered into with contractors and/or vendors by the Office of Administration - Procurement. Please refer to [PS 5600, *Doing Business with CSOSA*](#), for further information.

Overview, Continued

Summary of Changes

- Updated policy number.
 - Change in scope of policy.
 - Separation of policy from procedures.
 - Inclusion of definitions.
 - Clarification of roles and responsibilities.
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Coverage

This Policy Statement applies to all CSOSA staff who engage in the development and management of Agency Agreements.

Authorities

- U.S. Const. art. I, § 10, cl. 3.
 - 31 U.S.C. § 1535
 - 5 U.S.C. § 301
 - 2 CFR § 200.24
 - Section 11233(b)(2) of the National Capital Revitalization and Self-Government Improvement Act of 1997, Pub. Law 105-33, 111 Stat. 712
 - DC ST § 24-133 (formerly cited as DC ST 1981 § 24-1233)
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Disclaimer

The contents of this guidance do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

Supersedes

This Policy Statement supersedes Policy Statement 1009, *Development of Memoranda of Understanding*, dated July 30, 2008.

References

[PS 1111– Records Management](#)

Administrator

The Office of General Counsel (OGC) is responsible for the contents of this Policy Statement.

Policy

Principles

- The authority to execute, modify, or terminate Agency Agreements is limited to the Agency Director or an authorized designee.
 - Agreements must be aligned with the Agency's mission, priorities and authorities.
 - Agency Agreements are reviewed every two (2) years with the partnering agency or entity.
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Development of an Agency Agreement

CSOSA develops an Agency Agreement with a partnering agency or entity in situations that include, but are not limited to:

- Use or have access to Agency equipment, facilities, or data (electronic or otherwise) by a non-Agency representative(s);
 - Temporarily assign Agency staff to a partner location or non-Agency staff to assist CSOSA;
 - Use or have access by Agency representatives to external experts, intelligence, services, equipment and other resources to advance the mission of the Agency;
 - Establish a structured process to facilitate the Agency's access to resources or services from a government agency, non-profit or community organization; or
 - Establish a formal agreement and reimbursement process to/from another federal, state, or local government agency or private sector entity for any goods or services:
 - An agreement involving the Agency and the District of Columbia (D.C.) government and including an exchange of funds requires advance approval by the Office of Management and Budget (OMB) Director and the Mayor of D.C.; and
 - The Director of OMB or the Mayor of D.C, may designate and/or authorize a representative of their office, on their behalf, to sign off on the agreement.
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Definitions

Cooperative Agreement

A legal instrument that facilitates the transfer of something of value from federal executive agencies to states, local governments, and private recipients for a public purpose or benefit.

Grant

A financial assistance support mechanism providing funds or other direct assistance to the Agency or its employee(s) to carry out an approved project or activity in support of the mission of the Agency.

Note: CSOSA does not currently have the authority to issue financial assistance grants.

Impacted Agency Component

The component office(s) or program(s) within CSOSA that may be affected by the IAC entering into an agreement.

Initiating Agency Component (IAC)

The component office or program within CSOSA proposing to enter into an agreement.

Interagency Agreement (IAA)

A written agreement entered into between two (2) federal agencies, or major organizational units within an agency, which specifies the goods and/or services to be furnished or tasks to be accomplished by one agency (the servicing agency) in support of the other (the requesting agency). IAAs involve funding and are typically documented using Treasury Form 7600 A/B.

Note: IAAs can be supported by MOUs.

Interstate Compact

A contract between two or more states creating an agreement involving common issues that include, but are not limited to, policy issues or adopting certain standards or procedures concerning regional or national matters.

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Definitions, Continued

Lead Developer The entity and/or Agency responsible for initiating and/or coordinating the preparation of an agreement. This could be CSOSA or another entity.

Memorandum of Agreement (MOA) or Memorandum of Understanding (MOU) Formal written agreements signed by the Agency Director or a designee and the authorized agent of each party that defines the parameters of the partnership, including terms, responsibilities, legal issues, duration and termination of the partnership. Generally, these agreements are between agencies or departments of the same government (i.e., United States). MOUs may also be formed between the Agency and local agencies or community organizations.

Note: MOUs do not involve payment or transfer of funding. If the agreement between two (2) involves funding, an IAA is required.

Prospective Partner An organization, entity, or agency considering, negotiating and/or entering into an agreement or partnership with CSOSA.

Roles and Responsibilities

Agency Staff

Submits a written request to the appropriate Associate Director for determination of whether an Agency Agreement is required.

Associate Directors (ADs)

- For an agreement initiated or led by a partnering agency to which CSOSA is a party, the Associate Director (AD) of the impacted Agency component ensures that the agreement aligns with the Agency's interests and priorities.
 - Determine whether an agreement is required and the best method to accomplish the Agency's mission within seven (7) business days of receiving a request on whether to enter into an agreement.
 - Notify and consult with the Office of the Director of the intent to pursue an agreement.
 - Ensure funds are available to support agreements where the Agency is receiving goods and/or services from another entity.
 - Assign appropriate staff as the Lead Developer to prepare an initial draft agreement once the Office of the Director decides to pursue an agreement and funds are determined to be available.
 - Assign staff to serve as the Agency's Representative or Point of Contact when the Agency is not the lead developer.
 - Ensure a completed, and approved agreement is in place before participating in applicable actions with external, partner organizations.
 - Responsible for ensuring that all terms and conditions of the agreement are followed by the Agency.
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Records Manager

- Disposes of the agreements in accordance with records management rules, regulations and Agency policy and procedures.
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Roles and Responsibilities, Continued

Initiating Agency Component (IAC)

- Forwards the agreement to the partner(s) for their review and approval.
 - Incorporates any approved revisions made by the potential partner(s).
 - Manages the development, review, data entry and approval process including reviews by OFM, OA Procurement, Employee and Labor Relations (ELR) and OGC.
 - Delivers the appropriate number of copies of the agreement to the partner(s) for signature and subsequent implementation.
 - Ensures approved agreements with financial impact to the Agency (e.g., IAAs) are recorded and recognized in the Agency's financial management system in a timely manner.
 - Delivers the original signed MOA, MOU, Cooperative Agreement, or Grant agreement to the Office of the Director (OD) and sends a copy to the Records Manager and OLIPA.
 - Forwards a fully executed copy of an MOA, MOU, Cooperative Agreement or Grant agreement to the OIT for posting on the Agency intranet.
 - Receives notification from OLIPA ninety (90) days prior to the agreement expiration or within the timeframe established by the MOA, MOU, Cooperative Agreements, or Grant agreement of the desire to terminate, modify or continue the agreement.
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Prospective Partner

Provides resources or services beneficial to the work of CSOSA. This includes a federal or local agency or community organization that may also provide or contribute to the development of the initial draft of the agreement.

Employee Labor Relations (ELR)

- Determines if the proposed agreement impacts the Bargaining Unit and provides the required notice.
 - Serves as the central point of contact for all Union correspondence and engagement.
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Roles and Responsibilities, Continued

**Office of the
General Counsel**

- Reviews all agreements for legal sufficiency, which includes engaging in interactions with all involved parties in the development of the terms of the agreement.
- Responds to legal inquiries or questions at any stage of the developmental process. Parties are encouraged to direct legal questions to OGC prior to the legal sufficiency stage.
- Completes a legal sufficiency review at the end of the developmental process.
- Facilitates the resolution of all legal issues with all interested parties and forwards the agreement to the initiating Agency component electronically.
- Provides oversight of the Records Manager to ensure that Agency Agreements are managed following Agency policies and procedures and all relevant laws, rules, and regulations.
- Maintain a centralized repository of all Agency Agreements.

**Office of
Administration
(OA) and Office
of Financial
Management
(OFM)**

- Review all agreements to determine whether they affect the Agency's security, facilities, budget, finance, or procurement functions.
- Obtain advance OMB approval for financial agreements where CSOSA is a grant recipient or the provider of goods/services to another entity.
- Maintains a repository of signed Interagency Agreements.

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Roles and Responsibilities, Continued

**Office of
Legislative,
Intergovernmen
tal, and Public
Affairs (OLIPA)**

- Maintains a repository concerning the following signed agreements: MOAs or MOUs, Cooperative Agreements and Grants.
 - Notifies IAC ninety (90) days prior to the agreement expiration or within the timeframes established by the agreement of the desire to terminate, modify, or continue MOA, MOUs, Cooperative Agreements, or Grants.
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Agency Director

- Reviews the final agreement and makes any necessary changes.
 - Signs the agreement or authorizes his or her designee to sign such an agreement on behalf of the Agency Director.
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