

## MEMORANDUM OF AGREEMENT

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Illustration 1

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MEMORANDUM OF AGREEMENT  
General

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1. GENERAL

1.1 Purpose. This directive describes policy and procedures for the development and maintenance of a Memorandum of Agreement (MOA) and similarly labeled documents such as interagency agreements between the Bureau and other Federal or State entities.

1.2 Authority. The general authority for the Bureau to enter into intergovernmental agreements and place orders for materials, supplies, equipment, work, or services is referenced in 31 U.S.C. 686, 686-1, and 686b. Specific authority also may be found in authorizing legislation of other Federal agencies.

1.3 Policy. It is the Bureau policy to provide for MOA's between the Bureau and other Federal or State entities to describe specific operating relationships. The Bureau's responsibility is to justify cooperative efforts with other governmental entities to ensure that the mutual missions are carried out successfully. The MOA formalizes the cooperative relationship.

A. When the Bureau cooperates or works with other Federal or State entities, the lines of demarcation of effort are not always defined sharply by mission, function statements or other directives. It is essential that the specific relationships be clearly described. A Memorandum of Agreement (MOA) signed by the appropriate Bureau representative(s) and the other Federal organization(s) is the most effective method of describing specific operating relationships.

B. Bureau Contracting Officers will develop, maintain current, and administer MOA whenever a specific operating relationship with another Federal or State entity is essential to successful execution of the assigned Bureau program/ function.

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MEMORANDUM OF AGREEMENT  
Procedures and Duties

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2. PROCEDURES AND DUTIES

2.1 Development of Memorandum of Agreement. Memoranda of Agreement and amendments thereto will be developed jointly by the cognizant Bureau Contracting Officer and appropriate program officer and their counterparts within the other Federal or State organization. The guidelines in Illustration 1 shall be used in the development of a Memorandum of Agreement.

A. A Memorandum of Agreement contains agreed-upon functions to be performed by the Bureau and other Federal or State organizations. Before signature, the proposed MOA and/or amendments thereto will be reviewed by all concerned Bureau parties, comments considered, problems resolved, and approval/disapproval provided by the Acquisition/Assistance Agreement Review Committee (ARC). The procedures provided in Supplements 2 & 3 shall be followed in developing and executing an MOA.

B. The Bureau approving official (Central or Area Office, respectively), if in concurrence with the proposal, shall sign the MOA. The Contracting Officer shall cosign the MOA and designate the appropriate program specialist who shall monitor the terms of the MOA.

2.2 Contracting Officer. Bureau Contracting Officers will assist the program office in accordance with the procedures delineated above. This approach will be used whenever specific relationships for the successful execution of the Bureau mission is necessary to implement an assigned program/ function. Each contracting activity shall maintain a file of its MOA's and revision(s) thereto as part of its acquisition management procedure.

2.3 Program Specialist. The cognizant program official shall perform the major duties required for the substance and content of the MOA. Working in close cooperation with the other Federal agency, the terms and provisions shall be developed in draft form, based on the guidelines stated in Illustration 1. The program specialist serves as the technical resource person in support of the Bureau Contracting Officer who has overall responsibility for the execution of the MOA. During the course of the MOA, the program specialist designated by the Contracting Officer shall serve as the latter's representative to assure appropriate administration of the MOA. Appropriate records shall be maintained by the program specialist to provide an adequate management and audit record. Both the performance and the product funded by the MOA shall be timely, appropriate, and within the scope of the MOA provisions.

2.4 Acquisition/Assistance Agreement Committee (ARC). The Committees at all Bureau contracting activities/locations shall review all proposed MOA's that require the expenditure of Bureau funds, or the use of personnel or property, in a joint venture. The instructions in Supplements 2 & 3 shall apply to the

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duties and responsibilities of the ARC with regard to MOA. Approval/disapproval shall be provided by the ARC. The Contracting Officer shall review the findings. The Bureau approving official (Central or Area Office) shall provide the final signatory authority for the Bureau to enter into the MOA.

U. S. Department of the Interior  
Bureau of Indian Affairs

FORMAT FOR GUIDELINES FOR DEVELOPING A MEMORANDUM OF AGREEMENT

Instructions. The protocol items/headings listed below are to be used in developing a Memorandum of Agreement (MOA). Assistance shall be provided to program specialists by the Contracting Officer upon request. Additional items/headings may be incorporated by mutual consent of the Bureau and the other Federal organization. When ratified, a copy of the MOA shall be retained by the Contracting Officer.

1. Program/Function Description. A brief description of the program or function shall be provided.
2. Mission Relationships. A brief description shall be provided delineating the pertinent mission functions of the Bureau and of the Federal organization involved.
3. Specific Operating Relationship. A detailed description shall be provided delineating the specific function(s) to be performed by the Bureau and by the other government entity including the specific authority, delegations, interface, and reviews. The description shall also identify whether the functions are considered to be consistent with mission statements. Particularly significant are the responsibilities and authorities associated with programming, budgeting, budget execution, and trust facilitation.
4. Participation Within BIA. A description of the degree of participation by other involved program elements within the Bureau.
5. Schedule. Major milestones and the criteria for demonstrating successful accomplishment of those milestones.
6. Resource Commitments. Human, physical, and financial resource commitments shall be explicitly described for each program element within the Bureau as well as for the other Federal entity.
7. Duration and Review. The duration of the Agreement and any schedule for regular or periodic review of the Agreement.
8. Distribution. --Distribution of the MOA shall include the Contracting Officer as well as all concerned Federal entities and involved elements within the Bureau.

9. Authority. Provide the legislative, statutory, legal, policy, or regulatory authority for entering into a MOA and for expending appropriated funds under the terms of the agreement.

10. Name/Signature. Provide name, title, signature, and date signed by Bureau Central or Area Office line official and that of the Contracting Officer. Provide space for identifying information and signature of cooperating Federal organization official.