

MS 103 Procedures for In-Country Strategic Partnerships

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I. **General**

a) **Purpose**

Manual Section 103 (MS-103) sets forth the Peace Corps' policy regarding the approval of strategic partnerships with third-party organizations, including other U.S. Government agencies, international organizations, non-governmental organizations (NGOs), and other private sector entities. This document describes procedures under MS-103 for strategic partnerships entered into by, or for the benefit of, a single Peace Corps post.

The Peace Corps enters into strategic partnerships with other organizations to enhance the agency's ability to achieve its mission. Strategic partnerships support program priorities and objectives through every stage in the Volunteer life cycle, including recruitment, training, assignment, programming, project support, Third-goal related activities, and returned Volunteer

support. Strategic partnerships also allow the Peace Corps to leverage the strengths of these organizations to enhance program delivery and impact in the countries where Peace Corps Volunteers serve.

Agreements signed by the Peace Corps implementing strategic partnerships must preserve the Peace Corps' separate and unique mission and independent status. An agreement entered into in accordance with these procedures must state that such agreement does not create any employment, partnership, agency, joint venture or other similar legal relationship between the Peace Corps and the strategic partner, and that the strategic partner does not have the authority to bind the Peace Corps.

b) **Applicability**

Strategic partnerships are implemented through a variety of agreements, including, but not limited to, memoranda of understanding, interagency agreements, and participating agency program agreements. The Peace Corps and a third-party organization enter into an agreement to define the specific responsibilities and duties of each party for the accomplishment of a shared goal. Except as otherwise described in these procedures, the procedures apply to all in-country strategic partnership agreements entered into by, or for the benefit of, a single Peace Corps post.

These procedures do not apply to:

- donation agreements or other agreements for gifts or contributions to the Peace Corps under MS 721, *Gifts and Contributions to the Peace Corps*;
- host country contribution agreements with host governments or host government entities under MS 722, *Host Country Contributions*;
- agreements with host governments or host government entities setting the overarching terms and conditions of the Peace Corps' operations or sector programs in country (posts should consult the Region and OGC for advice and guidance regarding these types of agreements);
- global, regional, or domestic strategic partnership agreements (covered under *Manual Section 103 Procedures for Global, Regional, and Domestic Strategic Partnerships*); or
- Cooperative Agreements or Grants.

c) **Headquarters support of in-country strategic partnerships**

Post are supported by several agency offices in the development and implementation of strategic partnerships. Key offices include:

- **The Office of Strategic Partnerships (OSP)** coordinates the development and implementation of strategic partnerships to support the agency's three goals and enhance programs through every stage of the Volunteer life cycle. The office's functions include: establishing priorities for strategic partnerships; collecting and analyzing data on strategic partnerships from overseas posts; sharing information on strategic partnerships and developing strategic partnerships with headquarters offices, overseas posts, and regional recruiting offices; issuing guidance and procedures on development and implementation

of strategic partnerships; coordinating the development, approval, and implementation of global and regional agreements; supporting posts to engage in activities under global or regional agreements; monitoring and evaluating the effectiveness of signed agreements; and facilitating the drafting and approval of in-country funded agreements. Within OSP, the Office of Intergovernmental and Global Partnerships (IGAP) supports the development and implementation of strategic partnerships that support Peace Corps posts.

- **Regions** oversee post management and approve the development of new funded in-country strategic partnerships.
- **The Office of the Chief Financial Officer (OCFO)** provides guidance and approval related to funded agreement budgets, financial reporting requirements, financial systems, and exchange of funding between the strategic partner and the agency.
- **The Office of the General Counsel (OGC)** provides legal advice and guidance to posts related to the development, drafting and implementation of strategic partnership agreements.
- **The Office of Acquisitions and Contract Management (OACM)** signs funded strategic partnership agreements. Additionally, OACM is responsible for establishing and implementing policies and procedures relating to acquisition of goods and services under funded strategic partnership agreements.
- **The Office of Overseas Programming and Training Support (OPATS)** provides technical input and advice on the programmatic content strategic partnership agreements.
- **The Office of Global Health and HIV/AIDS (OGH/H)** provides technical input and advice on the programmatic content of health sector strategic partnership agreements. OGH/H is also the agency lead on all matters related to the Presidents Emergency Plan for AIDS Relief (PEPFAR).

d) **Informal collaboration and coordination vs. formal agreements**

1. *Informal collaboration and coordination*

Peace Corps posts collaborate with a variety of organizations on a daily basis. Most collaboration is relatively informal, consisting of sharing or accessing materials and best practices, coordinating efforts or activities, participating in events, or providing or receiving technical assistance. As a general matter, when a post engages in such collaboration or coordination and there is no exchange of funds or assignment of Volunteers, a signed agreement is neither necessary nor recommended.

Examples of such informal collaboration that do not require a formal agreement include:

- Participation by another organization in PST;

- Provision of ad hoc technical support (either by the collaborating organization or by the Peace Corps);
- Exchange of information related to in-country programs and priorities;
- Coordination or planning of activities and events (e.g., participation in a parade for International Women's Day);
- Providing information about the organization to Peace Corps Volunteers and host country counterparts; and
- Support or coordination related to Volunteer secondary activities.

2. *Documenting informal collaboration*

In some cases, a joint document (e.g., a letter regarding collaboration) may be signed by a post and a collaborating organization to memorialize informal collaboration, if signing such a document would further the post's ability to collaborate with a local organization. If a collaborating organization requests to sign an agreement or letter relating to collaboration or coordination where the Peace Corps would not otherwise require an agreement (as described in subparagraph 3, below), the post notifies IGAP and the Region. IGAP facilitates consultation with OGC and the Region to provide guidance on an appropriate course of action. Prior to signing a joint document with the organization, the post must (1) receive legal clearance from OGC, and (2) approval from the Region.

3. *Formal collaboration through a strategic partnership agreement*

Formal agreements may legally bind the agency to meet certain obligations, result in an expenditure of agency resources, or otherwise limit the agency's flexibility. Therefore, formal, signed agreements should be entered into only when necessary. In general, formal agreements are necessary where: (1) the agency assigns Volunteers to another organization; (2) the agency receives funding or other resources from another organization; or (3) the agency secures the legal right to use materials or resources that it would not otherwise have the right to use.

All signed agreements must have an English language version. Non-English language versions may also be prepared at the request of the other party, but should include a statement that the English language version of the document controls in the case of a conflict.

e) **Responsibility for Volunteer Safety and Security and Site Selection**

If an agreement implicates Volunteer placement, site selection, or housing, the agency must ensure that the Peace Corps retains responsibility, control, and final decision making authority over Volunteer safety and security, site selection, housing, and similar matters. This does not preclude consultation with partner organizations over Volunteer placement and work sites in order to achieve mutual and host country objectives.

II. **In-Country Funded Agreements**

a) **General information and timeline**

In order to receive funds under a strategic partnership (often from another U.S. government organization, such as USAID), a signed agreement is required. (The Peace Corps and USAID usually sign a Participating Agency Program Agreement (PAPA) as the in-country funded agreement between the two agencies.) IGAP facilitates headquarters review. Headquarters offices that support the drafting, review, and approval of in-country funded agreements include OGC, OGO, Region(s), OCFO, OPATS, OGH/H and OACM.

Although the amount of time required to draft, approve, and sign a funded agreement varies depending upon a number of factors, posts should estimate that it will take four to six months from the time of initial discussions with the funding organization to signing the agreement. In order to ensure that the process moves forward as quickly as possible, posts must contact the Region and IGAP at the outset of discussions with a potential organization (whether it is another U.S. government agency or an NGO) about an in-country funded agreement.

b) Concept approval

1. Strategic partnership concept description

Prior to initiating the drafting of an agreement or making commitments to a potential partner to enter into an in-country funded agreement, the post must receive approval on the agreement concept from the Regional Director. In order to request such approval, the post should send to the Region and IGAP, the following information:

- a) the name of the organization and its mission;
- b) any past or present formal or informal collaboration between the post and the organization;
- c) the types of activities envisioned under the strategic partnership;
- d) how the proposed activities align with the post's and agency's programming priorities;
- e) the anticipated resources the organization would provide and the types of costs funds would cover;
- f) the anticipated resources Peace Corps would need to commit to the strategic partnership (both human, financial, and in-kind); and
- g) the resources that the post is prepared to commit to the development of the strategic partnership and its future implementation.

2. Strategic partnership criteria

The Region, IGAP, and OCFO review the strategic partnership concept, taking into consideration the following criteria, listed in MS-103:

- a) whether the strategic partnership provides a benefit to key agency functions and programmatic priorities;
- b) whether the strategic partnership has sufficient scale, scope, and anticipated impact to justify the dedication of agency resources;
- c) whether the agency has sufficient resources (human, financial, or in kind) to implement the strategic partnership;

- d) whether the organization has goals that complement those of the Peace Corps; and
- e) whether there are immediately identifiable actions that Peace Corps and the organization will undertake pursuant to the agreement.

In addition, consideration is also given to the following factors:

- whether the strategic partnership would fund costs or activities that Peace Corps is already supporting (or planning to support) with its appropriated funds;
- future year budget and operational implications of entering into the strategic partnership; and
- potential risk of a premature cutoff of funding.

3. *Due diligence*

If the proposed strategic partner is a private sector entity, OSP works with the post, in consultation with OGC and any other offices implicated by the agreement, to perform a due diligence analysis in order to permit consideration of whether a strategic partnership with the organization would raise any ethics issues (including, but not limited to, potential conflicts of interest); compromise the Peace Corps' integrity, mission, or the work of the Volunteers; or damage the Peace Corps' reputation.

4. *Regional Director Approval*

The Regional Director makes a decision within 10 business days as to whether the post may proceed to enter into the strategic partnership and, requests OGC and OSP to take the lead on drafting the agreement.

c) **Drafting the agreement**

The post is supported at headquarters throughout the drafting and approval process by a working group of headquarters staff. IGAP coordinates the working group and headquarters support.

1. *Formation of the working group*

Once the Regional Director issues approval of the agreement concept, IGAP and the Region form the working group, consisting of representatives from: the Region, OCFO, OGC, IGAP, OACM, and any other offices that are appropriate in light of the objectives of the strategic partnership, such as the Office of Volunteer Recruitment and Selection, Peace Corps Response, OPATS, OGH/H, or any other implicated office. IGAP shares with the working group the strategic partnership concept description and other relevant materials related to the proposed strategic partnership.

2. *Negotiation and drafting*

IGAP schedules a teleconference with the working group and the post at the beginning of the drafting and negotiation process. The purpose of the teleconference is to establish a plan for the

drafting and negotiation of the agreement and provide the post an opportunity to consult with and receive input from OGC and all relevant offices from the outset. After the call, the working group follows up with the post to send any documents or information that will facilitate agreement negotiation, including agreement and budget templates. The post should not share agreement drafts with the strategic partner prior to receiving such guidance.

After receiving guidance from the working group, the post works with OGC, OSP and the strategic partner to draft the agreement. The post must keep the Region, OGC and IGAP (and other offices, as appropriate) apprised of the status of negotiations. IGAP facilitates additional consultation with the working group as needed. In particular, OCFO must be consulted on all matters related to negotiation and drafting of budgets, financial reporting requirements, financial systems, and exchange of funding between the strategic partner and the agency.

d) **Final agreement approval**

Once a draft of the agreement (including budget, if appropriate) is agreed upon with the strategic partner, the post shares it with the Region, OGC and IGAP. IGAP solicits comments from the working group on the draft agreement. Working group members should consider how the agreement responds to the strategic partnership criteria described in section II(b)2. above.

OGC and IGAP review and share comments from the working group with the post, which works with the strategic partner to agree upon any final changes. The post must receive clearance from OCFO (regarding the final budget and any provisions related to financial reporting requirements, financial systems, and exchange of funding between the strategic partner and the agency), OGC, and the Region on the final draft of the agreement.

e) **Signature**

Once approval is received as described in subparagraph (d) of this section, the agreement is submitted to the Chief Acquisition Officer for signature.

f) **Implementation**

Once the agreement is signed, post implements the agreement in accordance with the terms and conditions of the agreement. The post is responsible for ensuring that implementation and expenditure of funds comply with the terms and conditions of the agreement. The Region, IGAP, and OCFO provide support to post during implementation of activities. These offices may issue guidance to post regarding the implementation of the agreement, execution of the budget, and establishing processes and controls to ensure agreement obligations are met. Additionally, these offices may periodically request information related to the status of implementation.

Funded agreements typically require both financial and programmatic reports. OCFO is responsible for billing the partner and preparing the financial reports required by the agreement. The post must consult with OCFO prior to submitting any financial statements or reports to the strategic partner. The post is responsible for drafting and submitting required programmatic

reports. The post must send to IGAP and the Region a copy of each programmatic report submitted under the agreement.

g) Annual review

On an annual basis, IGAP, in coordination with the Region and OCFO, facilitates an internal review of the strategic partnership with the post. The purpose of the annual review is to summarize key achievements and challenges under the strategic partnership during the preceding year, assess whether headquarters can provide additional support to the post, and collect lessons learned that can be shared with other posts.

h) Amendments to current agreements

Major changes to a previously approved and signed funded agreement must be drafted and approved as described in sections II(a) through II(e). At the discretion of the Region, in consultation with IGAP, OGC, and OCFO, minor, technical or administrative changes such as changes in the effective date, period of performance and modifications to increase funding that do not include any new major requirements, do not require the application of sections II(a) through II(e). Such revisions should be reviewed and approved by the Region, with financial review and clearance from OCFO and legal clearance from OGC.

III. Funded In-Country Projects Under Global Framework Agreements

The process described in Section II also applies to the development and implementation of projects (through Statements of Work or similar instruments) included in global framework agreements. Exceptions to this process include:

- The participation of OACM in the working group is contingent upon the likelihood of the project including procurement of goods or services through contracts with external organizations, or any other component related to the core functions of OACM.
- The timeline for final signature is dependent upon amendment of the Global Framework Agreement, as the Peace Corps typically gathers several Statements of Work before amending the overall agreement. Additional approval may be necessary from the headquarters office of the funding organization that manages the agreement for the funding organization.
- IGAP's responsibilities for in-country projects under global agreements include ensuring compliance with the overall global agreement.

IV. Agreements regarding Volunteer placement

In order to ensure that roles and responsibilities, expectations, and other terms and conditions of placement of Volunteers (including Peace Corps Response Volunteers) are clearly understood and documented, an agreement (such as a Memorandum of Understanding (MOU)) setting forth such terms should be put in place and signed between the Peace Corps post and the hosting/assignment organization. Depending upon the Peace Corps' broader institutional

relationship with the organization to which the Volunteer will be assigned, the specific documentation that is required differs, as described in this section.

Posts should enter into an agreement regarding the Volunteer's assignment unless it is not reasonably practicable to do so because of significant language, cultural, or literacy impediments; undue administrative burden; local legal limitations; or other similar reasons. At a minimum, the post must have a discussion and come to agreement with the hosting organization regarding the terms and conditions of the Volunteer's assignment. The post must make a record of such exchanges with the hosting organization (for example, through a letter to the organization, a memorandum to the file, or similar means) and place such documentation in the appropriate post file.

a) **Placement with a local government entity that is connected to a host government ministry or agency with which the post has an MOU or other agreement**

The host government ministry or agency generally dictates whether or not a separate agreement documenting individual placements is necessary in addition to the overarching MOU with the ministry itself. If there is to be no separate agreement for Volunteer placement signed with the local government entity, the post should include the terms and conditions regarding service (set forth in the Standard Placement MOU template) in the MOU with the ministry. OGC assists to insert appropriate terms at the time the agreement with the host government ministries is signed. This would in effect put all parties on notice of the terms and conditions of the assignment and clarify attendant roles and responsibilities at the working level.

If a Volunteer placement MOU is to be signed with the local government entity in addition to the ministry MOU, the post should use the Standard Placement MOU template and reference the MOU with the ministry. If no modification to the template is necessary, approval of the MOU is not required from OGC.

b) **Placement with a local office or affiliate of an organization with which the Peace Corps has a global or regional strategic partnership agreement**

Most global or regional strategic partnership agreements that contemplate Volunteer assignments include an approved "implementing instrument" (Implementing Instrument) template for posts to use in the assignment of Volunteers. The Implementing Instrument templates typically require that a "position description" be developed and attached to the Implementing Instrument.

If no modification is made to the standard terms of the template, approval of each signed Implementing Instrument is not required from OGC or any other office. However, the post must receive prior approval on any requested modification to the standard terms of an Implementing Instrument template. The post should contact the IGAP in order to request approval for such modifications. IGAP coordinates HQ review with OGC and the appropriate Region.

A copy of signed Implementing Instruments pursuant to global or regional agency strategic partnership agreements must be sent to IGAP.

c) **Placement with an organization with which the Peace Corps does not have a broader institutional strategic partnership at the post or agency level**

Where there is no overarching agreement with the Volunteer host organization (either through a ministry MOU or a global or regional strategic partnership agreement), the post should use the Standard Placement MOU template (see Attachment 1) to document the assignment of a Volunteer. If no modification is made to the template, approval of the MOU is not required from OGC. If a change is to be made to the Standard Placement MOU, the post must receive prior approval from OGC before signing the MOU.