

**REFERENCE MANUAL for DIRECTOR'S ORDER #32**

**RM#32: COOPERATING ASSOCIATIONS**

Approval \_\_\_\_\_



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# REFERENCE MANUAL (LEVEL 3) for DIRECTOR'S ORDER #32

# COOPERATING ASSOCIATIONS

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## FOREWORD

This revised document reflects the intent of National Park Service Interpretation and Education to incorporate an expansive view of audiences and partners. Our wider view of audiences including virtual visitors, under-engaged audiences, and the Millennial Generation can enhance our strategic alignment with Cooperating Associations to develop wide and diverse product lines available through a variety of delivery systems. We recognize and affirm the need to embrace risk and effect change to accomplish our shared mission.

To enhance the relevance of our work, we create inclusive programs and services that include multiple meanings and perspectives, especially under-emphasized or under-appreciated perspectives. People learn, find meanings, and make memories in a wide variety of ways. Cooperating Association products can support these principles by developing and offering products, programs, and services that feature a high degree of customer customization and choice. We encourage the co-creation of programs and services that recognize that audiences have potential for significant participation, contribution, and dialogue. Development of Cooperating Association products, programs, and services can support this expectation by expanding existing marketing efforts with the direct involvement of potential customers, always striving to develop meaningful and relevant customer experiences.

The importance of this collaboration is reflected in Title III of the National Park Centennial Act, signed into law December 16, 2016, which provides direction for the National Park Service to “...collaborate with other Federal and non-Federal public or private agencies, organizations, or institutions for the purposes of developing, promoting, and making available educational opportunities related to resources of the System and programs.”

The National Park Service acknowledges and values the contribution of numerous partners to provide visitor programs and services that we lack the capacity and expertise to offer. We appreciate the innovation, investment, and entrepreneurial spirit necessary for our partners to produce such programs and services. We recognize the need for an ever-increasing level of communication, cooperation, and collaboration with our partners.

The National Park Service recognizes and sincerely appreciates the inherent contributions of Cooperating Associations to immediate and long-lasting memorable experiences of our audiences. We value the professional experience and expertise that Cooperating Associations bring to our partnership. We appreciate and affirm the vital contribution of Cooperating Associations, our most special and enduring partners, toward our shared vision, values, and priorities for Interpretation and Education in

the 21<sup>st</sup> Century. We therefore recommit our agency to engage in equitable, transparent, and sustainable relationships with our Cooperating Associations to further enhance our shared responsibility to the American people.

## **INTRODUCTION**

This reference manual is intended to provide guidance to National Park Service and Cooperating Association personnel as they work together to develop and nurture the most effective partnership. The hallmark of this enduring partnership is a shared vision, and it is most successful when founded on trust, open communication, and mutual respect.

In accordance with the NPS Directives System, described in Director's Order #1 (DO-1), this reference manual supports collaboration between NPS and Cooperating Association personnel for the benefit of park visitors and the public at large. It consists of information to explain and facilitate implementation of Director's Order #32 (DO-32) Cooperating Associations. Each section of DO-32, approved on June 7, 2010, is included within this document using indented, bold type, followed by the related, explanatory material making up Reference Manual #32 (RM-32). The Table of Contents includes a listing of the subsections in each Section.

RM-32 will remain in effect until such time as DO-32 is amended or rescinded.

## **SECTION 1. PURPOSE AND OBJECTIVES**

### **DIRECTOR'S ORDER #32 EXCERPT: COOPERATING ASSOCIATIONS**

**Cooperating Associations (Associations) are one of the oldest and most enduring partnerships of the National Park Service (NPS or Service). The strength of the partnership is derived from its primary purpose, which is the support of the educational, scientific, historical, and interpretive activities of the NPS through the provision of retail sales of educational products and services to national park visitors. The success of an Association as a partner is determined by its ability to work cooperatively with NPS staff to evolve in a way that is responsive to the changing needs of the park(s) and the visitors they serve.**

#### **1: PURPOSE AND OBJECTIVES**

**This Order provides guidance to NPS managers and staff who work in partnership with Associations and helps to define the roles of the two organizations in order to strengthen mission alignment and clarify the responsibilities of each organization. As organizations that work on behalf of the NPS, Associations are afforded special privileges and are given special responsibilities to help the NPS accomplish its mission. These privileges and responsibilities are outlined in this Order.**

**For purposes of this Order, an Association is defined as a private nonprofit 501(c)(3) corporation established under State law, with which the NPS has a signed standard Cooperating Agreement (Agreement). This Order is intended to provide guidance for those activities performed under a signed standard Agreement. A nonprofit organization may perform other functions to support the NPS, such as fundraising or operating an environmental education center when authorized by a separate appropriate legal instrument.**

**This Order replaces the previous edition, which was issued December 31, 2003. It supplements the Servicewide policies found in section 7.6.2 of NPS Management Policies 2006 and is not intended to document all the procedures, practices and requirements applicable to the NPS's relationship with nonprofit organizations operating under a standard Agreement. For a comprehensive compilation of procedures, practices, and requirements related to Associations, employees must refer to the "Level 3" policy document, Cooperating Associations Reference Manual (RM-32), issued by the Associate Director, Interpretation Education, and Volunteers. NPS Management Policies 2006 remains applicable and serves as the basic foundation for this Order and the reference manual.**

**As with all components of the NPS directives system, this Order is intended only to improve the internal management of the NPS. It is not intended to, and does not, create any right or**



**benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies instrumentalities, or entities, its officers or employees, or any other person.**

REFERENCE MANUAL #32: PURPOSE AND OBJECTIVES

## **History of Cooperating Associations and the Service**

Cooperating Associations share a rich history with the NPS that began soon after its creation in 1916. Beginning in the 1920s, NPS naturalists and historians partnered with private citizens in forming nonprofit organizations to assist park areas and serve park visitors. From the beginning, these nonprofit organizations supported park programs and projects that were not readily achievable through the use of federal funds and personnel. The first of these organizations was the Yosemite Museum Association (now Yosemite Conservancy) established in 1923 to lead a fundraising effort for a museum in Yosemite Valley. Upon successful completion of that project, the Association expanded its mission to support other kinds of education and scientific needs in that park.

Unknowingly, the founders of Yosemite Association had established a precedent-setting partnership—one that would be emulated throughout the nation as other Service managers recognized the potential benefits of working with private-sector partners to support museums, libraries, exhibits, publications, and other aspects of the interpretive, educational, and scientific research programs in parks.

By 1936, with nearly a dozen Associations in operation, the Department of the Interior noted in the *Annual Report of the Secretary of the Interior*:

*In most major parks, a natural history or museum and library Association has grown up as a helpful organization able to finance and promote the educational and research program in a park in ways not open to a Government operation. Legal status for such nonprofit organizations has now been procured and their positions materially strengthened, making possible additional programs of this type.*

These organizations were already legal entities under state law. Federal recognition of their legal status was contained in the Interior Department Appropriation Act for fiscal year 1937, which stated:

*Appropriations made for the national parks, national monuments, and other reservations under the jurisdiction of the National Park Service shall be available for the services of field employees in cooperation with such nonprofit scientific and historical societies engaged in educational work in the various parks and monuments as the Secretary, in his discretion, may designate.*

This important provision gave NPS field employees, who in essence ran Associations in those years, the legal authority to perform work for Associations as part of their official duties. Typically, the park naturalist or park historian served as an Association's executive secretary, with direct responsibility for supervising and performing Association activities and preparing reports. In many instances, executive secretaries and other Service employees also served on an Association's board. These practices are no longer permitted.

Throughout the 1930s and 1940s, the number of Associations increased to 17, most serving natural resource sites in the western United States. In 1938, Southwestern Monuments Association (now Western National Parks Association) was formed as the first Association to partner with a number of small monuments and sites. In 1947, Eastern National Park and Monument Association (now Eastern National) was established to partner with a number of small parks and historic sites along the Eastern Seaboard. These two organizations established a model for sharing resources to benefit small sites unable to sustain their own Association and to help the NPS as a whole.

As Associations matured, they acquired their own staffs to manage increasingly sophisticated operations. Through the recruitment and selection of highly skilled executive directors and staffs with expertise in areas such as nonprofit management, publishing, retail merchandising and marketing, accounting, education, and philanthropic fundraising, Associations have experienced extraordinary growth. A determination by the Agency ethics counselor and the Department of the Interior solicitor in the 1980s also contributed to the increased independence of Associations. Service employees are no longer permitted to represent Associations or to serve on Association boards, even in ex-officio capacities, due to potential conflict of interest issues.

This special philanthropic partnership between Associations and NPS has a profound impact on the NPS and park visitors. Reports compiled over the years demonstrate the remarkable increase in Association revenues and the aid that Associations donate to the NPS. In 1951, for example, total gross revenue from all Association activities was just over \$187,000 and aid to the NPS was about \$18,000. By 1971, gross revenue had grown to more than \$3,700,000, with aid totaling over \$500,000. As of 2012, the 72 Associations' total gross revenue was \$177,294,000, resulting in \$110,443,458 in donations to the NPS.

While these developments promoted independence and effectiveness, they also meant that greater effort by both Associations and the NPS would be needed to ensure cooperation and collaboration. Today, frequent communication, mutual respect, shared vision, and collaborative goal setting characterize the most successful partnerships.

## Association Activities

Historically, Associations have focused on the “educational work” identified by Congress, and their activities have primarily supported interpretation and visitor services through the production and sale of books and other materials and products to the public. However, an organization that serves the Cooperating Association function may also serve other functions in support of the NPS as long as these functions are performed under appropriate legal instruments. Organizations throughout the system are now undertaking a variety of activities.

Activities that are authorized by the standard Cooperating Association Agreement include, but are not limited to, the following:

- Providing services to park visitors through the sale and free distribution of educational materials in a variety of print and nonprint media.
- Sponsoring the development and production of materials that directly or indirectly increase the understanding and appreciation of individual park units and the Service.
- Acquiring materials for use in interpretive programs and exhibits, including historical objects, library and archival materials, equipment, and related items necessary to the educational and visitor service functions.
- Supporting the design and construction of visitor centers, museums, or related interpretive exhibits; rehabilitation of existing exhibits; and design and construction of other facilities necessary to complete the development of park areas, when use of those facilities is consistent with the Association’s purposes.
- Participating in activities of organizations whose goals and objectives are compatible with those of the Service by providing logistical support and staff leadership.
- Employing Association interpretive and cultural resource staff and sponsoring internships.
- Managing Association marketing and public relations programs.
- Publishing magazines and scholarly journals.

Functions that will likely require a separate legal instrument, contract, agreement, or permit include:

- Engaging in philanthropic fundraising, serving as friends groups, and operating extensive membership programs in accordance with *Director’s Order 21*.
- Conducting fundraising for interpretive, educational, and research programs.
- Conducting education programs, seminars, and field schools and institutes.
- Operating reservation systems, visitor centers (both within and beyond park boundaries), and collecting park fees.
- Managing auditoriums and other public performance venues.
- Conducting site tours and living history programs and collecting fees.

- Sponsoring special events.
- Managing audio tours.
- Providing concession services where appropriate.
- Presenting park and Servicewide interpretive, educational, and scientific programs, including interpretive presentations and cultural demonstrations which further public understanding and appreciation of the resources, themes, and issues of individual park units and the NPS.

In addition, many Associations have formed partnerships with other federal, state, and local agencies responsible for diverse natural, historical, and cultural resources. Forty percent of all Associations partner with other government agencies in addition to their long-standing relationships with the National Park Service.

## **Association Relationships with Other Organizations**

The National Park Service maintains affiliations or contractual agreements with many organizations and governmental entities. Relationships with other organizations allow the Service to stretch its resources and services for the greater benefit of the public. In any partnership, it is essential that there be a clear, mutual understanding of the roles and responsibilities of each partner group. Among the organizations with which the Service works are the Public Lands Alliance, concessioners, friends groups, and the National Park Foundation.

### **The Public Lands Alliance (PLA)**

The Public Lands Alliance was founded in 1977 as the Conference of National Park Cooperating Associations. It changed its name in 1997 to the Association of Partners for Public Lands and retained that name until 2016. Since 1997, its mission and scope have expanded. It now represents and support friends groups, educational centers, and advocacy groups who partner with all land management agencies.

The nonprofit organization is governed by a Board of Directors and managed by an executive director who oversees its operations and relationship with the National Park Service. The stated mission of PLA is to build and elevate effective nonprofit organizations and exceptional public-nonprofit partnerships for the benefit of public lands and their users. It advocates for America's parks and public lands and works toward a time when public lands are understood and appreciated, preserved, conserved, and enjoyed by all. PLA seeks to ensure that public lands have strong nonprofit partners who can galvanize private support, catalyze change, and take strategic risks on behalf of public lands.

One of PLA's chief benefits to parks and their partners is capacity building. It provides training, consultation, and educational resources to its nonprofit member organizations and public lands agency partners. The NPS recognizes PLA's educational, training, and consulting services, including its annual convention, as appropriate professional development training for National Park Service personnel. To learn more about PLA, please refer to its website at: <http://publiclandsalliance.org/>.

### **Concessioners**

There is a delicate balance between the operations of Associations and concessioners, and Associations must be careful to maintain an organization distinct from that of concessioners.

Concessions are visitor services authorized by contracts with the NPS to operate lodging, food and beverage services, transportation, sales facilities, recreational activities, and other services in the parks. They are commercial operations contracted through an extensive formal bid process by the NPS and do not have the tax-exempt status of Cooperating Associations. In parks with both an Association and a concessioner, it is important that they respect the contractual and agreed upon rights and values of one another to the NPS and their park.

Superintendents, with assistance from Association coordinators and concessions staff, should monitor the activities of Associations and concessioners in an effort to encourage cooperation and avoid potential conflicts. When questions arise, benefit to visitors should be the deciding factor. Park leadership, staffs, and Associations should look for opportunities for concessioners to work collaboratively with one another, such as joint training, and cosponsoring projects, to improve visitor services or enhance the visitor experience.

### **Friends Groups**

The NPS defines a friends group as any nonprofit, nongovernmental organization established primarily to assist or benefit a specific park area, a series of park areas, or the entire National Park System. These groups vary in size, structure, and purpose. Friends groups benefit the NPS in various ways, such as providing volunteer services, assisting with resource management and preservation, conducting philanthropic fundraising efforts, and publicizing important issues. Friends groups are not authorized to sell goods or services in areas of the National Park System except through special agreement with a Cooperating Association for limited items and with the approval of the park Superintendent. Concessioners and Associations are the only types of organizations that are permitted to sell items in park areas without express authorization.

Relationships between Associations and friends groups vary. Some Associations fulfill certain functions of a friends group; some Associations form friends groups that later become separate entities; and some

Associations coexist with one or more friends groups in a park. Superintendents should work in collaboration with the Association and friends groups to clarify respective roles and relationships in order to avoid redundant or competing functions and to promote a sustainable business environment for all partners. Associations could be considered friends groups using the broad definition above. However, Associations are established under specific legislative authority and operate under a Standard Cooperating Association Agreement that clearly defines their role in working with the NPS.

When serving as a friends group or in other ways engaging in philanthropic fundraising, Associations must abide by *Director's Order #21: Philanthropic Partnerships*. Those guidelines and other activities of National Park friends groups are coordinated at the Director's level through the NPS Office of Partnerships and Philanthropic Stewardship, established in 1996. *DO-21* in its entirety can be viewed at [home.nps.gov/applications/npspolicy/DOrders.cfm](http://home.nps.gov/applications/npspolicy/DOrders.cfm). For additional information about Cooperating Associations and fundraising, see Section 11.

### **National Park Foundation**

The National Park Foundation (NPF) is a private, nonprofit organization explicitly established by Congress to provide private sector support for the National Park Service and the National Park System. The NPS recognizes the National Park Foundation as its official, national, nonprofit fundraising partner. NPF provides support through grants to parks, manages restricted funds on behalf of individual parks, provides technical assistance and advice to local fundraising efforts, and actively raises funds for parks and programs. It also engages in the development and licensing of products related to the National Park Service or the National Park System and in cause-related marketing programs. The NPS should encourage Associations to collaborate with the NPF on programs and projects, particularly in the area of cause-related marketing.

## **SECTION 2: AUTHORITIES**

### **DIRECTOR'S ORDER #32 EXCERPT: COOPERATING ASSOCIATIONS**

#### **2.1. Authority to issue this Director's Order.**

This Order is pursuant to: (1) the NPS Organic Act (54 USC 100101(a)), which authorizes the NPS to undertake activities in furtherance of NPS mission objectives; (2) 54 USC 101101, which authorizes the NPS to accept donations in furtherance of NPS mission objectives; (3) 43 U.S.C. 1473a, which gives the Secretary authority to accept and use contributions for cooperative projects with other federal, state, or private agencies; and (4) 54 USC 103102, which authorizes the NPS to work with nonprofit organizations engaged in educational activities within the National Park System.

#### **2.2. Authority to Approve and Terminate a Cooperating Association Agreement.**

**2.2.1. Within a Region.** Where an Association serves one or more park areas within a region, authority to approve and terminate an Agreement is delegated to the Regional Director and may not be re-delegated to Superintendents.

**2.2.2 Multiple Regions.** Where an Association serves park areas in more than one region, approval and termination authority resides with the Director.

#### **2.3. Authority to Change the Provider of Retail Sales to the Public.**

When both an Association and a concessioner operate in the same park unit, and the NPS is considering a proposal to provide additional services which neither the Association nor the concessioner has provided previously in the park unit, the proposal must be approved by the Regional Director.

Regional Directors must review and approve proposals for expansion of Association operations in park unit, when such establishment or expansion may impact another Association and/or concessioner operations in other NPS regions.

The Director must review and approve proposals for significant expansion of Association operations in a park unit or region, when such proposals may affect Association and/or concessioner operations in other NPS regions.

#### **2.4. Authority to Approve and Accept Donations.**

**In accordance with Director's Order #21: Fundraising and Donations (DO-21), the Director must approve all single donations, or a planned series of donations, or money and/or in-kind goods or services to the NPS totaling one million dollars or more. Regional Directors are delegated the authority and responsibility to approve and accept single Association donations, or a planned series of donations, of money and/or in-kind goods or services totaling less than one million dollars from any single source.**

REFERENCE MANUAL #32: AUTHORITIES

## **Authorities**

### **Acceptance of Donations**

54 USC 101101 (41 Stat.917), June 5, 1920, expressly authorizes the NPS to accept donations for the purposes of the National Park System:

*The Secretary of the Interior in his administration of the National Park Service is authorized, in his discretion, to accept patented lands, rights of way over patented lands or other lands, buildings, or other property within the various national parks and national monuments, and moneys which may be donated for the purposes of the national park and monument system.*

### **Acceptance of Cooperation and Assistance**

An Act of August 21, 1935 (54 USC 320101-4,102303-4, 320106,309101,312102-6) states that the Secretary of the Interior is authorized to cooperate with and may seek and accept the assistance of any federal, state, or municipal department or agency; or any educational or scientific institution; or any patriotic Association or individual.

### **NPS Employees and Association Educational Work**

Also, as noted previously, the Interior Department Appropriation Act for fiscal year 1937 authorized NPS field employees to perform work for Associations as part of their official duties (see Section 1 - History of Associations and the Service). This authority was further described in Public Law 79-633, "An Act to provide basic authority for the performance of certain functions and activities of the National Park Service," approved on August 7, 1946, and excerpted below:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That appropriations for the National Park Service are authorized for...*

*e) Educational lectures in or in the vicinity of and with respect to the national parks, national monuments, and other reservations under the jurisdiction of the National Park Service; and services of field employees in cooperation with such nonprofit scientific and historical societies*



*engaged in educational work in the various parks and monuments as the Secretary of the Interior may designate.*

### **Designation of Associations**

The authority to designate an Association was delegated to the Director, National Park Service, by the Secretary of the Interior on August 4, 1947 (Vol. 12, F.R., p. 5485 et seq.). This authority was re-delegated to the Regional Directors by Delegation of Authority Order No. 34 (31 F.R., p. 4255, March 4, 1966). This authority may not be re-delegated to Superintendents.

When a new area is added to the National Park System, the Superintendent of that area should consult as soon as possible with the Regional Director and with appropriate regional Cooperating Association Coordinator(s) regarding options for designating an Association to serve the new area. This consultation with the regional office should take place prior to discussions with any potential Cooperating Association. If parks in more than one region are involved, consultation with the Servicewide Cooperating Association Program Manager is necessary. Consultation among the regional office and members of the park leadership is also in order when the NPS considers designating an existing Association to serve a new area or areas. The Association's executive director and board should be involved in negotiations as early as possible. Expanding Association operations to include a new area will require important financial decisions, so adequate lead-time is essential. The NPS may need to extend or renew an existing agreement to provide the Cooperating Association with adequate assurance to make investments in the new area.

### **Provision of Supplies and Equipment**

Authority for the NPS to provide supplies and equipment to Associations on a reimbursable basis is found in Public Law 230, approved on August 8, 1953 (67 Stat. 495), excerpted below:

*To facilitate the management of the National Park System and miscellaneous areas administered in connection with that system,...the Secretary of the Interior is hereby authorized to carry out the following activities, and s/he may use applicable appropriations for the aforesaid system and miscellaneous areas for the following purposes: ...*

*5. Furnishing, on a reimbursement of appropriations basis, supplies, and the rental of equipment to persons and agencies that in cooperation with, and subject to the approval of, the Secretary of the Interior, render services or perform functions that facilitate or supplement the activities of the Department of the Interior in the administration of the National Park Service and miscellaneous areas: Provided that reimbursement hereunder may be credited to the appropriation current at the time reimbursements are received.*

## **Beneficial Partnerships**

More recently, the National Park Service received broad authority to enter into beneficial partnerships as cited in the 1997 appropriations legislation, PL 104-208, pursuant to 31 U.S.C. 6305, to carry out public purposes of National Park Service programs.

## **Policy**

### **Management Policies**

NPS *Management Policies 2006* (Level 1 of the NPS Directives System) states in 1.10, "The Service has had many successful partnerships with individuals, organizations, tribal, state, and local governments, and other federal agencies that have helped fulfill the NPS mission. Through these partnerships the Service has received valuable assistance in the form of educational programs, visitor services, living history demonstrations, search and rescue operations, fundraising campaigns, habitat restoration, scientific and scholarly research ecosystem management and a host of other activities. These partnerships...have produced countless benefits for the Service and for the National Park System."

In 7.6.2 *Management Policies 2006* it states, "The National Park Service will continue to nurture its relationship with nonprofit organizations that support park programs. Cooperating Associations may provide publications and other items that enhance the interpretive story, allow visitors to explore particular interests and enable them to take the park story home through their purchases. When appropriate, Cooperating Associations will join the National Park Service in presenting interpretive and educational programs and supporting research efforts as authorized in 54 USC 100101, 101101, 103102... Associations may offer appropriate and approved interpretive services that support, but do not supplant, interpretive and educational services offered by the Park Service."

### **Director's Orders**

In accordance with *DO-1, Directives System*, associate directors have functional authority for issuing procedures and standards for implementing programs. The originating office for these guidelines is the Servicewide Cooperating Association Program Manager who may provide additional information or revisions to *RM-32* at any time.

## **SECTION 3: STANDARD COOPERATING ASSOCIATION AGREEMENT**

### **DIRECTOR'S ORDER #32 EXCERPT: COOPERATING ASSOCIATIONS**

The Associate Director, Interpretation, Education, and Volunteers, is responsible for developing the Standard Cooperating Association Agreement that must be signed by all Associations. This Agreement incorporates key policy and procedural requirements set forth in this Order. The NPS will sign an Agreement only with an organization whose purpose, as identified in its articles of incorporation and bylaws, is consistent with the interpretive, educational, and research activities of the National Park Service.

NPS-related activities performed by Associations that are not addressed in the Agreement must be independently authorized through separate permits, contracts or cooperative agreements, as appropriate.

**3.1. Term of the Agreement.** The Agreement will be effective for a period of five years from the date of the final signature unless it is terminated earlier by one of the parties in accordance with the terms of the Agreement. The Agreement may be renewed for an additional five-year period upon written agreement of the parties prior to expiration. Park Superintendents and Regional Directors will consult to determine whether the NPS will renew the Agreement. In the case of multi-regional Associations, the affected Regional Directors will consult with the Director. The NPS will use reasonable efforts to inform the Association of its decision 90 days before expiration.

**3.2. Suspension and Termination of the Agreement.**

**3.2.1. Suspension.** The NPS reserves the right to suspend an Agreement when, in the NPS's sole judgment, suspension is necessary to prevent fraud or malfeasance, to protect public health and safety, or to prevent harm to NPS resources.

**3.2.2. Termination with Cause.** If either party believes the other is in breach of its obligations under this Agreement, it must provide written notice of the alleged breach with a cure period to amend the alleged breach. Should the recipient party fail to cure the breach, there will be written notice of termination or alternative action.

**3.2.3. Termination for Convenience.** The NPS reserves the right to terminate an Association Agreement for the convenience of the government. Before the NPS can issue a notice of termination, the NPS must evaluate its partnership, including consultation with the Association Board Chair, and determine that termination of the Agreement is in the best interest of the United States.

**3.2.4. Severability of an Agreement with a Multi-Park Association. Where an Agreement authorizes an Association to operate in multiple park units, and the NPS determines that an Association's operations in a particular unit must be terminated, the Agreement will continue to govern the relationship between the NPS and the Association with respect to Association operations in the remaining park units.**

#### REFERENCE MANUAL #32: STANDARD COOPERATING ASSOCIATION AGREEMENT

The Standard Cooperating Association Agreement (Agreement) is the legal basis for the partnership between the Service and each Association. A Department of the Interior Solicitor must approve all language in the Agreement. The Agreement describes the respective responsibilities of the Service and the Association, as well as the general requirements for activities conducted by Associations.

### **Authorization**

The Standard Cooperating Association Agreement cites several authorizing Acts of Congress, including the National Park Service Organic Act of August 25, 1916 (54 USC 100101 et seq.), and various subsequent acts: August 7, 1946 (54 USC 103102); August 21, 1935 (54 USC 320101-4,102303-4, 320106,309101,312102-6); June 5, 1920 (54 USC 101101); August 8, 1953 (54 USC 100901); August 18, 1970 (54 USC 101702); and others.

The Standard Cooperating Association Agreement template, included in the Appendix to this reference manual, has undergone review and approval by the Office of the Solicitor, Department of the Interior. The Service requires no further legal review.

### **Signatories and Termination**

The Standard Cooperating Association Agreement is signed by the Chair or President of the Association's Board of Directors and by the NPS Regional Director (or the Director, if the Association operates in more than one NPS region).

Termination of the Agreement for cause can be initiated by either the Service or the Association. The party that initiates the process must provide written notice to the other party, documentation of evidence justifying the termination, and a period of time to cure alleged breaches before any final action. During the cure period, both parties will strive to achieve reconciliation and a resolution of differences by agreeing on a plan to correct deficiencies or breaches. If acceptable to both parties, the Regional Office may provide mediation during the cure period. This process should remain flexible and responsive to the specific needs and perspective of each party. There is no single process for achieving

success. If the cure period fails to develop a solution acceptable to the parties, the aggrieved party will provide written notice of termination or alternative action.

Occasionally, a park and or its Association may evaluate their partnership and determine that designation of a different Association is desirable. This evaluation, which must include the Regional Director (or Director, as appropriate), should include a formal review of the Association's past support of the site, a projection of the Association's ability to meet future park needs, and, for multi-park Associations, consideration of the impact such a change would have on other park units served by the Association and on the Association itself, as well as other factors. Ideally, the formal review is to be carried out by a team of independent but knowledgeable parties. To avoid confusion or misunderstandings, the evaluation should be completed prior to any discussion of other partnership opportunities. If at the conclusion of the evaluation, the NPS wishes to propose termination of the Agreement for convenience, it is obligated to provide an explanation of that decision to the Cooperating Association. This obligation and the requirement of an evaluation of the partnership also apply if a park proposes to sever the relationship with a Cooperating Association that serves multiple parks. Regardless of whether termination of the Agreement is for cause or for convenience, the best interest of the United States and park visitors remains the decisive factor.

Final authority to designate or terminate an Association is assigned to the Regional Director (or Director, for Cooperating Associations that operate in more than one region). Designation of an Association occurs through a designation letter, but must be accomplished through a signed copy of the Standard Cooperating Association Agreement. The Standard Cooperating Association Agreement is a nonnegotiable, legal contract between the National Park Service and each Cooperating Association.

## **Exhibit A**

The park must attach a copy of Exhibit A to the Agreement. Exhibit A, included in the Appendix to this reference manual, provides a list of facilities, equipment, vehicles, and utilities that the park will provide the Association in order for it to conduct business within the park. Facilities include a sales area in a public space, information desk space (if appropriate), office, and stock room. Exhibit A will include a facility floor plan noting designated areas for Association functions. Parks normally provide Associations with electricity, lighting, heating, and cooling without charge. Parks may provide other utilities such as telephone and computer terminals for an established monthly fee. The park must document all utilities provided for free and for a fee. For additional guidance, see Section 9: Facilities and Equipment.

## **SECTION 4: RESPONSIBILITIES**

### **DIRECTOR'S ORDER #32 EXCERPT: COOPERATING ASSOCIATIONS**

**4.1. Once an Agreement has been approved by the NPS and the Association, each Superintendent and Association Board of Directors is responsible for carrying out the terms of the Agreement. The NPS and Association will work together to identify and implement systemwide standards and tools and a variety of training opportunities to create and communicate a mutual understanding of what constitutes success in a partnership. The NPS and Association will work together to develop criteria that evaluate the health and success of both the business practices and working relationships in the partnership.**

**4.2. National Park Service. The Director establishes Association guidance and policy. Regional Directors provide oversight of the Association partnerships. Superintendents manage and foster partnerships on a daily basis. NPS staff is encouraged to resolve issues at the lowest possible level.**

**4.2.1. Ethical Conduct. When dealing with Associations, all NPS staff must comply with 5 CFR Park 2635, "Standards of Ethical Conduct for Employees of the Executive Branch."**

**4.2.2. Relation to Boards. NPS employees may not serve on Association boards, even in an ex-officio capacity, and may not represent the Association. Employees may only offer advice on Association decisions affecting the relationship between the Association and the NPS.**

**It is expected that NPS representatives will attend and participate in Association meetings in an advisory, nonvoting capacity. They may not participate in executive sessions of an Association board unless invited, and they may participate only in a nonvoting capacity.**

**4.2.3. Communicate Park Goals, Priorities and Expectations.**

**Annual Meeting for Single Region Associations. The Regional Director or his/her designee is expected to meet with the Association's board and its executive director as often as is appropriate to ensure a high quality partnership and coordinated activity to meet joint goals. In addition to attending an Association's board meetings, the Regional Director or his/her designee will meet with Association management at least once per year. Superintendents are expected to participate in a minimum of one meeting per year and should include other appropriate NPS staff.**

- **Priority Setting. The Superintendent(s) and the Association will meet to identify and come to mutual agreement on the priorities for the upcoming year.**

- **Evaluation.** The annual evaluation is a park-level assessment of the Association and the park's progress toward achieving shared strategic priorities
- **The NPS and the Association will work together to clarify and implement a process that identifies and provides a mutual understanding of how to resolve problems in park-Association relationships.**

**Annual Meeting, Multi-region Associations.** Multi-region Associations will propose a manageable and reasonable approach to annual communication with the parks.

**Other Communication.** The Superintendent or the Superintendent's designated staff will also meet with the Association at least annually to do the following:

- **Revise the Scope of Sales, if necessary.**
- **Prepare a park operating plan that addresses hours of operation, Association and NPS staffing as it pertains to Association activities, facility and equipment assignments, new operating procedures, housing assignments, etc.**
- **4.2.4. Term Evaluation.** At least once during the term of the Agreement, the Regional

**Director will require a review of the NPS/Association relationship. The review will be done in consultation with the Association. Term evaluations should be coordinated by the regional coordinator and/or Service-wide coordinator.**

**4.2.5. Coordinate between Partner Provided Visitor Services.** The NPS encourages integrated coordination and communication among all partners in parks that provide retail and visitor services. The NPS has pledged to work with its nonprofit and commercial partners to arrive at reasonable solutions if problems arise. For retail sales in parks where both Associations and concessions operators exist, the Superintendent should meet with the Association and concession operator(s) together at least once a year to share information about planned park operations that might have an impact on retail partners and to resolve potential conflicts.

### **4.3. Association**

**4.3.1. Board of Directors.** Association Boards of Directors will notify the Superintendents of board meetings and are strongly encouraged to invite the Superintendent(s) to the annual Board of Directors meeting.

**4.3.2. Employees.** Association employees are not authorized to undertake any government function or activity on behalf of the NPS beyond routine visitor information services or other activities authorized by the Agreement.

**Association employees may serve as Volunteers-in-Parks (VIP) when signed up by the park and performing tasks at the direction of NPS employees. Such volunteer time should be counted as NPS VIP hours.**

**Associations may not use the official VIP Agreement form to circumvent any requirements for insurance coverage included in the Agreement or in this Order.**

**Associations may operate their own volunteer programs to assist with Association activities and may report their own volunteer hours as part of aid to NPS.**

**Association employees who engage in public contact must wear a distinctive uniform or other indication of their role as a partner which clearly distinguishes them from NPS employees. Association employees may not wear the NPS or other government uniform.**

REFERENCE MANUAL #32: RESPONSIBILITIES

## **National Park Service Employees' Roles**

While Associations assist the NPS by virtue of the purposes stated in their articles of incorporation, and while they conduct business on NPS property, the NPS may not manage Associations. NPS employees may not engage in any business decisions made by an Association. NPS employees may not supervise or evaluate Association employees. To do so violates the legal responsibility of an Association to supervise and evaluate its own employees. The NPS, however, may provide an Association with observations of the conduct and performance of Association employees in providing customer service and providing park information to visitors.

The NPS should provide advice and counsel to Associations and monitor their activities as they relate to the Standard Cooperating Association Agreement and NPS policies, standards, and guidelines, as well as the impact of Association activities upon park operations. NPS employees who are liaisons between the NPS and Associations provide information on NPS policies, goals, and objectives; advise Associations on ways in which they can assist the NPS; and assess the Association's performance in fulfilling the terms of the Standard Cooperating Association Agreement.

The Director, Regional Directors, and park Superintendents have line manager authority and responsibility for Association liaison and oversight of Association activities. The Director establishes Association policy and guidelines. Regional Directors provide oversight of Association partnerships. Superintendents manage and foster the partnerships on a daily basis. These officials rely on staff, designated as Cooperating Association Coordinators, to provide a vehicle by which park and Association management can express views, coordinate activities, and resolve conflicts. NPS personnel in the Washington Office, Regional Offices, and parks are important links between the NPS and the Associations. The responsibilities of these liaisons are described below.



Park Cooperating Association Coordinators and others working directly with Associations should participate in NPS training opportunities, training courses sponsored by PLA, and/or other NPS-approved partnership training programs to enhance their knowledge, skills, and abilities to foster and encourage a high level of communication, cooperation, and collaboration between the parks and the Associations.

### **Service-wide Cooperating Association Program Manager**

This position, located under the Associate Director for Interpretation, Education, and Volunteers, serves as the liaison between the Director and all Associations. This position provides leadership, guidance, and evaluation related to Association matters that affect the NPS on a national level. This is achieved through policy and oversight, professional development, and technical support activities, as outlined below:

#### Policy and Oversight:

- Develops or revises, as needed and with legal review, policies, standards, and guidelines for the effective oversight of all Associations.
- Develops and revises, as needed and with legal review, the Standard Cooperating Association Agreement in consideration of Service policies and effective working relationships with all Associations. Monitors parks and Associations for compliance with the Standard Agreement.
- Collaborates with the WASO Office of Partnerships and Philanthropic Stewardship as well as the WASO Commercial Services Program.
- Advises parks and Associations regarding policies and activities, including those originating in the Service's Office of Partnerships and Philanthropic Stewardship, Commercial Services Program, and other appropriate programs.
- Reviews, evaluates, and advises Associations on program strengths and weaknesses, identifies ways to improve programs and activities, and plans ways to implement changes needed.
- Represents the Directorate to all Associations and PLA.
- Serves as the NPS spokesperson in matters relating to Association agreements and policies.
- Serves as NPS liaison with PLA, which is the umbrella organization for Associations.
- Upon request, attends membership, staff, and Board of Directors meetings of Associations to assist in solving local problems and to interpret NPS policies and guidelines.
- Serves as the representative of the Associate Director of Interpretation, Education, and Volunteers to the National Partnership Council, if so designated.

#### Professional Development:

- Establishes, coordinates, and conducts national and regional training courses, workshops, seminars, distance learning opportunities, and other training opportunities for Association and

NPS personnel. Encourages flexibility and diversity in the content, delivery, and frequency of such training opportunities with strong collaboration with Associations and PLA.

- At PLA conventions, assists with training for Association and NPS personnel.
- Coordinates the Service's Cooperating Association Awards Program to recognize and encourage excellence in Association sales items and to promote outstanding and distinctive Association management.

#### Technical Support:

- Collects Association annual reports and compiles them. Helps to monitor Association relationships with park concessioners and local private enterprise; acts as mediator in areas of conflict assuring decisions are based on applicable law, policy, guidelines, and acceptable and best business practices.
- Supports the Regional Cooperating Association Coordinators in all their activities and responsibilities. Encourages and fosters communication, cooperation, and collaboration among the regional coordinators to enhance their professional expertise and success. Encourages the sharing of information between regional coordinators and with the Washington Office. Provides advice and counsel to regional coordinators to resolve particular issues and conflicts between parks and Associations. Participates on formal reviews of Cooperating Associations conducted by the regional coordinators.

#### **Regional Office Cooperating Association Coordinator**

Each Regional Office designates a Regional Cooperating Association Coordinator, often within the Division of Interpretation and Education, as a point-of-contact for Association matters. The regional coordinators assist the Servicewide and park coordinators in carrying out their roles. They also serve as the link between the Regional Directors, park and Association management, and the Washington Office regarding Association activities, as follows:

- Serves as the primary point of contact on Association matters between the Regional Director and Association Executive Directors, park Superintendents, and park Association coordinators within the region.
- Provides regular reports of Association activities and directives to the Regional Director and Servicewide Cooperating Associations Program Manager.
- Establishes effective communications between Associations and the Service to communicate the Regional Director's guidance on how best to support interpretation, education, and research in the region.
- Identifies, describes, and justifies program needs for Association support. Follows the Association's process for the preparation and submittal of donation and program requests and

establishes regional priorities for submittal to the Association. Justifies and explains donation requests to appropriate committees of an Association or its Board of Directors.

- Reviews Association facilities, operations, and activities as part of park operations evaluations and recommends appropriate operational improvements.
- Upon request, reviews proposed sales items for technical accuracy when they might cause controversy between the park and special interest groups.
- Maintains regular contact with the Servicewide Cooperating Association Program Manager, park coordinators, Association management staff, and Association Boards of Directors.
- Engages in communication, cooperation, collaboration, and coordination with the other regional coordinators and the Servicewide Cooperating Association Program Manager to ensure effective management and support for Associations.
- Provides advice, feedback, and suggestions to the Servicewide Cooperating Association Program Manager to enhance the partnership between the Service and the Associations.
- Coordinates region-based training on cooperating Associations for NPS employees and cooperating Association staff. Collaborates with the Servicewide Cooperating Association Program Manager and the other Regional Cooperating Association Coordinators in the development of Servicewide training on cooperating Associations.

#### **Park Cooperating Association Coordinators**

Each park Superintendent assigns a Park Cooperating Association Coordinator to serve as a liaison between the park and the Association serving the park. Someone from the park's Division of Interpretation and Education normally fulfills this duty. The park coordinator has a role similar to the Servicewide Cooperating Association Program Manager and the regional coordinator, but at the park level. A park coordinator conducts the following activities:

- Serves as the Superintendent's representative and advisor on all Association activities in the park such as the review process required for all Association sales items. Monitors Association activities to determine if the park and Association are in compliance with the Standard Cooperating Association Agreement; *DO-32: Cooperating Associations*; and any supplemental agreements, pertinent laws, and standard operating procedures.
- In collaboration with the Association develops a Scope of Sales Statement, to be approved by the Superintendent. Works together with the Association to periodically review and revise the Scope of Sales as necessary to support best business practices and to fulfill the goals of the park and the Association. (See Section 7.3 for more information about Scopes of Sales Statements.)
- Approves or disapproves sales items, as required by the Standard Cooperating Association Agreement.
- Communicates regularly with Association staff to further enhance cooperation, communication, and collaboration between the Association and the park.

- Conducts or arranges for customer service and operations training for Association staff in public contact positions.
- Provides information about NPS training opportunities available to Association personnel.
- Identifies, describes, and justifies park program needs for Association support. Follows the Association's process for the preparation and submittal of park donation and program requests and establishes park priorities for submittal to the Association. Justifies and explains park donation requests to appropriate committees of the Association or its Board of Directors.
- Identifies park interpretive media needs and reviews all Association interpretive media projects for accuracy and appropriateness.
- Works together with the Association to prepare a documented operating plan that addresses hours of operation, Association and Service staffing for Association operations, NPS facilities and equipment available to the Association, operating procedures, and any housing assignments to the Association. The operating plan is subject to the Superintendent's approval.
- Attends Association board meetings and committee meetings in a nonvoting advisory capacity, as appropriate, to represent the NPS's point of view and interests, to interpret NPS policy and guidelines, to communicate NPS program standards, to coordinate park and Association activities or events, and to mitigate conflicts.
- Maintains regular contact with the Regional Cooperating Association Coordinator to communicate and seek counsel regarding park-related Association matters.

### **Park Superintendents**

Superintendents generally delegate day-to-day liaison with Associations to their park coordinators. As the official responsible for overall management of a park, the Superintendent should work with the Association leadership to identify shared priorities and strategic goals. The Superintendent's role in working with an Association typically includes:

- Provides information to Association board and staff on current park management issues, goals, objectives, and special initiatives. Explains how NPS actions may affect Association operations.
- In addition to attending board meetings, meets with the Association's board and its Executive Director at least once a year, or more often as appropriate, to ensure a high quality partnership and coordinated activities to define and fulfill joint goals. Ensures that these meetings include identification and agreement on the mutual priorities for the coming year as well as an informal assessment of progress in the past year toward achieving shared strategic priorities.
- Works together with the Association to clarify and implement a process to identify, understand, and mutually resolve any problems or sensitive issues in the relationship between the park and the Association.

- Reviews and approves (or adjusts) donation requests prepared by the park coordinator. Ensures that park requests are appropriate and in keeping with Association purposes as set forth in articles of incorporation.
- Assures appropriate review, approval, or modification of Association fundraising activities as determined and guided by *DO-21: Philanthropic Partnerships*.
- Reviews and approves collaborative operating plan.
- Facilitates communication, cooperation, and collaboration between the park and the Association to work together to develop criteria to evaluate the health and success of both business practices and working relationships within the partnership.
- Ensures that a formal evaluation of the park/Association relationship will take place at least once during the term of the Standard Cooperating Association Agreement.
- Promotes integrated coordination and communication among all park partners that provide retail and visitor services in the park. Determines the roles of the Association and other partners in the parks, such as concessioners or friends groups, and fosters communication, coordination, collaboration, and cooperation among the park and these partners. Works with the park's commercial and nonprofit partners to reach reasonable solutions to any conflicts or disagreements between those partners. Ensures that such solutions support the goals and core missions of each affected partner. Facilitates an annual meeting between partners engaged in retail operations in the park to share information about planned park operations that might have an impact on the partners.
- Coaches and evaluates performance of park coordinator in fulfillment of Association responsibilities.

## **Ethical Conduct of Service Employees**

All NPS personnel must work with Associations in an ethical manner, taking great care to avoid even the appearance of a conflict of interest between the NPS and an Association. When questions concerning ethical conduct arise, employees should refer to *5 CFR Part 2635*, "Standards of Ethical Conduct for Employees of the Executive Branch," available from the park and regional office Ethics Officers, or from the park or regional Human Resources Office. Any additional questions that arise or questions requiring guidance not found in *5 CFR Part 2635* should be directed to the park or regional office Ethics Officer. Associations are considered "prohibited sources" for the purposes of applying ethics and conduct rules and regulations.

Several of the more common situations that involve issues of NPS employee ethics and conduct follow:

- Employees are strictly limited in the gifts (including meals, lodging, and transportation) that they can accept from Associations. NPS employees may accept gifts with a market value of \$20 or less per occasion, with a limit not to exceed \$50 in a calendar year.
- Employees may accept donations of travel expenses from Associations only as a part of an approved donations program of support and projects. No direct reimbursements may be made to the employee. The Association may provide a monetary donation to a park donation account for employee travel expenses, such as hotel, per diem, and air travel; or the Association may make a direct purchase of airline tickets, hotel lodging, and meals for the employee.
- Employees may not accept loans from Associations.
- Employees may not accept discounts from Associations unless discounts are a benefit of an Association membership for which the employee has paid the appropriate fee to the Association.
- Services performed for an Association by a NPS employee, often when the Association does not have staff at the park, are best accomplished under the authority of the Standard Cooperating Association Agreement as part of the employee's official duties on government time.
- Employees may not accept any monetary compensation from an Association for work on an Association publication when based on expertise gained on-the-job whether or not the work took place after work hours.
- The NPS will not accept funds donated from organizations in which a NPS employee is an officer on the Board of Directors, or otherwise engaged in a leadership role, unless the arrangement has been approved by a Department of the Interior Solicitor and a Service Ethics Officer.

An Association may employ NPS staff only under the following circumstances:

- The employee is on an official furlough from his or her NPS job. The duties performed for the Association must be substantially different from those performed for the NPS.
- An employee's spouse or immediate family members have no influence over policy and operational decisions of the NPS that affect the finances of the Association.

Any employment of NPS staff by an Association must be in compliance with all federal rules and regulations for employee ethics and conduct and must be approved in writing by the NPS. The deputy ethics counselor is the appropriate official to review and approve such requests.

In general, a NPS employee who works with Associations must consider how an objective, outside observer would view his or her actions. Any NPS employee who is responsible for oversight of Association activities or who has the potential to affect Association operations as part of his or her NPS duties must ensure that all actions are free from even the appearance that the Association is seeking to

influence that employee through favors or gifts, or that the employee may benefit financially through decisions made in the course of carrying out his or her official duties.

### **NPS Relationship to Association Boards**

Since the 1980s, NPS policy has explicitly prohibited NPS employees from serving on Association boards, even in an ex-officio capacity, due to the potential for conflict of interest issues. NPS employees, however, may attend Association board meetings. When NPS representatives attend Association board meetings, they do so in an advisory, nonvoting capacity and cannot participate in any Association deliberation or decision relating to confidential Association matters (e.g., personnel or compensation issues), in any Association deliberation or decision not directly relating to the Association's operation as an Association of the NPS, and in any Association action where NPS staff might be viewed by a third party as a representative or agent of an Association. NPS representatives may not participate in executive sessions of the board unless invited, and then only in a nonvoting capacity. NPS staff may not participate in any Association deliberation and decision on the nature and amount of direct and indirect aid provided by the Association to the NPS.

### **NPS Participation on Association Committees**

NPS employees may serve on Association committees, so long as their appointment or election to committees complies with procedures set forth in the Association's bylaws. Committees are one way for NPS personnel to fulfill their roles as advisors to an Association.

## **Association Roles**

### **Role of the Association Board of Directors**

The Association's Board of Directors, like other nonprofit boards, is the voluntary governing body that is legally responsible for the organization. The board establishes the Association's legal, ethical, governance and financial management policies, ensures that the organization is true to its stated purposes, preserves the Association's independence, and keeps the organization free of undue outside influence. In all cases, the board must follow the legal requirements, standards, and best practices determined by the United States Internal Revenue Service for 501(c)(3) nonprofit organizations.

The board's major responsibilities include:

- Selecting, compensating, supporting, providing guidance to, and evaluating the Executive Director/Chief Executive Officer
- Establishing and protecting the Association's mission
- Initiating and guiding ongoing planning efforts
- Assuming and fulfilling fiduciary responsibility for the Association

- Ensuring the organization adheres to ethical standards
- Ensuring financial solvency through oversight of financial management

The board has the ethical and legal responsibility to protect the Association's assets, to avoid conflict of interest, and to avoid self-dealing or private gain. (See Appendix for sample code of ethics for Association board members.)

There is no prescribed size for a Board of Directors, but every board should routinely assess its effectiveness and determine whether the size and composition of the board is appropriate for the size and complexity of the Association. Boards should strive to have a mix of talents and experiences related to the various business functions of an Association. While the length of term board members serve can vary, to promote organizational vitality and effectiveness it is recommended that Association boards limit the terms of directors. Bylaws must be amended accordingly when there are changes in the number of board members, length of terms, method of election, and other organizational procedures.

Governance of tax-exempt organizations is a public trust. PLA and other professional organizations for nonprofit groups provide training and resource materials to help improve the effectiveness of boards.

#### **Notification of Association Board Meetings**

The collaborative nature of the Association's partnership with the NPS makes NPS participation in board meetings essential. Such participation provides a means for NPS officials to convey NPS and park goals, new programs, and other information that will affect long-range planning by the Association. It also offers the Association an opportunity to communicate information about matters that may affect its ability to serve the agency and the visitor. Associations must notify park Superintendents of board meetings, and the Associations are strongly encouraged to invite representatives from the park, if at all feasible, to attend the annual board meeting.

The health and success of the Association-NPS partnership will be evaluated annually at the park level. At least once during the term of the Standard Cooperating Association Agreement, both the Association and the NPS will evaluate their working relationship and its effectiveness in achieving shared priorities and mutually agreed-upon strategies.

#### **Association Staff Roles**

Associations employ staff members based on the individual Association's needs and resources.

The executive director (ED), who may instead be called chief executive officer (CEO) or the president, reports to the Board of Directors and has responsibility for the Association's day-to-day operations. The



ED is responsible for overseeing management of the Association, implementing board policy, and hiring and compensating staff in accordance with a board-approved budget.

The ED is also responsible for hiring, supervising, and evaluating Association staff, and developing appropriate personnel policies, including position descriptions, evaluation criteria, and minimum standards of dress and appearance comparable to NPS employees in visitor contact roles.

The ED should establish regular and close communication and collaboration with the park Superintendent and coordinator to enhance mutual goals and priorities of both the Association and the park.

### **Association Employees as Volunteers (VIPs)**

Association employees are not authorized to undertake any government function or activity on behalf of the NPS beyond routine public information services or other visitor activities authorized by the Standard Cooperating Association Agreement. The NPS appreciates the value and importance of park information provided visitors by Association employees while conducting sales activities.

Association employees may be asked to perform functions regularly carried out by the NPS or its representatives, such as issuing backcountry permits or distributing park and public lands passes. If an Association and the park mutually agree, Association employees may perform these services, but only if these duties are incidental to their normal duties and only if they do so in the capacity of NPS Volunteers-in-Parks (VIPs). Caution should be used in promoting volunteer opportunities to Cooperating Association employees to ensure that there is no overlap with duties that they or other Cooperating Association employees normally perform. The park should count this volunteer time as VIP hours. All volunteer duties must be provided in accordance with *Director's Orders #7 (DO-7) Volunteers in Parks*.

Park and Association staff should cooperate to identify those Association employees who will perform park volunteer functions; and the park's Volunteer Coordinator should complete the necessary VIP documentation with the Association employees before authorizing them to perform such functions. The park must also provide appropriate training. Enrolling Association employees as VIPs, and specifying that they perform those functions as NPS volunteers, may help protect the Association from possible legal liability related to those functions. An Association employee may perform those VIP duties while on the payroll of the Association.

The Agreement for Individual Voluntary Services (Form OF301A) may not be used by an Association to circumvent any requirements for insurance coverage or other regulations. When Association employees perform duties under this agreement, their hours should be reported as volunteer hours in accordance with the provisions of DO 7.

Associations may operate their own volunteer programs to assist with Association activities. They may report those volunteer hours as part of indirect aid to the park, but the park may not count such volunteer service as VIP hours.

### **Association Uniforms**

Association employees are prohibited from wearing NPS or other government uniforms. All Association employees in public contact, however, must wear some readily identifiable indication of their Association affiliation, such as vests, aprons, shirts, or sweaters with the Association's logo or name on them. Association uniforms and insignia may not resemble NPS uniforms and insignia. In addition, Association visitor contact personnel must meet a minimum acceptable standard of dress and appearance comparable to the general standards of dress and appearance required for NPS personnel in public contact positions.

## **SECTION 5: PLANNING**

### **DIRECTOR'S ORDER #32 EXCERPT: COOPERATING ASSOCIATIONS**

**It is important that Superintendents involve Cooperating Associations and other partners in comprehensive interpretive planning and Interpretation and Education Renaissance. This includes both long-range and annual operations planning that will result in setting priorities for park interpretive and educational needs. Association activities should also be considered in any park commercial services strategies or plans.**

**5.1. Long-range Visitor Service Planning. Where appropriate, Superintendents should include Associations and other partners in Long-range Interpretive Plan development in order to assist the Superintendent in defining the role of the Association and partners in providing interpretive visitor services.**

**Associations are encouraged to conduct their own strategic planning and involve the NPS in this process.**

**5.2. Annual Planning. Associations should be consulted on any visitor services planning which may affect Association operations.**

REFERENCE MANUAL #32: PLANNING

### **Strategic Interpretive and Visitor Experience Planning**

It is important that Superintendents involve Associations and other partners in interpretive and short- and long-term visitor experience planning based on the vision set out in the current Washington Office Interpretation, Education, and Volunteer Strategic Plan. This includes both long-range and annual operations planning which results in setting priorities for park visitor experience goals generally and interpretation and education specifically.

Definition of roles and responsibilities based on park and partner capacities and expertise should be included in development of short- and long-range plans for interpretive services and educational programming. Associations should develop their own strategic plans and involve NPS staff in those planning processes.

For more information regarding planning interpretive services activities, see Section 8.

### **Sales Outlets**

To be effective, sales outlets should be considered a key component of the park's overall interpretive program and should be addressed during interpretive planning efforts. The NPS should include the Association in all aspects of NPS planning that address sales outlets, including Park Planning Foundation Documents and Long-Range Interpretive Plans. Review of sales outlet concerns such as safety and loss control can benefit from collaborative planning by the NPS and the Association.

### **Visitor Services Facilities**

Associations should be included in planning discussions regarding the design of visitor services facilities that may impact Association operations and activities. The Association can provide information about visitor use and other relevant data that could affect both the Association's operations and the park's interpretive program.

### **Concession and Association Planning**

In parks with both concessions and a Cooperating Association, commercial services and interpretive planning should include both entities to ensure that each of their roles, unique responsibilities, and agreement/contract rights are taken into consideration. This approach should ensure conflicts are kept to a minimum and working relationships are maintained.

### **Park Management/Cooperating Association Planning**

Just as Associations should be involved in park planning, it is recommended that park management/representatives participate in Association board meetings and planning sessions. These meetings provide opportunities for ongoing communication, sharing of plans and priorities, and development of shared objectives. The primary goal of this sharing should be the enhancement of the overall visitor experience.

### **Annual Planning**

The park should identify and document operational arrangements with its Association annually in a Park Operating Plan. The plan will include operating procedures for Association-led programs and activities that will not only define operational requirements, but also establish criteria for evaluating and measuring program success. A key purpose of the plan is to provide a forum for a discussion of questions or concerns about the proposed program or activity before it is implemented.

The following annual planning activities are required by the Standard Cooperating Association Agreement:

NPS Responsibilities:

Through the Superintendent, annually meet to identify and come to mutual agreement on priorities for the upcoming year, evaluate park and Association progress toward achieving shared strategic goals, and clarify and implement a process to identify and come to a mutual understanding of how to resolve problems in the relationship between the park and the Association. (See the Appendix for a Topical List for Evaluation.)

Address hours of operation, Association and park staffing as pertains to Association activities, facility and equipment assignments, new operating procedures, and housing assignments.

Work with nonprofit and commercial partners to arrive at reasonable solutions if problems arise. The Superintendent or his/her designee should meet with both the Association and concession operator(s) a minimum of once a year to share information about planned park operations that might have an impact on retail partners and to resolve potential conflicts.

Involve the Association, in a manner befitting its role in supporting interpretation, in long-range or comprehensive interpretive planning and other NPS interpretation and education initiatives. Association activities should also be considered in any park commercial services strategies or plans.

Substantially involve the Association in the planning and design of new government facilities that house Association facilities including the opportunity to review and comment on preliminary and final design plans.

Cooperating Association Responsibilities:

Meet with the park to identify and come to mutual agreement on priorities for the upcoming year, evaluate Association and park progress toward achieving shared strategic goals, and clarify and participate in a process to identify how to resolve problems with the relationship between the park and the Association.

Multi-park Associations will propose a manageable and reasonable approach to annual communications with partner parks.

In parks in which there is also a concession operator(s), Associations must meet together with the park and concession operator(s) at least once a year to share information about planned park operations that might have an impact on retail partners and to resolve potential conflicts.

When it is deemed appropriate for the Association to conduct formal interpretive or educational activities in support of the NPS mission, the park is responsible for defining the role of Association in the park's Long-Range Interpretive Plan. In addition, *DO-32* requires a "legal instrument" to authorize an Association to provide interpretation and education services to the public. See "General Agreement for I&E Services" in Section 6, as well as additional guidance in Section 12.

## **SECTION 6: PROMOTING A SUSTAINABLE BUSINESS ENVIRONMENT**

### **DIRECTOR'S ORDER #32 EXCERPT: COOPERATING ASSOCIATIONS**

**While the NPS cannot guarantee the profitability of an Association, it is dedicated to promoting a sustainable business environment. This means that the NPS will (1) provide reasonably stable and reliable conditions in which Associations can operate effectively; (2) communicate on a regular basis and in a timely manner NPS operating plans that may affect Association operations; (3) encourage innovation and new product lines that are within the Scope of Sales and that support the park's interpretive mission; (4) streamline processes; and (5) be sensitive to sound Association business practices.**

REFERENCE MANUAL #32: PROMOTING A SUSTAINABLE BUSINESS ENVIRONMENT

### **Stability of Operations**

The relationship between the NPS and its Cooperating Associations represents a special and long-lasting partnership that has benefited park visitors in immeasurable ways. A park and its Cooperating Association, therefore, should affirm and embrace their shared values and vision in a way that will promote efficient business practices, wise decisions, effective operations, and swift resolution to any concerns of either party. Such an ongoing effort will profoundly advance our special and most enduring partner relationship. A park should pay particular attention to learning and understanding the business practices of its Association from the perspective of managing a successful not-for-profit organization. Both parties should strive to work together to support a sustainable business for the Association that will enable it to offer memorable visitor experiences for years to come.

A park should recognize how changes in park operations, staffing levels, and facilities might have a detrimental short-term or long-range effect on its Association. In any of these cases, a park should involve its Association early in the planning process to enable the Association to explain potential impacts on its business. Not only should the park consider how operational changes could impact its Association's sales activities, but the park also should determine any impacts on the Association's educational programming and/or fundraising initiatives. In all cases, a park should strive to minimize disruptions to the Association's business and provide reasonably stable and reliable conditions in which Associations can operate effectively.

Closure of park facilities caused by NPS shutdowns, severe weather events, or major construction could create a significant disruption of an Association's revenue stream. A park should discuss the business consequences of such situations with its Association at the earliest opportunity. The park and the Association should work together to design and implement any possible mitigation to the situation including alternative sales venues inside or outside of the park. The park should understand that any long-term closures will reduce Association sales revenue, thereby reducing cash aid to the park. In the case of disputes, the Regional Cooperating Association Coordinator can broker mediation and recommend avenues for conflict resolution.

At times, an Association must make special investments to sustain and enhance its business. Examples might include new accounting software, computer equipment, a point-of-sales system, electronic marketing and sales programs, new product development, or a special business initiative. A park should demonstrate understanding and support for such proposals that might result in a temporary decrease in cash aid from the Association.

For more details about facilities and construction, see Section 9.

To enhance financial sustainability, an Association might propose to diversify its revenue streams through fundraising campaigns, memberships, fee interpretive programs, and other interpretive services. An Association might compete for a park concession contract. It might consider assuming a friends group role with the park. While wishing to support the financial viability of its Association, a park, nevertheless, should have direct dialogue with its Association to ensure that predicted revenue will benefit the park's interpretation, education, and research functions while keeping within the laws governing not-for-profit organizations. The park must ensure that the Association complies with all policy directives and guidelines established by the NPS for those other activities. The park should advise its Association about the need for appropriate expertise among its Board of Directors to oversee any of these initiatives. The park also should avoid supporting any proposal that might interfere with another park entity's sphere of influence.

For more details about fundraising see Section 11 and other nonprofit activities see Section 12.

A park and its Association should fully embrace a culture of evaluation in which both parties engage in an ongoing assessment of business practices and operations to promote excellence. Both parties should agree on metrics that will indicate the financial health of the Association. Much progress and success will result from an honest and direct evaluation based on a shared vision, values, goals, and standards along with a commitment to identify and implement necessary changes.



## **Communication**

A park should engage in frequent communication and collaboration with its Association including an explanation and affirmation of the goals and objectives of each entity. Both parties should strive to recognize common ground and establish mutual goals. Communication should focus on the fulfillment of such goals especially related to serving visitors and maintaining the financial health of the Association. Frequent communication between a park and its Association will foster a positive spirit of partnership, collaboration, and innovation.

A park should seek input from its Association about proposed changes in park operations that might impact the Association and its business. When a park intends to modify, renovate, or reassign public space in which its Association operates, the park must involve the Association in planning such an action at the earliest possible stage of the planning. A park must directly involve its Association in planning and design for any new construction or major change to facilities in which an Association operates (see Section 9). When a park has a concession, it should encourage and sponsor periodic meetings between the park, Cooperating Association, and concession to foster communication and collaboration. In this way the cooperating Association and concession can resolve any misunderstandings or disputes, especially over sales items. The park can serve as an agent of collaboration between its Association and concession to foster mutual promotion of each entity's visitor services while working together to respond to visitor expectations and enhance overall visitor experiences.

For more details on roles, responsibilities, and communication, see Section 4.

## **Innovation**

To maintain a robust, vibrant, and sustainable business operation, Associations must create an environment of innovation and foster creativity in marketing and product development. Such an entrepreneurial outlook will involve an inherent level of risk. To increase opportunities for success, Associations must remain vigilant to recognize shifts in the interests and expectations of its customers. Associations must act on trends in how current and potential audiences learn and make enduring memories. Parks should appreciate that this involves an ever-changing variety of visitor expectations and desired experiences. Successful Associations have replaced stodgy bookstores with full-service and visually compelling sales areas offering an ever-expanding variety of products. Such Associations have embraced electronic technology in a variety of ways from marketing to products and to sales venues. Associations must keep current and responsive to shifting markets and customer preferences.

For these reasons, a park should engage with its Association to understand and support such business practices. Both parties should welcome suggestions that will enhance a spirit of innovation. A park

should go out of its way to encourage discussion with its Association about market trends, new product lines, and innovative sales items. Both partners should consider ways to integrate the interpretive themes of the park in products and retail displays. The park's programs and the Association's products should support one another whenever possible. In some cases, this will require a revision to the park's Scope of Sales with an emphasis on appeal to the interests of current and potential park audiences. In other cases, this will require streamlining a park's process for reviewing and approving new sales items to enable the Association to respond to the emergence of promising new products. An Association cannot begin to benefit from such trends until allowed to make appropriate products available to its customers. For that reason, a park should strive to make prompt reviews and approvals of proposed products.

For more information on strategic planning, see Section 5; interpretive sales activities including scopes of sales, see Section 7; and interpretive services activities, see Section 8.

## **Audience Engagement**

To provide visitors with a full understanding of the importance and favorable consequences of Cooperating Associations, a park and its Association should explore ways in which both parties can promote and explain what the Association offers visitors and parks. Such efforts should explain and publicize how the Association provides direct and indirect aid to the park with an emphasis on how an Association offers visitors an opportunity to support the park and by publicly recognizing what the Association's contributions to the park have accomplished. (See *Director's Order# 21* for more information about donor recognition.) If an Association offers a membership program (see Section 12), its park should strive to inform visitors about this additional way to support the park. Many opportunities exist for informing the public about how the Cooperating Association can support their park experience, such as:

- Naming the Association and describing its role on park websites and in-park publications;
- Providing donor recognition of Associations at events or through messaging, in social media, or in other forums; and
- Educating park visitors about the resources and products available at the Association's store that can enhance or extend their visit (e.g. an interpretive park ranger could reference a book during a talk and let visitors know they can buy the book in the store).

## **SECTION 7: INTERPRETIVE SALES ACTIVITIES**

### **DIRECTOR'S ORDER #32 EXCERPT: COOPERATING ASSOCIATIONS**

Every park has the opportunity to have a partner(s) provide interpretive sales items. It is NPS policy to identify visitor needs for such items and identify appropriate mechanisms to fulfill those needs through its partners.

**7.1. Requirements.** Associations must have a signed Standard Cooperating Association Agreement to operate in areas of the National Park System. Additionally, a Standard Cooperating Association Agreement is necessary when an Association is acting in its capacity as an NPS partner and selling goods and services outside the National Park System, including Internet sales.

**7.1.1. Friends Groups and Sales.** Friends groups may request that Associations sell their goods, provided that the goods are consistent with an Association's Scope of Sales and approved by the Superintendent.

**7.1.2. Concessions Operators and Sales.** The NPS will assure that the contractual rights of concession operators are met when authorizing Association activities.

**7.1.3. Cooperating Association and Concession Sales.** The sale of visitor convenience items may be authorized under Commercial Use Authorizations. For additional information refer to the park or regional concessions office.

**7.2. Purpose of Sales.** Sales must be consistent with the purposes of an Association, as stated in its articles of incorporation. All material offered for sale by an Association must facilitate opportunities for emotional and intellectual connections between park resources and visitors.

**7.3. Sales Operations.** Sales operations within a park will occur only in the sales areas designated by the Superintendent. A list of facilities within a park that the NPS designates for Association use must be attached to the Agreement as Exhibit A.

**7.3.1. Identity.** Associations must display a sign at sales locations, which identifies the sales outlet as a nonprofit activity of the NPS-approved Association. The sign also will include an explanation how the Association aids the NPS by supporting park interpretive, educational, historical and scientific activities.

**7.3.2. Temporary Sales Locations within Park Boundaries.** Association nonrecurring operations at temporary outlets such as park special events must be authorized in writing by the Superintendent.

**7.3.3. Sales Locations Outside Park Boundaries.** Associations must obtain written approval from the Superintendent (or where more than one park is affected, from the Regional Director) before they commence Association operations outside of park boundaries that are allowable under the Agreement. An Association must consult with the Superintendent (or where more than one park is affected, with the Regional Director) when considering operation of a sales outlet for another governmental entity.

The Superintendent will periodically review Association sales activities outside park boundaries to ensure that the NPS's interests are addressed.

#### **7.4. Sales Item Approval.**

**7.4.1. Scope of Sales.** A park-specific Scope of Sales statement must be collaboratively developed between each park and its Association. The Scope of Sales statement will take into consideration park themes, audiences, media types, and price points. The Scope of Sales will apply to items sold in park areas, through mail order catalogs, e-commerce, and at off-site sales outlets. In parks where there are both Associations and concessions, the NPS must consider the contractual rights of the concessioner when approving the Scope of Sales statement.

**7.4.1.1. Sales Item Review.** All merchandise sold under the Association's Agreement must be approved in writing by the Superintendent. Approval is based on appropriateness, park themes, audiences, interpretive value, accuracy, price points, and quality. Sales items may not encourage or depict inappropriate activities in parks, nor direct visitors to resources protected under the Archeological Resources Protection Act or similar statutes.

- Craft items represented as Indian-made must be sold in accordance with the Indian Arts and Crafts Act of 1990, Public Law 101-644.
- Recognition of corporate sponsorships that appear in items produced for sale by the Association must not contain advertising for a business, brand, product or service, and must conform to DO-21 donor recognition guidance.
- Paid advertising in sales items (e.g., journals with advertising) must be incidental to the interpretive value or message of an item and may not state or imply Department of the Interior, NPS, or Government employee endorsement of a business, brand, product, or service.

**7.4.1.2. Annual Inventory Review.** Upon request, a complete list of sales items will be submitted to the Superintendent for annual review and written approval.

## General Requirements

The Standard Cooperating Association Agreement authorizes an Association to sell approved interpretive and educational items in areas of the National Park System and, by extension, through mail-order, electronic commerce, and off-site locations. A Commercial Use Authorization is required for an Association to sell non-interpretive/educational items, considered to be visitor conveniences.

The purpose of Association sales activities is to provide the public with interpretive and educational materials related to the National Park System, the NPS, and themes or resources related to individual units of the National Park System. Interpretive materials provide valuable information before, during, or after a visit and also relate a park's mission to individuals not able to personally visit the park. The sale of interpretive materials can also generate revenues for other Association programs and activities in support of the Service.

*“Cooperating Associations may provide publications and other items that enhance the interpretive story, allow visitors to explore particular interests, and enable them to take the park story home through their purchases.” (7.6.2. Cooperating Associations, Management Policies, National Park Service, 2006)*

The sale of interpretive materials is integral to a park's interpretive program. An effective interpretive program will provoke visitor interest and stimulate curiosity regarding the park, its mission, and themes. The sale of educational materials by an Association provides visitors the opportunity to gain further information to satisfy that curiosity.

All sales outlets operated by Associations must further the educational, interpretive, and related purposes of the Association as stated in its Articles of Incorporation. Association management should be familiar with the Internal Revenue Code pertaining to Unrelated Business Income Tax (UBIT), which establishes the parameters for relatedness of sales items (and other nonretail activities) to an exempt organization's mission. Revenue derived from unrelated activities, including sales, may be subject to state and federal income taxes. Failure to comply with the Internal Revenue Code could result in serious repercussions, including fines, penalties, and the revocation of the Association's tax-exempt status.

Associations should consult with an attorney, certified public accountant, or tax advisor on specific UBIT issues. A particularly relevant IRS document is *Publication 589*. This and other pertinent information can be found at: <https://www.irs.gov/charities-nonprofits/charitable-organizations>

### **Meeting Visitors' Accessibility Needs**

Existing law and NPS policy requires that all visitors, including those with disabilities, are able to independently access facilities and participate in and benefit from NPS programs. The NPS must present all interpretive programs and services so they are available to visitors and employees with disabilities.

The selection, development, and display of sales items should ensure that a substantial portion of those items can be accessed both physically and programmatically by all visitors, including visitors with disabilities and learning differences. Items that include audio description, video captioning, braille, large print, and tactile experiences must be available to allow individuals with disabilities access to the content. Critical information that is presented visually, such as pricing or credit and exchange policies, must be provided verbally for people with disabilities who may not be able to access printed information.

Display items must be placed within reach of visitors using mobility devices or are of short stature. When items cannot be within reach, assistance must be readily available and independently accessible by the individual. Paths of travel must be of appropriate width, free of obstructions and protrusions, and include necessary turn radiuses for visitors using wheelchairs.

Specific physical requirements for providing accessibility to which entities must comply are provided by the Americans with Disabilities Act Accessibility Guidelines (ADAAG). Information on these standards and guidelines is available from the Department of Justice at <http://www.ada.gov/2010ADASTandards.index.htm>. Contact NPS regional accessibility coordinators if the Architectural Barriers Act Accessibility Standards (ABAAS) may apply.

Non-English speaking visitors make up a growing category of park visitors. The selection and development of printed and recorded material should respond to bilingual or multilingual needs of the park visitors. The need for such interpretive material and the degree to which it will be provided should be agreed upon by the park and the Association.

### **Association-Produced Sales Items**

Since park themes are often specialized, an Association may find it advantageous to produce its own park-specific publications or other products. The partnership should collaborate to identify sales needs and establish priorities. The park should be involved from the beginning in the development of new products, all of which must be approved by the park.

### **Multimedia and Audiovisual Materials**

Multimedia and audiovisual materials are useful in conveying interpretive information in a visual and interactive manner. Although some audiovisual media about parks are commercially available, it is sometimes advisable for the Association to produce its own to ensure interpretive quality. Such Association-produced materials should be copyrighted. To allow the NPS to use copyrighted material, the Association initiates a general agreement that covers NPS use.

Associations must consult with the Harpers Ferry Center before reproducing NPS interpretive media to avoid violating the copyrights of others who may have granted limited rights to the NPS. The Harpers Ferry Center can also help guide Associations through the process of reproducing NPS interpretive media for sale.

### **Association Publications**

Associations often supplement the official NPS publications program by providing visitors with appropriate, high-quality, informational literature not otherwise available through the NPS. Parks and Associations should work together to identify such needs.

While Association-produced publications are likely to be specific to park resources and themes, Associations should consider when producing publications the possibility of wholesaling to other sellers. The broadening of Association publications to appeal to other markets may affect design, pricing, and print runs.

Associations are encouraged to copyright their publications to guard against unauthorized infringement of Association rights. Likewise, an Association should use due care to ensure that permissions have been obtained for all text, photographs, and graphics used in publications. Proper expert advice should be sought as copyright laws are complex. Again, extending these rights to the NPS should be considered.

The use of printing techniques that support conservation principles, such as recycled papers and soy-based inks, is encouraged in Association publications. Manufacture in the United States of America is encouraged but not required.

The involvement of NPS personnel in the development of Association publications is allowed during duty hours but must be limited to that which is incidental to their official responsibilities. After-hours involvement is subject to current laws, regulations, and policies governing employee conduct. Any work produced by government employees on government time is government property. NPS personnel may not receive any compensation from an Association for work on Association publications.

Associations may reprint government publications either in their original form or with modifications, once the original Government Printing Office (GPO) printing supply has been exhausted. When reprinting government publications, Associations should ensure that rights to any material included in the original document (e.g. photographs, illustrations, maps, charts) are obtained. It should not be assumed that original illustrations, maps, and the like are included in government-printed publications are in the public domain.

### **National Park Service Publications**

Associations are encouraged to sell NPS-produced publications when appropriate with its Scope of Sales and financially feasible. For information on individual publication prices, assistance with orders, and other help, contact the Government Printing Office at [www.gpo.gov/bookstore](http://www.gpo.gov/bookstore), 1-800-512-1800.

Some parks have found it useful for their Association to sell NPS park Unigrid brochures. For information, Associations should contact the Reprint Program Manager at the Harpers Ferry Center Publications Office, National Park Service, 67 Mather Place, Harpers Ferry, WV 25425, or by phone at 304-535-6414.

### **Nonprint Materials**

Nonprint materials, available in a variety of media, can be very effective interpretive tools especially for children. Associations might consider items that are accurate reproductions or scale models of objects associated with park themes. Examples include reproductions of museum objects from the park's collection, scale models of historic structures, and craft items.

Crafts should be handmade in the United States by local craftspeople. Craft or other cultural items from outside the park should be made, where possible, by persons who are members of the culture represented and should be made from authentic raw materials, using authentic methods and specifications.

The park logo, tagline, or park symbol in graphic form may convey the park message well beyond park boundaries, but such items should be well-planned and designed so as not to be simply souvenirs which could be prohibited due to conflicts with park concessions and/or could be subject to Unrelated Business Income Tax (UBIT). They should meet the following criteria:

- The item should convey the essence of the park themes or characteristics and serve as an identifier of the park.
- The interpretive message should be a prominent feature of the item.
- An interpretive statement should be provided in written form as part of the packaging, or should otherwise accompany the item, if the interpretive value is not immediately apparent.



T-shirts and other apparel that meet these criteria may be sold if approved.

### **Sale of Cultural Items**

The Association must be aware of the source and authenticity of all items it sells. The sale of any object or item that is fashioned from or incorporates parts of any prehistoric or historic artifacts, paleontological specimens, endangered species, and other protected categories is an offense against the ethical standards upon which the Service was founded. The sale of illicitly procured antiquities is offensive to the affected cultures, destructive to archeological sites, and illegal. The sale of reproductions, replicas, and derived products is generally acceptable; however, their sale should be carefully administered to avoid misinterpretation by the public. Reproductions of historic or prehistoric objects should be accurate in material, design, and construction and permanently marked to distinguish them from originals. Reproductions of prehistoric objects should have a clear statement about not collecting such material from public land.

All reproductions and replicas must be plainly and indelibly identified as such. Advertising must not imply that reproductions are original works. Suggesting that the value of a reproduction appreciates is also inappropriate.

### **Indian Arts and Crafts**

The Indian Arts and Crafts Act of 1990 is essentially a truth-in-marketing law. Under the act, it is unlawful to offer or display for sale, or sell, any art or craft product in a manner that falsely suggests it is Indian produced, an Indian product, or the product of a particular Indian Tribe.

In compliance with the Act, NPS Superintendents, Park Coordinators, Concession Program Managers, Chiefs of Interpretation, Concessioners, and Cooperating Association Managers must:

- Ensure all products sold in NPS, concession, and Cooperating Association stores and sold as Alaska Native, American Indian, or as the product of a particular Alaska Native Village or Indian Tribe, is produced by an enrolled member of a federally or officially state recognized Tribe, or by an individual who has been formally certified as a nonmember Indian artisan by the federally or officially state recognized Tribe of their direct descent; and
- Ensure participants in visiting artist programs and selling their products as Alaska Native, American Indian, or as the product of a particular Alaska Native Village or Indian Tribe are members of a federally or officially state recognized Indian Tribe, a member of the Tribe named, or are certified by an Indian Tribe as a nonmember Indian artisan (25 C.F.R. §309.24).

Park Superintendents should consider if concessions operations will be selling similar items and if they are given priority to sell these items in their contract before allowing Associations to carry these

products. Sometimes concessioners only carry items from certain tribal groups, which would allow Associations to feature other tribes in their sales items. Demonstrators who are allowed to sell their products under a special use permit or a Commercial Use Authorization should not be in conflict with the Association or the concessioner.

American Indian artwork or handcrafts that are sold by the Association should be from affiliated Tribes in order to stay within the scope of sales. All items should be related to one of the park primary interpretive themes.

A copy of The Indian Arts and Crafts Act of 1990 (P.L. 101-644) in its entirety may be obtained from <http://www.iacb.doi.gov/act.html>.

### **Friends Group Sales**

The standard Cooperating Association Agreement gives an Association the right to sell goods and services in areas of the National Park System and affiliated locations. Friends groups are not authorized to sell goods and services in these same areas or affiliated locations except through a special agreement with the Association and approval of the park Superintendent.

Friends groups may request that an Association sell their products if the products are consistent with the Scope of Sales and have the Superintendent's approval. However, the Association may decline to carry the products if they compete directly with Association products, if they do not comport with the scopes of sales statement, or if they are not cost effective.

### **Visitor Convenience Items**

When the NPS determines it necessary for the comfort and convenience of visitors, and concession operations and commercial use authorizations are not presently providing such services, it may allow Associations to sell visitor convenience items. This may include such items as hot or cold nonalcoholic beverages, feminine hygiene products or other personal necessities, aspirin/antacids, insect repellent, sun screen, emergency fuel for campground use, and postage stamps.

A concession contract or commercial use authorization is needed for the sale of visitor convenience items by Associations and must be issued pursuant to current policy and concessions legislation as provided in P.L. 105-391, 36 CFR Section 5.3 and Part 51, and described in *Management Policies 2006*, Section 10 and other current Commercial Services policy. Superintendents are encouraged to balance the needs and interests of the concessioner and the Association (as well as other park partners) while always keeping in mind that the needs of visitors are paramount in these considerations.

Except where a compatible sales arrangement can be established or is now working, a concessioner and an Association will not carry on duplicative, competitive operations in the same building.

It is in the public interest for the visitor to have easy, ready access to quality interpretive materials; Associations are encouraged to wholesale Association-produced interpretive materials to concessioners when in different locations.

## **Sales Operations**

### **Sales Outlet Signs**

Each Association sales outlet should display signs that distinguish the outlet from a concession or commercial use authorization operation, explain the presence of sales personnel in a federal facility, and state that proceeds of sales benefit the park interpretive programs. The signs should be placed in a conspicuous location. Though there is no specific mandatory text, *DO 32* states, “the sign also will include an explanation of how the Association aids the NPS by supporting park interpretive, educational, historical, and scientific activities.” The following statement is suggested:

*“This sales outlet is operated by (name of Association), a nonprofit Cooperating Association working in partnership with the National Park Service. Proceeds from the sales at this outlet benefit the educational, scientific, and research efforts of the National Park Service.”*

The signs should be compatible with the design of the visitor center or other facility where the sales outlet is located. The text and design of the signs should be agreed upon by the park and Association partnership. If space permits, the park and Association should consider a sign that illustrates some of the park uses of its direct aid from the Association.

### **Appearance of Sales Outlets**

Sales outlets, like other components of park visitor centers and information stations, are a primary point of contact with the public. Because they have the potential to affect the visitor’s impression and enjoyment of park facilities, sales outlets should be clean, properly illuminated, well organized, and safe at all times. Display of sales items should be in good taste and in keeping with the general design and decor of park facilities.

### **Paid Advertising**

Because sales activities are conducted for interpretive and educational purposes, any paid advertising contained in sales items (including packaging) must be incidental to the interpretive message of the item. In periodicals published commercially, editorial content must dominate. Advertising may only appear if it is subordinate to interpretive or educational text. Recognition of commercial sponsorships of

Association-produced publications, such as park newspapers, should likewise be incidental to the interpretive and informational purposes of the publication. Information about a manufacturer, distributor, or the like should be unobtrusive. In no case may advertising or vendor information imply endorsement by the NPS. Guidance for appropriately recognizing corporate donations is found in *DO-21*.

### **Off-site Sales Operations**

The NPS has a vested interest in the off-site activities of an Association that is identified with the Service through the Standard Cooperating Association Agreement. Service approval for off-site sales activity in an independent facility or in cooperation with an entity other than another government agency must be documented in writing, with a letter signed by the appropriate Superintendent, or higher official if required or desired, prior to commencing operations.

The NPS recognizes that sales outlets outside of NPS areas can provide a valuable public service. They can benefit the park and reach new and audiences. However, the NPS will approve sales items and periodically review the off-site sales activities of Associations to ensure that NPS interests are protected. Items approved for sale in an onsite NPS area will be considered approved for off-site sales.

Clear delineations between each operation's accounts should be identifiable in an audit of each business. These additional operations must be approved by the Superintendent, be covered by a Standard Cooperating Association Agreement, and be conducting activities within the scope of the Association's mission.

### **Multi-Agency or Interagency Sales Outlets**

Some Associations operate sales outlets in facilities where several agencies are represented. The NPS recognizes the value of such interagency cooperation in making information about the conservation, preservation, use and enjoyment of public lands and resources available to the public. Association sales outlets can be an integral part of the interpretive and information services provided at interagency or multi-agency facilities.

Interagency or multi-agency facilities are operated under a variety of management agreements in a variety of jurisdictions. When an interagency or multi-agency facility is located in a NPS area or on NPS property, then NPS policies and procedures will apply to Association sales activities. When an Association operates a sales outlet in an interagency or multi-agency facility in another setting, NPS policies and procedures may not be practical. The Association and the agencies involved should cooperatively establish procedures for managing and operating the facility.

Some Associations operate sales outlets in partnership with other governmental agencies, such as the Bureau of Land Management, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, the U.S. Forest Service, and state or local parks. In the case of an Association's relationships or proposed activities with another governmental entity (federal, state, or local), NPS approval is not required. However, an Association considering a new partnership with a different agency must consult with the NPS regarding the proposed extension of activity and how it may impact its current activities with relation to the NPS.

### **Mail Order Sales and Approvals**

Some Associations offer sales items through the mail to provide information and educational material to visitors prior to or after their park visit and to the public who may not be able to visit in person. Mail order sales are a natural extension of the services provided by Associations in park areas. Thus, items sold through catalogs, as well as the content of those catalogs, are subject to approval by the NPS.

When a catalog is specific to a park, the park coordinator is responsible for reviewing and the park Superintendent is responsible for approving the catalog. When a catalog includes sales items representing several parks in a region, the Regional Director is responsible, and when it includes sales items that represent parks in more than one region, the Director reviews the catalog.

All items sold through catalogs must meet the review criteria for on-site sales items. Items approved for sale in a park will be considered approved for catalog sales. Catalog descriptions of nonprint items should clearly show the interpretive significance of the product and its relevance to a particular park or parks.

Associations may not use government postage for sales materials or other purposes.

### **Internet Sales and Park Website**

Digital media has become a continuous global interaction between NPS.gov online visitors and NPS partners. Some web visitors plan trips and purchase maps, passes, and guidebooks before traveling to the park. Other online visitors use the park website and its partner links to learn about park resources and explore digitally from home. The Internet connection can involve the on-site visitor using a mobile device such as a tablet or smartphone from their campsite or a trail. After a park visit, the Internet connections among NPS, partners, and visitors often continue with purchases such as future seminar sessions, resource information, children's educational items, a coffee-table book, park souvenirs, and gifts which they did not pick up at the visitor center store.

Association information on a park website should be designed and maintained by approved CMS web authors and updated in a timely manner. Web pages on a park website must have prior approval from the NPS before publication and must follow applicable park website guidelines, available through the park web coordinator or the appropriate regional web coordinator.

All parks will link to their Cooperating Association website. Without exception, all links from park website pages to external Association web servers will use the park website intercept script that notifies users that they are departing from the NPS's official site.

All items listed on a website must be approved sales items in the same manner as catalog sales. Associations may use its space on a park website to provide printable order forms, toll-free telephone numbers, sales catalogs, and prices to permit orders to be telephoned, faxed, emailed, or mailed. However, online, real time sales will not be permitted via the NPS park website web server. Further, the park website web server is unable to provide secure transactions, and credit card transactions will not take place. Associations engaging in electronic commerce must make arrangements with outside commercial providers.

## **Sales Items Review and Approval Process**

### **Scope of Sales**

A useful and mandatory tool in the planning of a sales outlet is an in-park review of the types of sales items and how they address the interpretive themes of a park. The Scope of Sales statement is a collaborative effort of the partnership between the park and the Association. Parks should actively support Associations in adopting museum-style stores where appropriate, adapting to changing interest and demand, and providing a wider variety of products, while helping to extend the park's interpretive themes and messages beyond its physical location. Parks should support an innovative entrepreneurial spirit within its Association with the recognition that some new product lines might include a degree of risk for the Association. The Scope of Sales statement assures that all audiences are addressed, provides for a cross-section of sales items in various price ranges, offers guidance for seeking out or developing new publications and product lines, and contains a rationale for reviewing potential sales items submitted by vendors. Parks should encourage Associations to consider products that will appeal to under-engaged audiences and first-time visitors. The Scope of Sales statement should be reviewed periodically and applied consistently as part of the selection process for sales items. A sample Scope of Sales statement and a sample Cooperating Association Sales Item Review form are included in the Appendix.

All materials offered for sale by an Association must be related to the interpretive themes of the park or the NPS, or covered by a Commercial Use Authorization. In the past, the most prevalent items sold by Associations have been printed materials such as books, brochures, maps, posters, and postcards. Today, most Associations offer educational materials and products in an enormous range of formats and in creative ways, allowing visitors to take home an extended interpretive experience, such as audiovisual products, electronic items and games, three-dimensional replicas and models, thematic apparel, unique and custom products, educational toys, and puzzles. The breadth of materials and products sold is determined by each Association and each park and should take into consideration specific contracts with concessioners also operating in the area and visitor needs and expectations.

A major benefit of having a park partnership is the ability to bring a variety of strengths to the table. The National Park Service, for example, brings unparalleled knowledge and expertise in interpretive and educational techniques. The Cooperating Associations bring knowledge in retail trends and market demand, while also having the ability to take some risks in product development. The NPS's primary function in approving products should be to evaluate the interpretive and educational content. The NPS should not be involved in price setting, evaluating aesthetics, or determining other product details. In the Scope of Sales statement, the park and its Association should collaboratively outline how they can best leverage their respective strengths for the benefit of the public. The Park Cooperating Association Coordinator, working with the Association staff, should assume primary responsibility for reviewing sales items. The park is responsible for coordinating the timely review of sales items by appropriate subject matter specialists and the Superintendent. No employee in charge of this process should have a financial or proprietary interest in the item.

Potential sales items with Servicewide and thematic relevance may be reviewed and approved at the Washington Office level.

Use of a simple preprinted review form should be used to document the reviewer's response and to provide consistency and objectivity in the review of potential sales items. Such a document enables the interpretive staff and the Association to provide information to the Superintendent in an organized manner, thereby expediting the process and assisting the Superintendent in making an informed decision. Suggested fields of information on the review form include: submission date, product description, author (if a publication), thematic reference, interpretive text to be attached to product (if applicable), vendor information, proposed retail price, ISBN/style information, Universal Product Code (UPC) numbers, space for additional Association comments, space for Service comments, a place to indicate approval or disapproval of the item, space to indicate reasons for disapproval, if applicable, and a place for the Superintendent's initials or signature. The form may also include a checklist of evaluation

categories such as “accuracy,” “appropriateness,” “interpretive value,” and “quality of materials.” See the examples in the Appendices.

The park and Association will negotiate written timeframes and the process for sales item review. The review process should include a deadline for parks to respond with a decision on proposed sales items. The frequency at which sales items may be submitted for approval to the park should be agreed upon by the partnership, whether weekly, monthly, or less frequently. It is important to understand that the more frequent the review, the more responsive an Association can be to market trends and new products as they become available. Parks should consider the Associations’ seasonal and fiscal cycles and be timely in their reviewing process. Associations should consider busy times of the year for park staff when reviews might take longer than other times. Parks should recognize that timely reviews will result in increased sales.

When choosing a method of documenting approval of sales items, the park and Association should select a method that is suited to local circumstances. Whatever the method, copies of the review form or other written record of sales item approval should be retained by both partners.

The Park Cooperating Association Coordinator must approve each new sales item added during the year on a case-by-case basis. However, to document prior approvals and to simplify records retention, upon request a complete list of the prior year’s sales items may be submitted to the Park Cooperating Association Coordinator.

### **Evaluation Criteria for Sales Items**

The selection of appropriate sales items should be approached in a conscientious and objective manner. The goal of the partners should be to provide a cross-section of interpretive items, price points, and audience interests. In addition, reviewers should remember that Associations have a privileged position in NPS facilities. Because vendors, authors, or others could challenge the approval or disapproval of sales items, the reviewers’ decisions should be clearly documented and justified.

Reviewers (park and Association) should collaborate in the approval process and affirm that an item meets the criteria listed below.

(The Park should take the lead in answering these questions:)

- Does the item directly support the park’s interpretive themes, the National Park Service, and/or provide needed site orientation?
- Is there assurance that the item does not promote unsafe or resource-damaging activities?



- Does the item use accurate, professional, and scholarly knowledge or materials (in the case of cultural items)?
- Does the item fit into the overall balance of interpretive sales items?
- Does it undermine the financial viability of a concession contract?

(The Association should take the lead in answering these questions.)

- Is the item's quality of production, packaging, and durability appropriate to the quality of the park resources?
- Is the item fairly priced?
- Is the item competitive enough with other approved items to warrant shelf space?

When possible and appropriate, the National Park Service encourages Associations to sell American-made or designed products, handicrafts, specialty, regional and local products, American Indian art and crafts, and environmentally sustainable merchandise.

Cooperating Associations should follow industry best practices when establishing pricing for their sales products. When an item is sold at several Association outlets, the Association should coordinate among park managers to ensure that prices are consistent from one area to another. The partners should determine a procedure for revising prices as necessary due to an increase in cost of goods sold or other considerations.

## **SECTION 8: INTERPRETIVE SERVICES ACTIVITIES**

### **DIRECTOR'S ORDER #32 EXCERPT: COOPERATING ASSOCIATIONS**

Interpretive activities include both personal services and non-personal services, both of which create opportunities for emotional and intellectual connections between the interests of the visitor and meanings of the park resource. Personal services are activities facilitated by staff. These include formal and informal interpretive services. Examples of formal interpretation include conducted activities, talks, campfire programs, lectures, guided tours, seminars, performing arts, Junior Ranger programs, curriculum-based education programs, and institutes. The NPS and Association will prepare a separate legal instrument to authorize formal interpretation. Informal visitor contact includes basic visitor orientation and information assistance and is authorized under the Standard Agreement.

In contrast, non-personal services are items or activities that do not require the presence of staff. Media such as park brochures and other publications, museum and visitor center exhibits, wayside exhibits, historic furnishings, web pages, audiovisual presentations, podcasts, and radio information systems are all examples of non-personal services.

**8.1. The role of Associations to provide interpretive activities conducted by an Association in support of the NPS mission must be defined in the park's Long-Range Interpretive Plan.**

**8.2. Formal interpretive activities conducted by an Association in support of the NPS mission must be approved in a written agreement between the Association and the NPS and must conform to Director's Order #6: Interpretation. The NPS reserves the right to require an Association to obtain additional insurance, bonding, training, and other measures necessary to protect NPS's interests and the public interest.**

**8.3. The park must develop clear guidelines and standards to assess the quality of interpretive activity proposals from Associations.**

**8.4. Where the NPS, together with Associations, provides interpretive activities that involve living exhibits or interpretive demonstration projects, and where goods or services are generated as a result, the NPS may authorize the sale of these goods and services at fair market value. Consistent with 54 USC 101702, the proceeds of such sales must be credited to the appropriation bearing the cost of such exhibits and demonstrations.**

**8.5. To ensure the quality control and appropriateness, the NPS will be involved in the planning, approval, training, monitoring and evaluation of all interpretive activities undertaken by an Association. All interpretive programs conducted by Associations on behalf of the NPS will be reviewed by the NPS for accurate content, interpretive effectiveness, and**

professional delivery. The NPS will assist the Association by providing to Association staff training that is appropriate to the interpretive activities they will provide. The Association will be given opportunities to participate in the Interpretive Development Program.

**8.6. Appropriate roles for Association assistance in providing interpretive and educational programs and activities will be identified in a park's Comprehensive Interpretive Plan or Long-Range Interpretive Plan.**

**8.7. Institutes and Other Major Interpretive Programs.** National park institutes and field schools share one key characteristic: they all provide in-depth education for small groups in natural and historic settings. Instructors draw upon their expertise as professional scientists, authors, historians, artists, and adventurers to unravel the intricacies of our national parks. Courses range from short field seminars to multi-day backcountry experiences. Nonprofit organizations may work in cooperation with the National Park Service to provide these high-quality educational experiences.

**An Association that wishes to create and operate an institute or other interpretive program(s) must do so under a separate legal instrument with NPS. When determining whether to authorize an institute or other organization to undertake interpretive activities, the NPS will first confirm that the proposed activities are needed and will be conducted consistent with applicable law and NPS policy, including the park's Long-Range Interpretive Plan.**

REFERENCE MANUAL #32: INTERPRETIVE SERVICES ACTIVITIES

## **Interpretive Purpose of the Association**

The purpose of a Cooperating Association is closely aligned with interpretive services activities in the national parks. Associations provide support and assistance to the interpretive activities of the NPS and provide interpretive materials to the visiting public.

The NPS describes interpretation function in *DO-6*, making a distinction between personal services and non-personal services as well as formal and informal interpretive services.

## **The Association's Role in Providing Visitor Information and Informal Interpretation**

The Standard Cooperating Association Agreement authorizes Associations to provide visitor information and informal interpretation services when it is incidental to retail sales. This may take the form of an Association employee interacting with visitors in the course of their work in the visitor center sales outlet. The purpose of the casual, unplanned interaction is to provide information, answer questions,

provide directions, assess visitor interests, protect resources, and promote safety. Proper delivery and accurate information satisfies audience needs, provides comfort, orients and removes barriers, and allows the audience to progress toward or reach an interpretive opportunity. The park and the Association must collaborate in the planning, approval, training, monitoring, and evaluation of all interpretive activities authorized under the Standard Cooperating Association Agreement.

Association employees hired to provide informal interpretation/information to the public should meet educational and/or experience standards that are appropriate for the work. The park and Association should consult and agree on acceptable standards before the Association recruits applicants for its visitor contact positions. It is the Association's responsibility to determine the pay rate, term of employment, and benefits for its employees. All Association employees engaged in visitor contact should have current position descriptions and performance standards.

If the role of the Association includes formal interpretation provided by Association employees, the park is responsible for developing clear guidelines and standards for assessing the quality of interpretive activity proposals, and the park is encouraged to provide its interpretive training to Association employees who perform this work. The Standard Agreement calls for separate legal instrument(s) to authorize Associations to provide ongoing formal interpretation as defined in DO-6: Interpretation. To meet this requirement, the park and the Association will negotiate a General Agreement for Interpretation and Education Services (See Section 12).

## **Planning The Association's Role in Providing Interpretive Services**

As the primary park partner supporting interpretation, education, and research activities in support of the NPS mission, close collaboration and planning is necessary between the NPS and the Association. The park's Long-Range Interpretive Plan should identify the appropriate roles for the Association in providing assistance to the park's interpretive and educational programs and activities.

For more information regarding strategic interpretive and visitor experience planning and annual planning, see Section 5.

## **Other Interpretive Services Provided by the Association**

### **Interpretive Services Incidental to Being a Cooperating Association**

In addition to the interpretive services described above, the following types of interpretive support services are authorized by the Standard Cooperating Association Agreement:

### Store Operations

- Manage sales operations for the benefit of NPS units.
- Design and furnish stores.
- Provide informal interpretation and visitor information.
- Host book signings or other special events that are open to the general public.

### Donations to NPS (aid to agency)

- Provide financial support to the NPS (via donations) for Junior Ranger programs, interpretation programs, Trails to Rails programs, and education programs.

### Direct Expenditures (aid to agency)

- Disperse funds to schools for bus transportation subsidies.
- Purchase computer and audiovisual equipment for distance learning programs and props for interpretation programs.
- Purchase items to distribute to the public during special events and education programs.
- Provide support for volunteers, including appreciation gifts and recognition.
- Pay honorariums for guest speakers to present programs.
- Pay expenses associated with special events hosted by the NPS.
- Pay for printing park newspapers and research expenses for interpretive exhibits.
- Fund interpretive seasonal staff.

### Business Services

- Serve as a fiscal agent at the request of the NPS where the Association is not substantially involved in delivery or development of the program.
- Write and secure grants to purchase flags, tipis, or other items used in interpretation and education programs.
- Manage reservations for NPS interpretation and education programs.

### Product Development

- Develop new interpretive media and anniversary commemorative items.
- Publish books that become park-specific sales items.

### Fee Collection Volunteers

If the Association and the park mutually agree, Association employees may assist park employees in performing fee collection related duties, but only if these duties are incidental to their normal duties and only if they do so as a NPS volunteer. The Association employee must also be covered by a surety bond and appropriate background investigations for money handling and HSPD-12 requirements.

## **Interpretive Services Requiring a Separate Legal Instrument (See also RM-32, Section 12)**

Cooperating Associations may provide interpretive services that require a separate legal instrument. This includes but is not limited to:

### Supporting NPS Special Interpretive Demonstration/Living History Programs (Fee Interpretation)

- Authority: Section 3(g) of P.L. 91-383 (54 USC 101702), originally known as 16 USC 1a-2(g)
- Description: Through this authority, the park may sell products and services produced in living history exhibits and interpretive demonstrations, basing charges on fair market value; enter into contracts and cooperative agreements to provide living history exhibits and interpretive demonstrations; and place income received from these authorized activities into accounts that pay the cost of conducting the activities.
- Role for Association: Associations may be called upon to sell products and services, provide living history and interpretive demonstrations through contracts and cooperative agreements, collect 1a2g fees, and manage funds.
- For More Information: See *DO-6* Section 9, and *RM-22A*. Consult with regional Contract staff.

### Hosting Special Interpretive Events (Special Park Use Permit)

- Authority: 54 USC 103104, Sec; P.L. 113-185, Sec 3(g). See NPS Management Policies 2006 and Director's Order 53: Special Park Uses.
- Description: A special park use is an activity that takes place on park land and provides a benefit to an individual, group, or organization, rather than the public at large. It may include special events that are not initiated, sponsored, or conducted by the NPS. A written authorization from the NPS is needed.
- Role for Association: When an Association wishes to host a special event in the park, it may apply for a Special Park Use Permit.
- For More Information: Consult with regional Visitor Use Management staff and see *RM-53*.

### Collecting Fees for Expanded Interpretive Program or Special Tours (Expanded Amenity Fees)

- Authority: FLREA (16 USC 76801-6814; PL 108-447, Division j, Title VIII)
- Description: Expanded amenity fees, formerly known as use fees, are assessed when the visitor uses a specific or specialized facility, equipment, or services. Examples include enhanced or expanded interpretive program or special tours, audio tour devices, binoculars, or other equipment. The park must submit a Fee Rate Change Request package a year in advance. Fees are set based on a comparison of rate structures to similar private and public services in the area.
- Role for Association: An Association may be called upon to collect fees on behalf of the NPS, where they are not substantially involved in delivering the service. The Association must

conform to OMB Management Control Standards and Concession employees are subject to background investigations in accordance with Executive Order 10450.

- For more information: See *DO-6*, and *RM-22A: Recreation Fee Collection*. Consult with park Fee Collection staff and regional Commercial Services staff.

See Section 12 for other non-interpretive services that require a separate legal instrument.

### **Proposing an Association-operated Formal Interpretive Program or Nonprofit Educational Institute**

If an Association would like to propose a formal interpretive program or operate a nonprofit educational institute (defined in *DO-32*, 8.7), the following questions should be considered early on:

- Does the park Long-Range Interpretive Plan delineate the role of an Association in providing formal interpretive activities?
- Has the park determined that it is appropriate and desirable for the Association to provide supplemental formal interpretive programs or activities, either on-site or off-site, to meet the needs of the park's overall interpretive efforts?
- Is the Association ready to take on a new role and become a "blended organization?" (See Section 12.)
- Is the Association ready to obtain additional insurance, bonding, training, and other measures necessary to protect the NPS and the public's interests?

If the answers to each the above questions are yes, the next steps include:

- The Association develops a proposal for the program (including cost and fair market value analysis) and presents it to the Superintendent for review and possible regional office review.
- The quality of the interpretive activity proposals must be assessed by the NPS based on clear guidelines and standards. The NPS will consider, among other factors, whether the proposed activities are needed, whether the program's goals fit within the framework of a park's interpretive themes and objectives, and whether the program would be conducted consistent with applicable law and NPS policy.
- The Superintendent must approve any fees to be charged for Association-conducted interpretive activities or programs. The park should provide written approval or rejection within a reasonable period of time.
- The NPS and the Association negotiate and prepare a separate legal instrument that conforms to *DO-6* to authorize the Association to provide formal interpretation and education service to the public on behalf of the NPS.

## **General Agreement for Interpretation and Education Services (also see Section 12)**

A *General Agreement for Interpretation and Education Services* template is available for use and is available in the Appendix. It is designed to meet the *DO-32* requirements for a “legal instrument” to authorize an Association to provide interpretation and education services to the public. The purpose of this agreement is to establish a foundational framework to guide and enhance the Service’s partnerships with nonprofit organizations that provide high-quality, meaningful educational and interpretive services in national parks in compliance with all applicable NPS policies and regulations. The agreement template defines the role of the partners and encourages collaboration, sharing resources, and communication. The agreement template addresses marketing and outlines expectations for reporting, facilities and programmatic accessibility, and visitor safety. It also addresses:

- Standards of quality and performance. Interpretive program standards must be maintained for all programs given by a park or an Association. The standards of quality and performance are the same for all programs regardless of who sponsors them. Association employees who conduct interpretive activities must have proper educational background and experience for their work. They must possess and demonstrate the same core competencies as NPS interpreters. *DO-6, Interpretation and Education*, contains basic guidance and standards for interpretive activities and applies to Association interpretive programs and activities. The park Superintendent may also issue additional standards and instructions.
- Training and professional development. NPS interpretive personnel are responsible for assisting in the training of Association employees engaged in visitor contact and interpretive programs. This should include orientation to the park and the NPS and training in visitor service for all Association employees, plus training in interpretive techniques and applicable subject matter for personnel who conduct interpretive activities. The NPS should provide Association staff with opportunities to develop interpretive standards consistent with the Service’s Interpretive Development Program. Associations and parks are encouraged to collaborate whenever possible in developing and delivering training to NPS and Association staff.
- Monitoring and evaluation. Interpretive programs and activities conducted by Associations should be monitored on a regular basis. In accord with the Standard Cooperating Association Agreement, NPS personnel are responsible for auditing Association interpretive activities to ensure that they meet NPS standards for accurate content, interpretive effectiveness, and professional delivery.
- Supplemental information should be added to the template as appropriate. It will address special provisions for food service, scientific research, permits, fees, promotional materials, donations and fundraising, construction, sales, insurance, volunteers in parks, use of the NPS Arrowhead and/or other official insignia, and other park-specific provisions, as applicable.



**Annual Operating Plan**

A complete agreements package will include an annual operating plan, property use agreement, and/or intellectual property agreement, if applicable. Operating procedures for Association-conducted interpretive programs and activities will identify the respective roles and responsibilities of the NPS and Association, define operational requirements, and establish criteria for evaluating and measuring program success. The plan should address such topics as: program hours, dates, frequency of activity, minimum number of visitors to be served per day or per program, maximum program attendance, equipment needed and who supplies it, equipment maintenance, accessibility options, staff needed, selection and training of personnel, training program for personnel, staff scheduling, evaluation of program personnel, safety, safeguarding and handling of accountable stock or receipts, requirements for reservations or ticket sales, fee structure, advertising procedures and approvals, and any other topics that may be relevant. The operating plan should be reviewed and revised annually or more frequently if needed.

## **SECTION 9: FACILITIES AND EQUIPMENT**

### **DIRECTOR'S ORDER #32 EXCERPT: COOPERATING ASSOCIATIONS**

#### **9.1. Facilities.**

**9.1.1. The NPS will seek to provide Associations with suitable sales areas and other facilities to conduct business. The NPS reserves the right to relocate or withdraw any such facilities (upon reasonable notice) in order to meet NPS needs.**

**9.1.2. The NPS reserves the right to conduct inspections of facilities whenever it deems appropriate.**

**9.1.3. The NPS may provide Associations with routine maintenance and repair services and utilities such as water, electricity, heat, and air conditioning at each assigned facility. See related policy discussion in Director's Order #35B.**

**9.1.4. Facilities Assignment. The NPS will document park facilities assigned to Associations for sales, other services, office space, and storage. The NPS will retain copies of the facility assignment(s) consistent with RM-32.**

#### **9.2. Construction.**

**9.2.1. All Association proposals for park exhibit or facility design, redesign, construction or renovation must be approved in advance in writing by the NPS, generally through an NPS Partner Construction Agreement, and must be implemented in accordance with the NPS design, construction, and sustainability requirements.**

**9.2.2. When the NPS designs and constructs new facilities that will house Association activities, the Association will be included in the planning and design process, and will be given the opportunity to review and comment on preliminary and final design plans.**

**9.3. Vehicles. With prior approval from the Superintendent, Associations may use a government-owned or leased vehicle, provided that the use is solely for government purposes and consistent with law and applicable government policy. See Director's Order #44: Personal Property Management for more details.**

**9.4. Postage. Associations may not use government postage.**

## REFERENCE MANUAL #32: FACILITIES AND EQUIPMENT

As part of the agreement between the NPS and an Association, the NPS allows for the Association's use of certain government-owned facilities. The provision of space, utilities, and maintenance services by the government can be of considerable value to Associations in furthering their nonprofit enterprises. This lower margin of operating costs assists them in returning to the NPS a higher percentage of donations to support interpretive, educational, and research activities in parks.

A list of facilities within a park that the NPS designates for Association use should be attached to the Standard Cooperating Association Agreement as Exhibit A. A sample Exhibit A is included in the Appendix. The NPS reserves the right to withdraw the assignment upon reasonable notice.

### **Use and Maintenance of Facilities**

Provisions for the use of NPS facilities by the Association for utility services, on-going maintenance, and other specific conditions related to the occupancy or management of a facility should be negotiated and included in Exhibit A.

The NPS provides maintenance and repair services resulting from normal wear-and-tear upon Association-assigned government-owned facilities, including exterior work on a building, its utility systems, and associated landscaping. The NPS also provides routine utility services at each assigned facility including water, electricity, heat, and air conditioning as required for operation of the building for government purposes. The cost of utility services beyond what is needed for government purposes should be borne by the Association. Other services, such as telephone and computers, may be provided to the Association on a reimbursable basis. See *DO-35B* and *DO-44* for more information.

### **Inspection**

Associations should keep the facilities designated for their use safe, clean, and presentable at all times. Associations should exercise reasonable care to prevent damage to government property they use and should, insofar as possible, protect all such property. The NPS must have emergency access to all facilities provided for Association use and may inspect those facilities at any time.

### **Storage**

It is in the interest of both partners to protect Association inventory by storing materials in a cool, dry, locked, fire- and water-resistant area. Access to the storage area should be limited to essential designated staff. Warehouse stock should be stored on pallets or shelving, not directly on the floor.

Park staff should work jointly with Association staff to identify suitable storage facilities in a park area. Factors to be considered when identifying space for Association storage include: convenience for transporting stock to various locations in a park, proximity of storage to a loading dock or other service entrance to the building(s), ability to restrict storage to a limited number of locations, and secured access.

If storage is not available within a park area, the Association should consult with the NPS regarding alternatives. The Association may rent or purchase storage facilities outside a park area, or possibly construct or expand storage facilities within the park. Any construction in a park, whether temporary or permanent, must be approved by the park Superintendent and/or Regional Director and must undergo all appropriate reviews.

### **Redesigning/Remodeling of In-Park Facilities**

An Association may redesign or renovate existing facilities for use in sales, storage, or administrative functions provided that the Association and the park agree to the proposal and the park approves all plans in advance. Appropriate environmental and historic compliance must be completed.

The park Superintendent must authorize minor alterations. These include: building changes to correct safety/design/accessibility problems, improve visitor flow in and out of the area, or replace fixtures, including display structures, furnishings, signage, and lighting. Minor alterations are defined as work that does not change overall design, introduce elements incompatible with the interior and exterior design of a building, or significantly change the scale of the sales area.

Design plans for minor alterations may be done in-house, by NPS and/or Association personnel, or by outside contract. Plans and construction drawings for proposed renovations must be submitted to the park Superintendent.

### **Major Remodeling or New Construction**

When an Association determines the need for major remodeling or the construction of new facilities to better accommodate its visitor service functions within the park, it should consult at an early stage with the park. Major NPS or Association construction projects must comply with NPS facility construction guidelines and approvals. If the park has a construction project, refer to *DO-21*, section 9. Major remodeling of an existing structure or the construction of new structures or facilities (for sales or Association administration) must be accomplished in accord with normal design and construction procedures employed by the NPS. The location, size, and design of new structures are subject to review, modification, and final approval by the park. The same applies to the design, location, and nature of

landscaping improvements associated with the proposed remodeling or construction. All of the above applies to Association-constructed housing located on government-owned lands.

The Regional Director, who must also approve preliminary and final design plans, must approve a task directive that spells out the requirements for the new or remodeled facility. Some projects must be approved by the Development Advisory Board (DAB) and the Director of the NPS. Depending on the complexity of the total project, review at various interim stages may be necessary. Construction must not begin without the final written approval of the Regional Director.

The architectural design may be done in-house or by outside contract. Review and approval of the design must occur at a stage or stages that delineate(s) sufficient detail so that size, shape, appearance, traffic flow, and operation can be determined from the drawings and accompanying design narrative.

When an Association undertakes construction of a new building on NPS property, the structure becomes the property of the NPS. Provisions for the use of the building, utility services, on-going maintenance, and other conditions of occupancy or management of the structure should be negotiated and included in an Exhibit A.

### **Association Involvement in Planning and Design**

Because of the role an Association has in a park's interpretive program and the impact facilities have on an Association's operations, the Association must be included in the planning and design of park facilities that will house Association activities. The Association should be consulted in the early stages of planning and invited to participate in planning discussions. The Association should provide information about operations, visitor use, short- and long-term needs, and other relevant data to the planners. The Association will have the opportunity to review and comment on preliminary and final design plans as well as at appropriate interim design stages. It is in the interest of both partners to cooperate fully in the design of facilities that involve Association activities. See Section 5 for more guidance regarding planning.

### **Association Use of Government Vehicles**

A government-owned or leased vehicle may not be permanently assigned to an Association. However, the vehicle may be used for official purposes if all of the following provisions are met:

- The Superintendent must grant prior approval.
- Driver must have a current state driver's license.
- The Association must have adequate insurance to protect and indemnify the federal government in the event of an accident.

- The government is reimbursed for the use of the vehicle.

*DO-44* Personal Property Management (specifically Section 3.14 Official Use of Government Owned or Leased Motor Vehicles) provides additional guidance.

**Postage**

Association mailings may not use government letterhead or government postage or in any way be construed as official federal government correspondence.

## **SECTION 10: ADMINISTRATIVE REQUIREMENTS**

### **DIRECTOR'S ORDER #32 EXCERPT: COOPERATING ASSOCIATIONS**

**10.1. Tax Exempt Status.** Associations must obtain and maintain recognition by the Internal Revenue Service of tax exemption under Section 501 of the Internal Revenue Code to operate in areas of the National Park System. The NPS may require an Association to obtain an IRS Determination Letter as evidence of compliance with this requirement.

**10.2. Park-Level Reporting of key Financial Data.** All Associations will make available key financial data semi-annually for each park in which they operate upon the request of the Superintendent. Park-level reporting demonstrates transparency and accountability, allowing park managers to make better decisions with respect to the Association relationship. Financial and other reporting provisions are included in Standard Agreements.

In addition to park-level reporting, multi-park Associations with central and support offices must report central office cost center expenses related to NPS operations and must have a transparent and consistent system to account for non-park specific expenses and revenues. Financial and other reporting provisions are included in Standard Agreements.

**10.3. Annual Audit.** A financial statement audit is required for Associations with annual net revenue of \$1,000,000 or more; a financial statement review is required for Associations with net revenue of \$250,000 up to \$1,000,000; a financial statement compilation is required for Associations with net revenue of less than \$250,000.

**10.4. Annual Report.** Each Association must submit an annual financial report consisting of the NPS Form 10-40, appropriate IRS Form 990 (or 990EZ and 990T, if appropriate), a copy of the year's audited or reviewed, or compiled financial statement, and a brief narrative of the year's activities and accomplishments. For additional information on submission of these required reports refer to RM-32.

**10.5. Insurance.** Each Association must procure, at a minimum, general liability insurance consistent with the requirements of the Cooperating Association Agreement. The policies must name the United States as an additional insured, and insurers may have no right of subrogation against the United States. Insurance requirements will vary depending on the nature of the activity the Association undertakes. The NPS is not responsible for any inadequacies in insurance coverage. Standard Agreements contain specific insurance requirements.

**10.6. Asset Management Procedures.** Associations are responsible for managing and securing their assets, including cash. The Association will maintain adequate internal controls and cash management procedures to protect and account for assets. Associations may not commingle federal funds with nonfederal funds.

**10.7. Lobbying Prohibition.** Both the NPS and Cooperating Associations are subject to the statutory requirement of 18 U.S.C. 1913, which limits lobbying using government funds and certain government resources. This legal requirement is a required provision in the Standard Agreement. Additionally, where a Cooperating Association has committed to financially support an NPS project or program, the Association must agree that it cannot seek funds from Congress to meet this commitment. A separate provision of the Standard Agreement addresses this limitation on lobbying. The parties should carefully review these Standard Agreement requirements for a full understanding of the type of lobbying that is allowed and prohibited.

#### REFERENCE MANUAL #32: ADMINISTRATIVE REQUIREMENTS

Associations must comply with local, state, and federal laws and generally accepted accounting procedures for nonprofit organizations. In addition, Associations have a responsibility to ensure appropriate internal controls are in place to properly safeguard Association assets. The Association Board of Directors and Association ED or CEO are responsible for ensuring compliance with all appropriate laws, NPS reporting and policy requirements, and establishing and maintaining adequate internal controls. The NPS may periodically review Association records and administrative practices to verify appropriate business practices.

Associations are formed under state law, which governs the organization's structure and basic documents as well as issues such as personal liability for board members and officers, tax exemption (e.g., income, sales, and property taxes), fundraising, and other regulations. State law also governs employment taxes covering workers compensation insurance, unemployment insurance, and disability insurance.

### **Required Documentation**

An Association's basic documents, including the annual tax information return and IRS determination of tax-exempt status, must be available for public inspection. As of June 8, 1999, IRS requires that copies of an exempt organization's three most recent annual information returns and application for tax exempt status be provided within a specified response time to anyone requesting them. In addition to documents required by the IRS, each Association should have on file its charter, articles of



incorporation, bylaws, and minutes of official meetings. Adequate security for originals of these documents is essential. These documents should be available on request to Service officials.

### **Tax Exempt Status**

Association exemption from federal income tax, based on section 501(c)(3) of the Internal Revenue Code, is basic to Association operations. The IRS requires all 501(c)(3) organizations to file an annual informational tax return (Form 990 or 990 EZ or 990 N as appropriate) in order to maintain their tax exempt status and to avoid costly failure to file penalties. For more information regarding tax filings for tax-exempt organizations, go to IRS Publication 557, Section 2.

IRS Rev. Ruling 68-307 explains the rationale for providing tax-exempt status to Cooperating Associations. The Ruling identifies Associations as nonprofit organizations formed to assist the Service in education and scientific programs. The Ruling additionally notes that Associations depend on contributions and revenue from the sale of their literature to meet their operating costs and Associations assist “in furthering the educational and scientific aims of the park service.” Finally, the Ruling finds that Associations are entitled to tax-exempt status pursuant to 501(c)(3) of the Internal Revenue Code as their activities fall within the regulation’s definition of associations organized and operated exclusively for charitable or educational purposes.

An Association must submit an Exemption Application to establish exemption within the IRS district in which its principal place of business or administrative office is located. It should keep a record of its IRS Determination Letter on file and available for review at any time. For instance, an Association may be required to show proof of its IRS status when applying for grants, nonprofit mail permits, state tax exemption, or at the time of an audit.

Associations must maintain their tax-exempt status under Section 501(c)(3) to continue to operate as a Cooperating Association. Therefore, Associations should be aware of and comply with IRS regulations.

## **Key Financial Data**

### **Accounting System**

There is no prescribed accounting system for Association operations. Each Association should consult with its own accountant to determine the accounting system that is simplest and most effective for its day-to-day business but that provides the required information for the IRS and Service reporting.

## **Budget**

An Association's Board of Directors has the ultimate responsibility for the fiscal welfare of the Association and is responsible for approving the Association's budget. Service Cooperating Association Coordinators and park managers should participate in the budget process by identifying long- and short-term goals appropriate for Association funding.

Because indirect and direct aid to the NPS generally represents a significant portion of an Association's budget, timely submission of aid requests to the Association greatly facilitates preparation of an Association's annual budget. Park staff should be mindful of the business cycle requirements of Associations. For example, plans and orders should align with product development requirements, seasonal requirements, and cash flow/inventory cycles. The park should foster ongoing communication with its Association to understand these circumstances as they might change over time.

## **Financial Reports**

To be meaningful, financial statements should be easily comprehensible, concise, and all-inclusive, containing a record of cash receipts and disbursements, assets, and liabilities. They should provide a basis for comparison (e.g., with a budget or with the previous year's report) and should be prepared in a timely manner. The Association treasurer should review the Association's financial reports with the Association executive director on a regular basis; the full board should review financial reports at least twice per year. A budget report should be part of every board meeting.

There are many organizations that provide information and in-depth learning opportunities on best practices for nonprofit governance and management, including La Salle's Nonprofit Center, <http://www.lasallenonprofitcenter.org/>; Public Lands Alliance, <http://publiclandsalliance.org/>; and the Center for Nonprofit Excellence, <https://www.thecne.org/>. Following is a general overview of Cooperating Association management and function.

## **Records**

The Association should have a records retention policy. Some records, such as corporate documents, correspondence on legal subjects, deeds, and mortgages, minutes of board meetings, canceled checks for significant property purchases, general ledgers, and tax returns should be retained indefinitely. Other records including accounts payable and receivable ledgers, canceled checks, invoices, payroll records, and sales records should be retained for seven years. Employment applications and expired insurance policies should be retained for three years. The Association's accountant and/or attorney can assist in determining that records are being appropriately saved or disposed of. Permanent and essential records of the Association should be kept in a safety deposit box or fireproof safe.

When using computerized systems to generate, maintain, and store records, Associations should establish and carry out procedures to ensure that backup copies of computerized records are periodically produced and safely stored, preferably both on- and off-premises. The backup procedures should be determined by the nature and extent of the organization's computerized files and what would be required to retrieve the information from non-computerized sources should the computerized data be destroyed, damaged, or lost.

### **Board Meetings**

A record of all Board of Directors' meetings must be made and retained as part of the Association's permanent files. Minutes of board meetings represent the official record of board decisions and may be required by the Association's auditor or the IRS. It is the duty of the board secretary and the Association's executive director to make certain that minutes are complete and up-to-date and have been signed by the board secretary as having been formally approved by the board. Minutes should include, as a minimum, the following:

- Date, time, place, and roster of directors present at the meeting.
- Financial summary of operations since the last board meeting.
- Summary of the discussion with regard to expected changes in operations of the Association between the current meeting and the next scheduled board meeting.
- Review of any claims or lawsuits pending against the company (The Association's attorney should review the wording of this section prior to distribution.).
- Appointments of officers and directors.
- Approval of employee personnel policies and fringe benefits, such as medical reimbursement plans, pension plans, paid life insurance, and use of vehicles.
- Support to open or close bank accounts.
- Authorization to borrow or lend money, including terms of the agreement.
- Approval of significant purchase or funding commitments.
- Authorization for the sale of property and equipment.

### **Annual Audit**

There are three common levels of financial statement services that accountants may provide for Associations:

The first level of service is called a "compilation." In a compilation engagement, if an Association provides an accountant with a draft of its financial statements, the accountant determines the mathematical accuracy of the financial statements and ensures that proper disclosure has been made of important information about the activities of the Association. If statements are not provided, the accountant will create them using the Association's raw financial data. The accountant's report on a

compilation states that the accountant has assembled the financial statements from the information provided by the Association; however, the accountant gives no opinion or assurance on them.

The next level of service is called a “review.” A review engagement has all the characteristics of a compilation. However, the accountant goes somewhat further by making inquiries of management and reviewing financial data, including trends and interrelationships between key financial data. If the accountant has no reservations about the financial statements, the report states that based upon the above procedures, nothing came to the accountant’s attention that indicates the financial statements would mislead the reader.

The highest level of service is an “audit.” In addition to the procedures undertaken during a compilation and review, the auditor obtains evidential matter through inspection, observation, or confirmation with third parties such as vendors or customers; studies and evaluates internal accounting controls; tests accounting records; and performs other procedures considered necessary. The accountant’s audit report states whether the financial statements “present fairly” the financial position, results of operations, and cash flows of the Association.

The NPS requires a financial statement audit for Associations with total gross revenue of \$1 million or more in a year. The NPS requires a financial statement review of Associations with total revenue of \$250,000 to \$1 million. The NPS requires a financial statement compilation with total revenue under \$250,000. However, in the interest of internal controls, all Associations should obtain periodic evaluation of financial records by an independent accounting firm. Although a full audit by a CPA may not be required, an audit is the most effective evaluation of record-keeping and internal controls.

## **Annual Report**

A copy of the audited or reviewed financial statement (if applicable), plus appropriate IRS tax reports, the annual NPS reporting form (located in the Appendix), and a narrative report of Association activities are included in the financial report required by the NPS each year. This material should be provided to the Servicewide Cooperating Association Program Manager, and is due annually. Copies of all components of the required annual financial report should also be provided to the park Superintendent(s) and Regional Cooperating Association Coordinator(s) as well.

The Servicewide Cooperating Association Program Manager compiles information from Association annual reports into a consolidated report that represents Association contributions Servicewide. The consolidated report is available to all NPS regions and parks and to Associations. It can be used to

provide members of Congress, federal, state, and local agencies, and the general public with statistical data about Associations.

## **Indemnification and Insurance**

Each Association must carry adequate liability insurance and name the United States of America as an additional insured on its policies. The Standard Cooperating Association Agreement requires that the Association indemnify, save and hold harmless, and defend the United States against all fines, claims, damages, losses, judgments, and expenses arising out of or from any omission or activity of the Association in connection with activities under the Agreement.

The Association must obtain liability insurance with a minimum limitation as specified in the Standard Cooperating Association Agreement for any number of claims from any one incident, with respect to the activities of the Association and its employees. The Service may require higher limits than the Standard Agreement, or an Association may determine that its risk requires more than the specified liability limit.

Associations should consult with an insurance professional to determine additional coverage necessary for any special circumstances of their operation. At a minimum, each Association should obtain general liability insurance and coverage to protect loss of inventory and other property in case of fire and theft. Other types of insurance that may be desirable include loss of business income; security bonding of staff and board members; insurance that covers actions taken by board members, officers, and staff (such as coverage for employment-related claims not generally covered by liability insurance, including wrongful termination, and sexual harassment); coverage of non-owned vehicles; event insurance; and coverage for natural disasters, such as flood or earthquake.

## **Asset Management**

### **Internal Controls**

Internal controls are policies and procedures that provide assurance that the goals and objectives of the Association are met. The Association's Board of Directors is ultimately responsible for protecting Association assets from loss, theft, or misappropriation. Effective internal control systems are typically designed to meet the following needs:

- Provide accurate and timely data.
- Safeguard the organization's assets and accounting records.
- Enhance operational efficiency.

Developing and maintaining an effective internal control system is often a challenge for Associations, as they may not have the number of employees needed for an adequate separation of duties. Associations should discuss their system of internal controls with their accountant or auditor to determine appropriate internal controls for the organization's circumstances.

The following are some of the procedures that Associations should follow for internal controls and that should be documented in approved bylaws and/or an operations manual or other formal document:

- Fiscal policy specifying authorization for expenditures and check-signing including, but not limited to:

Involvement of two persons in receipts and disbursements whenever possible; the person actually making deposits and signing checks should be separate from the person recording the transactions.

Requirement for two signatures on checks exceeding a predetermined amount.

Requirement for supporting documentation for all disbursements.

Review of supporting documentation by the check signer prior to signing checks.

Deposit of all cash receipts on a daily basis.

Timely preparation and review of monthly bank reconciliations by someone other than the person recording the transactions, together with a review of the validated deposit slips, canceled checks, and insufficient funds notices received from the bank.

- Maintenance of excess cash in separate bank or investment accounts requiring two signatures for withdrawal.
- Timely review of financial statements at least once a quarter, including a comparison of actual figures to budgeted figures and to actual figures for the same period of the previous year, with explanation of significant differences.
- Periodic inventory of Association assets, including sales inventory as well as property and equipment.
- Limited access to software containing accounting and management data by using password protection.
- Established backup and data recovery procedures for computer systems.
- Maintenance of an office and accounting procedures manual.

## **Inventory**

Each Association, with the advice of its accountant, determines the frequency and method of counting inventory. However, inventory should be taken at least annually, or more often depending on the individual Association's needs.

## **Cash Reserves**

Associations should maintain an adequate operating reserve. The accumulation of a reserve fund can affect the amount of aid donated to the NPS, because the Association may need to limit donations and curtail activities while building up a cash reserve. However, failure to accumulate adequate cash reserves could result in an Association's inability to continue to operate in the event of an economic downturn or natural disaster such as a fire or flood. The Association should consult its accountant to determine a reasonable operating reserve appropriate for its circumstances. Reasonable operating reserves are good business practice and should be the concern of an Association's Board of Directors and understood by its Service partner.

## **Operational Reviews**

The Service has the right to monitor Association operations. For instance, the NPS may inspect assigned facilities and audit interpretive and other activities authorized through the Standard Cooperating Association Agreement. The Agreement also allows the Director or his/her designee to review Association financial records.

Regular, detailed evaluations of Association programs should be performed periodically to provide opportunities for discussing potential problems or opportunities affecting the partnership. This may be accomplished on a park-by-park basis, or for an entire Association that serves multiple parks. Operations reviews may be conducted by Park, Regional, and/or Servicewide Cooperating Association Coordinators. A list of possible topics for an evaluation is included in the Appendix.

Any evaluation should be approached as a tool for communication, identifying both successes and potential problem areas, and as a step toward ensuring the continuing success of the Association-Service partnership.

## **Lobbying**

The Standard Cooperating Association Agreement contains a lobbying prohibition (Article III, D), and, as private nonprofit tax-exempt corporations, Associations are subject to state and federal rules and regulations that govern lobbying activities. Lobbying can jeopardize a nonprofit's tax-exempt status. The IRS guidance states:

*“In general, no organization may qualify for section 501(c)(3) status if a substantial part of its activities is attempting to influence legislation (commonly known as **lobbying**). A 501(c)(3) organization may engage in some lobbying, but too much lobbying activity risks loss of tax-exempt status.*

*An organization will be regarded as attempting to influence legislation if it contacts, or urges the public to contact, members or employees of a legislative body for the purpose of proposing, supporting, or opposing legislation, or if the organization advocates the adoption or rejection of legislation.*

*Organizations may, however, involve themselves in issues of public policy without the activity being considered as lobbying. For example, organizations may conduct educational meetings...without jeopardizing their tax-exempt status.”*

The relationship between the Service and Associations is one of support and cooperation. Often, much of the information about individual park units and the National Park System made available to the public is produced through and by the Associations. Additionally, Associations often share office space with NPS staff, have regular access to park managers and the two parties rely on each other for financial and programmatic support. For these reasons, the NPS discourages Associations from publicly advocating positions on issues related to parks and to NPS except in limited circumstances and in close collaboration with the NPS. Otherwise such activities can create an adversarial climate between an Association and the NPS that could undermine the Association's ability to carry out its primary mission.

Because Associations receive logistical support from the NPS and enjoy the privileged status of operating within units of the National Park System, it is important that they focus on their mission of supporting the educational, research, and interpretive activities of the NPS. This does not prevent Associations from commenting on NPS plans or policies through the public involvement process, particularly in matters that may directly affect Association employees. Nor does it prevent individual Association members, employees, or directors from expressing opinions regarding management actions, programs, or policies of the NPS. However, they should do so as concerned private citizens, not through the Association.



## **SECTION 11: FUNDRAISING AND DONATION ACCEPTANCE BY COOPERATING ASSOCIATIONS AND AID TO THE NPS**

### **DIRECTOR'S ORDER #32 EXCERPT: COOPERATING ASSOCIATIONS**

The primary purpose of a Cooperating Association Agreement is to support interpretation and education through the sale of educational materials. However, the NPS may authorize an Association to fundraise. Fundraising activities must comply with DO-21.

**11.1. Authorized Fundraising.** Fundraising includes the solicitation of donations of money and/or in-kind goods or services for the benefit of the NPS, a park, or an NPS resource. If the park Superintendent and an Association mutually agree that it is in the park's best interest for the Association to fundraise for the benefit of the NPS, DO-21 applies. Fundraising activities that require a separate agreement are defined in DO-21.

**11.2. Acceptance of Unsolicited Donation.** Unsolicited donations accepted by an Association for the benefit of the NPS are also governed by DO-21. As with donations solicited by Associations or other park partners, Associations must work with the NPS to ensure that no conflicts of interest exist which may prohibit the NPS from accepting a donation passed through an Association to the NPS.

**11.3. Corporate Campaigns.** DO-21 applies to relationships between an Association and another entity, such as a corporation, where the entity provides a gift benefiting the NPS in order to build goodwill with its customers, shareholders, or the public. This is generally referred to as cause-related marketing. A separate Corporate Campaign Agreement between the Association, the NPS, and the corporation is generally used to authorize cause-related marketing.

**11.4. Aid to the NPS.** Aid to the NPS from activities authorized under the Agreement will be used to support the interpretive, educational, scientific, and historical projects and programs that the NPS determines are needed and are consistent with its mission.

**11.4.1. Level of Aid.** The level of cash and/or in-kind aid to the NPS must be determined by the Association in consultation with the NPS.

**11.4.2. Receiving and Approving Aid.** The process for the NPS to request aid from Associations will be in writing, timely, prioritized by the NPS, and appropriate to the Cooperating Association mission. The Association has the right to decline requests not appropriate to its mission.

**11.4.3. Recognition by NPS of Aid.** The NPS will recognize Cooperating Associations whenever possible for programs, projects, and publications funded by the Association. Guidance for donor recognition is provided in DO-21 and its accompanying reference manual.

**11.4.4. Aid for Salaries and Benefits.** NPS managers will not accept donations from Associations to fund any government personnel salaries or benefits of permanent employees, with the exception of reimbursement of the salaries and benefits of employees of Harpers Ferry Center, Denver Service Center, and other project-funded employees working directly on media projects or plans donated to the NPS by an Association. See Reference Manual 32 for additional information.

**11.5. Accountability.** When the NPS accepts funds from an Association, it will use reasonable efforts to provide timely completion of the funded project and will account for funds expended. Where Association policy allows unused funds to be carried into a new fiscal year and the NPS chooses to carry these funds into a new fiscal year, the NPS must notify the Association in a timely manner of its intent to use those funds in the following fiscal year.

REFERENCE MANUAL #32: FUNDRAISING AND DONATION ACCEPTANCE BY COOPERATING ASSOCIATIONS AND AID TO THE NPS

## **Fundraising by Cooperating Associations**

In some instances, Associations, in collaboration with their partner park, may decide to expand their assistance to the Service by engaging in fundraising that supports interpretation, education, and/or research. *DO 21*, first released in 1998, contains mandatory requirements regarding donations and fundraising on behalf of the NPS. Any Association undertaking such activities must abide by NPS policies. Associations, in consultation with park coordinators and the NPS Office of Partnership and Philanthropic Stewardship, should consider several questions before committing to a fundraising role:

- Is this new role one that the NPS has requested and/or concurs with?
- Do the existing Association Board of Directors and staff have the expertise to carry out this new role?
- How will this new role affect other park partners?
- Does the Association have the administrative/budgeting capacity to account for the differentiation of two (or more) streams of income?

If the answer to any of the questions above is “no,” then the Association should take the steps necessary to ensure that the answer is “yes” before proceeding any further with plans for expanding its activities in this area. Continuous collaboration between the Association and the NPS on these matters can help ensure a successful and effective partnership. The differentiation and division of the streams of revenue

is an important requirement for any organization taking on a fundraising function in addition to the role of Cooperating Association.

Fundraising efforts by Associations (under the Standard Cooperating Association Agreement) must be directed toward\ interpretive, educational, and/or research programs and activities in keeping with the purposes for which Associations are established. They must be approved by the Service and must comply with *DO-21, Philanthropic Partnerships* issued through the NPS Office of Partnership and Philanthropic Stewardship in Washington, D.C. For more details about fundraising, see Section 12.

## **Donations to Associations**

The NPS is authorized to accept direct donations of “lands, buildings, or other property within the various national parks and national monuments, and moneys which may be donated for the purposes of the national park and monument system.” However, sometimes a donation is better made to an Association. For example, some potential donors are not willing to contribute funds directly to the federal government. Under these circumstances, it may be appropriate for the donation to be made to an Association. Donations to an Association must be in alignment with the Association’s chartered purposes, and must adhere to the requirements of *DO 21*.

As a general rule, a letter of tender (see *DO 21*) should accompany donations that contain information about how the donation is to be used.

When NPS personnel have responsibility for completion of projects funded through donations to Associations, the Association and NPS must coordinate carefully to ensure timely project completion and funding accountability.

## **Financial Donations from Associations (Aid to NPS)**

Associations are nonprofit organizations established for the purpose of supporting and assisting educational, interpretive, and research activities of the NPS. Although direct financial aid to the NPS is not the primary purpose of the partnership, it is an important contribution to Interpretation and Education programs in parks throughout the National Park System. An Association makes donations to the NPS according to its stated purpose and in conformance with NPS policy. The level of Association aid is determined by the Association in consultation with the NPS.

The NPS must request aid from Cooperating Associations in writing. These requests must be timely, prioritized, and consistent with the Association's mission. The Association has the right to decline any requests that are not appropriate to its mission. Cooperating Associations should be recognized for the funding they provide, in accord with *DO 21* and P.L. 113-291, Section 3054. In requesting aid, the park partner should take into consideration the business cycle of the Cooperating Association, as well as other extenuating circumstances that may affect the level of sales (e.g. a natural disaster or a government shutdown.)

The acceptance of donations by the NPS is authorized by the Act of June 5, 1920 (41 Stat. 917; 54 USC 101101). Funds donated by an Association to the NPS are handled in the same manner as any other private donor, including providing acknowledgement and recognition of the donated funds in accordance with *DO 21*.

See the Appendix for examples of NPS activities that are typically supported by financial donations from Associations.

In addition to financial aid, the Association may make in-kind donations that support the interpretation, education, and research activities of the Service. Informational services provided by Association staff make up most of these in-kind donations.

Donations from Cooperating Associations will not be used for permanent federal salaries and benefits, with the exception of reimbursement of the salaries and benefits of the employees working directly on media projects or plans donated to the NPS by an Association. Parks may accept aid to cover the salaries of temporary employees, such as seasonal employees, because it provides the flexibility to accomplish work that could not otherwise be done. However, park managers should carefully consider all ramifications before approving this use because there will be no guarantee of a similar level of aid in future years.

Funds donated from an organization in which a NPS employee is an officer on the Board of Directors or engaged in another leadership role must not be accepted by the NPS unless prior approval has been given by the Department of the Interior solicitor and the NPS ethics officer.

Under certain circumstances, NPS employees may accept donations of travel expenses pursuant to 31 U.S.C. § 1353. In addition to an approved travel authorization, the employee must have an approved ethics form DI-2000 prior to travel. Additional information is available in the Ethics Guide for Department of Interior Employees.

The Association can provide equipment for use in interpretive-related activities and programs in the following ways:

- Purchase directly from any supplier and donate to the NPS.
- Purchase from an approved source with a government purchase order, using donated funds for that specific purpose.

All donations of accountable property must be documented for audit purposes by the park staff. Equipment such as computers, software, cameras, library and curatorial storage cabinets, and museum objects must be included on NPS property inventories. It is the responsibility of NPS staff to take the steps necessary to enter donated equipment on NPS property inventories.

### **Level of Aid**

A frequently asked question is: “What percentage of an Association’s revenue from sales and other income represents a reasonable donation to the Service?” There is no definitive answer to this question. Because aid can be provided in many forms beyond direct funding, various factors will affect an Association’s donations to the NPS, such as:

- The level of Association staffing provided to operate sales areas, interpretive programs, publication programs, and other Association activities.
- Association costs for office and warehouse space.
- Location of an Association’s operation, which may require construction of employee housing in remote areas, and high wages in high cost of living or urban areas.
- Ability of an Association to generate contributions through donations and sources other than sales outlets, seminar programs, or more traditional Association activities.
- Nature of the Association’s operations, such as whether the Association is operating low-volume, high-cost outlets at the request of the Service, or is operating only in more profitable areas.
- Short-term interruption of normal sales activities, such as natural disasters that affect access to the park, or other emergency situations.

Because of such variations, the Service does not require a set level of donations on revenues earned by Associations. However, historically, Service reports on aid provide some guidance. In the operation of Associations, the cost of goods sold is usually 50-60% of Association gross revenues generated through sale of interpretive materials. Larger Associations are generally able to take advantage of volume discounts which may or may not be available to smaller Associations. Operating expenses or overhead may consume an additional 20-30% of the gross sales revenues. Associations asked to provide sales

outlets at low-volume locations will incur additional administrative costs which would result in significantly higher overhead levels.

The portion of the remainder in net revenue that is available for aid varies from Association to Association and year to year. For instance, a portion of the remainder may be needed to expand or replace equipment or sales fixtures, to recover from damage or loss, or to build necessary cash reserves.

In addition to funds generated through sales of interpretive materials, some Associations have active fundraising, membership, or other programs that increase the amounts available for aid.

The Servicewide Coordinator prepares an annual report of aid to the NPS from Associations. A detailed explanation of "Aid to the NPS" is provided in the instructions to NPS Form 10-40, "Cooperating Association Annual Report of Aid and Revenue" (see Appendix), which includes certain "in kind" costs and services as well as direct donations as aid. (This form and the instructions may be converted to an online platform). The instructions describe how to calculate the statement of aid for allowable portions of general interpretation, research, free publications, structures/facilities, sales area construction and design, information assistance, interpretive programs, pre-publication expenses, and other items.

The NPS should recognize that the annual percentage of aid will fluctuate and must be budgeted based on consultations with the Association's leadership and on the Association's previous year's income (i.e., budget aid on already earned, not anticipated, income). The NPS should also recognize that unique circumstances, such as start-up years of an Association, construction of needed facilities, saving for large capital projects, completion of a major aid project, natural disasters, or business emergencies such as pending lawsuits, may affect this percentage in a positive or a negative way and result in increased or decreased support.

*DO-21* specifies that the NPS has a responsibility to treat funds donated by Associations as they do donations from other private donors. Funds donated by Associations should also be recognized by parks in the same manner as donations from other as private donors. NPS staff should request funds from Associations in an organized and prudent manner. They should also ensure that donated funds are being spent toward achieving clearly defined park goals and for the purpose requested, and not expended simply because they are available. Finally, supporting documentation such as travel vouchers, purchase orders, and receipts must be maintained for expenditures of donated funds. When requested, copies of such documentation should be provided to Associations for purposes of audits and accountability.

Donations can be accepted by the NPS Director or his/her designee; Regional Directors; Manager, Harpers Ferry Center; Manager, Denver Service Center; and park Superintendents. Regional Directors

have approval authority for certain categories of donations including major research projects, land acquisitions, interpretive/educational facilities, and historic preservation projects.

In accordance with *DO-21*, cash donations from Associations to the park should be acknowledged with a letter of acceptance. This letter should include a general description of what will be done with the funds and a statement to advise that the donation is gratefully received and will be conscientiously administered. The park should provide the Association with an update on the use of the funds and the impact of the Association's donation.

### **Association Membership Programs**

Associations should have clear goals when instituting membership programs. Such goals should be evaluated in light of the benefits (e.g. generating additional funds; providing pre-visit and post-visit interpretive materials to the public; encouraging the purchase of interpretive materials by offering member discounts, cultivating ongoing relationships, encouraging stewardship) and disadvantages (e.g., cost of staff support and marketing) of membership programs. For reasons of administrative efficiency, it is strongly recommended that members not be given voting privileges in the Association.

## **SECTION 12: OTHER NONPROFIT ACTIVITIES**

### **DIRECTOR'S ORDER #32 EXCERPT: COOPERATING ASSOCIATIONS**

**There are a variety of other nonprofit activities that an Association might consider that fall outside of the authority of the Standard Agreement. If the NPS and the Association mutually agree that the Association should undertake these activities, the activity must be authorized under a separate and appropriate legal instrument and will be subject to applicable NPS policies.**

REFERENCE MANUAL #32: OTHER NONPROFIT ACTIVITIES

### **Cooperating Association Functions that are Inherent to Nonprofit Organizations**

Cooperating Associations engage in many activities that are outside the purview of National Park Service policy. They are a 501(c)(3) private nonprofit organization, different from a government agency, with a Board of Directors providing governance and oversight. They are also businesses with fiduciary duties and IRS financial reporting requirements. Though NPS has an interest in the health and stability of the organizations, these functions are separate from the scope of this reference manual and are not subject to NPS oversight and guidance.

Some Association activities are focused on the financial health and mission of their own organization. For example, the Association may engage in a membership drive and fundraise for overhead or initiatives not related to the NPS. The Association should make it clear to the public that funds raised are not directly supporting NPS activities and campaign materials should not imply that funds raised go to the NPS or the park. If considering an activity that relies on public outreach and support, potential impacts to other local park partners should be addressed before taking action and in the spirit of cooperation.

### **Functions that Cooperating Associations May Engage in which Are not Authorized by the Standard Cooperating Association Agreement**

Only certain functions are authorized by the Standard Cooperating Association Agreement (see Section 3). Nonprofit organizations that partner with the NPS, including Cooperating Associations, may decide that it is in their best interest to pursue additional roles and functions. A nonprofit organization may



perform other functions to support the NPS, such as fundraising or operating an environmental education center, when authorized by a separate appropriate legal instrument.

The following functions are not authorized by the Standard Cooperating Association Agreement and require a different type of written authorization.

### **Functions That Require a Separate Agreement**

Any park nonprofit partner, including a Cooperating Association, which wishes to pursue the following functions on behalf of the NPS must work with a park to establish an agreement that specifically authorizes the functions. For additional details, see current NPS guidance in *Director's Order 6, 20, 21, and 48*. The policy guidance for these functions is likely to evolve over time, so it is important to check on the most recent guidance on [inside.nps.gov/policy](https://www.nps.gov/policy), and other sources, for up-to-date information.

### Partners Providing Interpretation and Education Services

The Standard Cooperating Association Agreement does not authorize Cooperating Associations to provide formal interpretation and education services to the public. *DO-32* calls for the NPS and Associations to prepare a “legal instrument” that conforms to *DO-6*, separate from the Standard Cooperating Association Agreement, to authorize an Association to provide formal interpretation and education services to the public on behalf of the NPS. This includes conducted activities, talks, campfire programs, lectures, guided tours, seminars, performing arts, Junior Ranger programs, curriculum-based education programs, and institutes.

A General Agreement for Interpretation and Education Services template is available for use as guidance (see Appendix). It is designed to meet the *DO-32* requirements for a “legal instrument” to authorize an Association to provide interpretation and education services to the public.

Any Association providing interpretation and education (I&E) services without a separate legal instrument is currently out of compliance with NPS policy. This includes any Association that, under a former version of *DO-32*, was authorized to provide Interpretation and Education services under a Supplemental Agreement to the Standard Cooperating Association Agreement. In these cases, the park should work with the partner to put a General Agreement for Interpretation and Education Services in place as soon as possible.

Use of the General Agreement for I&E Services template will be required to formalize any nonprofit partner providing interpretation and education services on behalf of the NPS. For partners currently providing Interpretation and Education services under a different type of agreement (e.g. a Friends Group Agreement), the park should consider switching to a General Agreement for Interpretation and

Education Services when the current agreement expires. If the NPS is providing funding or in-kind services to the partner, a Cooperative Agreement (*DO-20, Agreements*) may also be required.

For additional information about interpretive services as it relates to Cooperating Associations, see Section 8.

#### Partners Fundraising for the Benefit of the NPS

The Standard Cooperating Association Agreement does not authorize Associations to fundraise on behalf of NPS programs. Although the primary purpose of the Cooperating Association is the support of interpretation and education activities of the NPS through retail sales, this is not considered fundraising from the perspective of NPS policy. Rather, fundraising includes the solicitation of donations of money and/or in-kind goods or services for the benefit of the NPS, a park, or an NPS resource.

Fundraising is covered by *DO-21: Philanthropic Partnerships*. A fundraising or Friends Agreement authorizes NPS partners to fundraise on behalf of NPS projects and programs. The goal and complexity of a fundraising effort will determine how it would be authorized, from small-scale fundraising efforts and low dollar value fundraising activities to larger specific fundraising efforts and partnership construction projects. *DO-21* and *RM-21* describes fundraising policy and thresholds, and provides agreement templates.

*DO-21* also provides policy guidance for donations, donation boxes, and donor recognition, which may apply to Associations and their activities. As of the date of this Reference Manual, *DO-21* is undergoing revision. It is important to monitor policy changes by periodically reviewing documents posted on InsideNPS at: <http://www.nps.gov/applications/npspolicy/index.cfm>

It is essential that the NPS coordinate with Associations and other park partners to agree on how the fundraising roles of various park partner organizations are communicated to the public. Regardless of whether fundraising is on behalf of the nonprofit organization or NPS programs, clear messaging for donors and potential donors is important.

For additional information about fundraising as it relates to Associations, see Section 11.

#### Partners Receiving Financial Assistance from the NPS

The Standard Cooperating Association Agreement does not authorize the NPS to provide financial assistance to Associations. The transfer of money, property, services, or anything else of value from the NPS to the partner is covered by *DO-20, Agreements*, using a cooperative agreement (not to be confused with a Standard Cooperating Association Agreement).

Authorities for cooperative agreements require that the purpose of the NPS assistance is to carry out a public purpose of a NPS program where the NPS anticipates substantial involvement in the activity. Opportunities for financial assistance from the NPS are posted on Grants.gov. Generally, nonprofit organizations must compete for the award; in some cases, an agreements package includes a sole-source justification explaining why a particular organization is uniquely qualified to be awarded the project. Only contracting officers are authorized to take procurement actions or commit funds on behalf of the NPS, so the park or NPS office should first discuss the agreements package with an agreements manager or contracting officer before approaching an Association about a project supported by government funds.

For additional information about cooperative agreements, see *DO-20: Agreements*, and contact the servicing Contracting Office, Agreements Manager, or Major Acquisition Business Office (MABO).

#### Friends Group and General Agreements

Partnerships may be established through a General Agreement or a Friends Agreement. A Friends Agreement is generally used by nonprofit organizations whose main purpose is to work in partnership with the NPS to provide philanthropic support a park or group of parks. A General Agreement is used by other types of partners who work in cooperation with the NPS. Both types of agreements document a wide range of mutually agreed-to policies, procedures, objectives, understandings, and/or relationships with Federal and nonfederal entities that do not involve transfer of funds.

The Standard Cooperating Association Agreement also documents a formal relationship between the Association and the NPS. Therefore, it is unlikely that the NPS would also enter into a Friends or General Agreement with their Association unless the nature of the new relationship is significantly different than that described by the Standard Cooperating Association Agreement.

For additional information about Friends Agreements, see *DO 21*, and for additional information about General Agreements, see *DO 20, Agreements*. Also consult with your regional Partnership Coordinator.

#### **Functions that Require another Type of Authorizing Instrument (Other than an Agreement)**

Any nonprofit park partner, cooperating Association, and/or for-profit business that wishes to pursue the following functions on behalf of the NPS must work with the NPS park, and often the regional office as well, to establish documentation that specifically authorizes the functions.

#### Hosting Special Events Not Open to the Public

A special park use is an activity that takes place on park land and provides a benefit to an individual, group, or organization, rather than the public at large. It includes special events that are not initiated,

sponsored, or conducted by the NPS. A written authorization from the NPS is needed. When an Association wishes to host a special event in the park, it may apply for a Special Park Use Permit. For additional information, see Section 8.

#### Selling Food and Convenience Items within Park Boundaries

NPS Management Policies state that a Cooperating Association may sell food, merchandise (e.g. recreational equipment), and visitor convenience items when managed under a Convenience Item Contract or a Commercial Use Authorization (CUA) that does not conflict with a concession contract (see section 7.1.3). Nonprofit organizations do not normally operate under a CUA. However, an Association may take on a secondary role as a CUA service provider in order to provide a visitor service that is a commercial use (e.g. selling food or convenience items when there is no concessioner). CUAs may be issued by the NPS to a service provider in accordance with 54 USC 101925; P.L. 105-391, Section 418. The service must be appropriate, have minimal impact on the park, consistent with park purpose, and comply with all terms of the CUA. (For information about the sale of *interpretive* food items see section 7.)

Space allocated to the Association for food service must be itemized in the Exhibit A. Whether there is a concessioner operating in the park, as well as their contractual rights, must be taken into consideration. Ideally, the park partners provide integrated and complementary retail and other services, and they have defined roles that complement one another, and there is an atmosphere of healthy competition. If there are potential impacts to another association and/or concessioner, proposals for expansion of Association operations may require higher-level review (see section 2.3).

For more information, see *DO-6*, *DO-48B*, and *RM-22A*. Consult with regional Commercial Services and Contracting staff.

#### Fee Collection on Behalf of the NPS

The NPS uses various authorities to charge fees for the use of facilities, equipment, or services that provide a direct benefit to the visitor. Examples include entrance fees, expanded amenity fees, and special recreation permit fees. Associations may be called upon to collect fees on behalf of the NPS. A supplemental fee management agreement is needed. A specific cash handling and security program should be established and documented prior to implementation.

Policy related to park passes in *DO-22, Recreation Fees. Reference Manual 22A, Recreation Fee Collection* contains general information related to agreements of this type. Consult your park or regional Fee Manager or Commercial Services office. Also see *DO-6* Section 9.

### Selling Park Passes in Cooperating Association Stores

*Reference Manual 22A, Recreation Fee Collection*, has a template for third party sale of passes in the Appendix. A park can sell park passes to their Association at 80% of the face value cost, the same as the discount authorized for the America the Beautiful Annual Passes. Selling the passes at a discounted rate is optional and is a park-level decision. Consult your park Fee Collection or Business Office or the regional Fee Manager.

### Operating a Cooperating Association Sales Outlet Outside the Park

The NPS must approve in writing Association activities outside park boundaries (such as a sales outlet in the gateway community), being careful to not overextend the capacity of the organization. The Superintendent's written approval is required. See Section 7.

## **HSPD-12 and Other Policy That Applies To Cooperating Association Employees**

Background checks and personal identity verification (PIV) cards are required of nonfederal employees who have unsupervised access to federally controlled space (such as a Visitor Center co-located with NPS offices), who have access to unaccompanied minors, and/or who need access to government computers. Associations should consult with their park(s) or regional Servicing Human Resources Office (SHRO) or Workforce Management lead. Costs associated with implementing HSPD-12 for Cooperating Association employees may be paid for directly by NPS or charged to the Cooperating Association.

## **General Considerations for Blended (Hybrid) Organizations**

Some park partner organizations perform multiple functions that are each authorized through separate legal instruments. This is sometimes referred to as a "blended organization" that "wears multiple hats." For example, there are nonprofit organizations that are both an Association and a fundraising partner, as well as organizations that are both an Association and an educational institute. Some Associations serve multiple agencies.

There is a trend toward Associations wanting to take on expanded roles as a means of generating multiple revenue streams and/or to engage in a broader range of approaches to achieve a vision. The park Superintendent should be consulted in determining when it is appropriate for the Association to take on another function beyond the scope of the Association. In some cases, the park or Association may feel that a merger of two existing organizations is the best approach to meeting shared mission goals most effectively and efficiently. Negotiating mergers among existing nonprofit organizations is complex and requires careful consideration of a range of factors.

The following factors should be addressed when considering blending other functions with an Association:

- Does the blended organization better meet the strategic mission goals of the park? The goals of the park are described in the General Management Plan and Long-Range Interpretive Plan.
- What are the different policies and guidelines for each function? The complexity of operations increases dramatically as an organization takes on multiple roles.
- Is the venture supported by the findings of a feasibility study? Be careful about comparing your situation to well-known blended organizations. For example, at Golden Gate National Recreation Area, some of the unique functions of the park's primary park partner are permitted by the park's enabling legislation.
- What are the necessary business practices for a blended organization? For example, the Association must keep different source of funds (e.g. retail funds, fundraised funds, memberships) separate via an accounting "firewall." Funds from Association retail sales may only be used for the primary functions authorized by the Cooperating Association Standard Agreement (to support the interpretation, education, and research activities of the NPS) and should not be used for other functions such as the administrative costs of fundraising.
- Does the organization have the necessary skills, capacity, and scope of expertise required to effectively perform multiple functions? The Board of Directors needs a wide range of expertise and staff needs greater capacity (e.g. visitor programming, operating a retail operation, and fundraising).
- What are the potential impacts to other partners? Consider whether the function is already provided by another park partner. If a park with an existing friends group intends to permit its Association to conduct fundraising, the park must establish clear fundraising boundaries between the two parties.

## **SECTION 13: FOR FURTHER REFERENCE**

### **DIRECTOR'S ORDER #32 EXCERPT: COOPERATING ASSOCIATIONS**

Greater detail and direction on many of the topics in this DO-32 can be found in RM-32, which will be issued by the Associate Director, Partnerships and Visitor.

The following Director's Orders help provide further guidance for working with Cooperating Associations:

**Director's Order #6: Interpretation and Education**

**Director's Order #7: Volunteers in Parks**

**Director's Order #20: Agreements**

**Director's Order #21: Philanthropic Partnerships**

**Director's Order #22: Recreation Fee Program**

**Director's Order #35B: Sale of NPS Produced Utilities**

**Director's Order #42: Accessibility for Visitors with Disabilities**

**Director's Order #44: Personal Property Management**

**Director's Order #48A: Concession Management**

**Director's Order #48B: Commercial Use Authorizations**

**Director's Order #52A: Communicating the National Park Service Mission**

**Director's Order #53: Special Park Uses**

**Director's Order #70: Internet and Intranet Publishing**

**Director's Order #75A: Civic Engagement and Public Involvement**

### **REFERENCE MANUAL #32: FOR FURTHER REFERENCE**

Additional Director's Orders that guide work with Cooperating Associations include:

- Director's Order #1: National Park Service Directives System
- Director's Order #2: Park Planning
- Director's Order #21 revision: Philanthropic Partnerships