

# Statutory Partnerships Worksheet



Purpose: This worksheet helps applicants build their Statutory Partnership and define roles for the Lead Applicant and the Statutory Partner. This worksheet also helps applicants write a Partnership Agreement.

A Partnership Agreement between the Lead Applicant and Statutory Partner, Attachment B of your application, is required for each application. See the Notice of Funding Opportunity (NOFO) Section III.B and Appendix B for more details on Statutory Partnerships and Partnership Agreements.

## Visualizing a Statutory Partnership

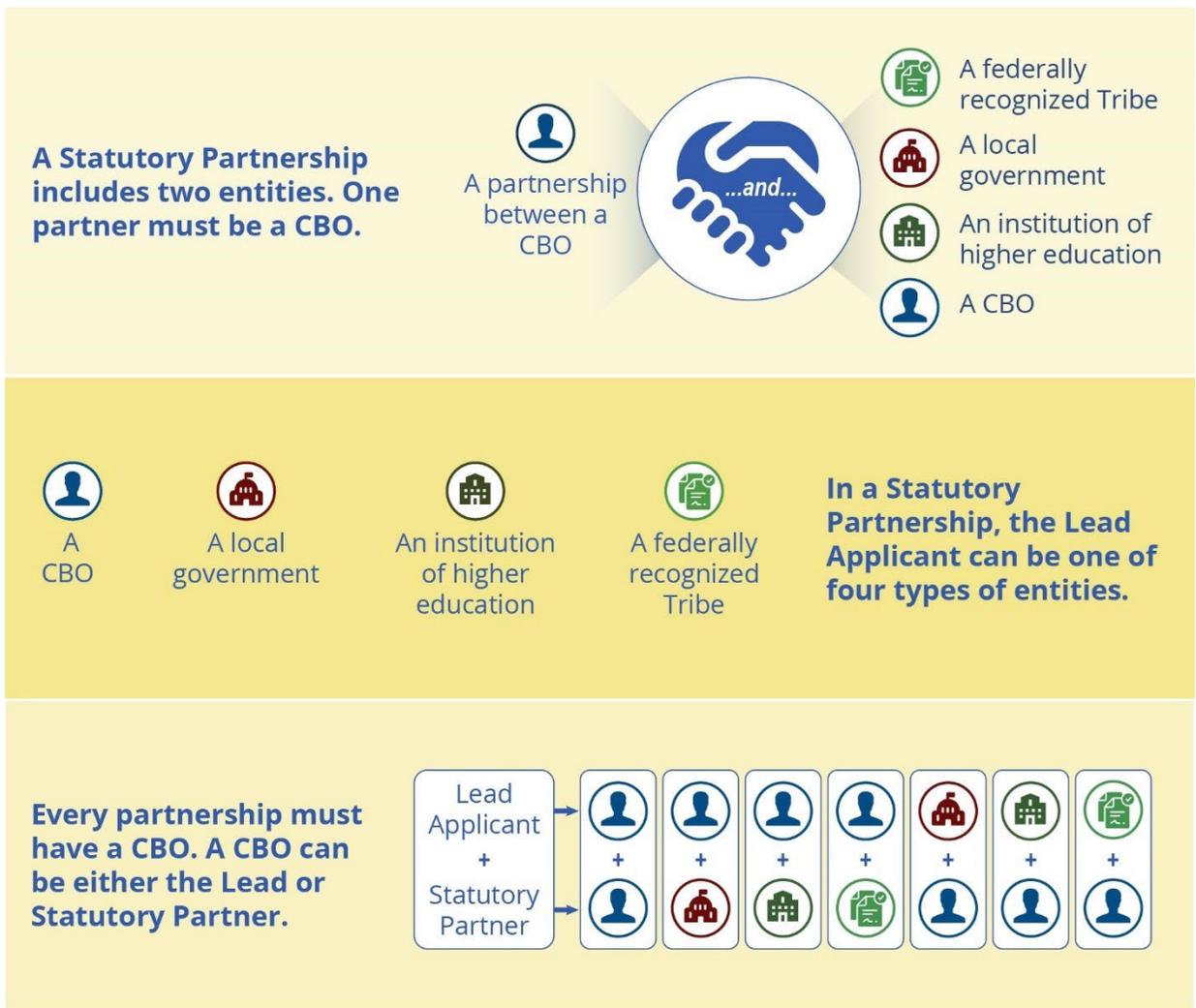


Exhibit 1: Visualizing a Statutory Partnership



## Lead Applicant Responsibilities

Determining the Lead Applicant is a key decision the partnership will need to make. We strongly advise selecting your Lead Applicant carefully. EPA will score your Lead Applicant's past grant performance and ability to manage a grant of this size as part of scoring your application. The Lead Applicant is:

- Responsible for overall grant management, performance, oversight, risk management, and reporting.
- Accountable to EPA for compliance, legal, and financial provisions.
- Responsible for making subawards to the Statutory Partner and other Collaborating Entities.
- While subrecipients can carry out competitive procurements for contractors, the lead applicant is ultimately responsible for ensuring that all procurements are in compliance with EPA standards.

## Guiding Questions for Establishing a Statutory Partnership

### Step One: Evaluating Partner Strengths

First, have an honest conversation about each partner's strengths and limitations. You can use this information to make the most of each partner's strengths when dividing roles and responsibilities.

Each partner should separately answer these two questions and then compare and talk through the answers:

1. What are my organization's strengths?
  
  
  
  
  
  
  
  
  
  
2. What roles and responsibilities do I want my partner to take on?

# Statutory Partnerships Worksheet



## Step Two: Comparing Partner Strengths Against Program Competencies

A robust partnership will be well-balanced across the many evaluation criteria EPA considers (see NOFO Section V.C for full evaluation criteria). Here is a table listing strengths needed in your partnership. As you go through the questions in the section below, mark off the relative strengths of each partner.

Collaborating entities may be identified to strengthen areas of weakness for both partners. Please see the [Selecting Collaborating Entities Worksheet](#) for more information and guiding questions on choosing addition partners.

Partnership Competency	Partner 1 Name: _____	Partner 2 Name: _____	Collaborating Entities
Relationships and trust with the community			
Community engagement experience			
Environmental justice expertise			
Climate Action and/or Pollution Reduction expertise			
Grant compliance expertise			
Financial management expertise			
Add your own:			
Add your own:			



## Step Three: Guiding Questions to Consider when Determining Who is Lead Applicant

- Which partner has more documented experience managing EPA grants?

If neither has any EPA grant experience, does either partner have experience with other federal grants?

If neither has any federal grants experience, does either partner have experience managing other public or private grant awards?

- *Consider compliance.* Which partner has a stronger record of grant management that is problem-free, well-documented, and compliant with reporting requirements including an acceptable final report?
  - *Consider outcomes.* Which partner has a stronger record of successful grants with outcomes aligned with goals?
  - *Consider relevance.* Which partner has past performance that is the most comparable to the project you are proposing in your Community Change Grant application in terms of size, scope and focus of the project you are proposing? Were the grants related to environmental justice?
- Which partner has stronger grant management systems in place to ensure their ability to manage funds efficiently and ethically?

On the table above, circle the partner who will take on the responsibility of Lead Applicant.

# Statutory Partnerships Worksheet



## Step Four: Determining Responsibilities of the Partners

Consider strengths of partners, identified above, when dividing responsibilities for each project activity.

1. What activities are required to complete the Community Change Grants **program application**?

Which should be done by the Lead Applicant?

Which should be done by the Statutory Partner?

Which should be done by the Collaborating Entities?<sup>1</sup>

2. What **administrative activities** are required to complete this project after the grant is awarded?

Which should be done by the Lead Applicant?

Which should be done by the Statutory Partner?

Which should be done by the Collaborating Entities?

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<sup>1</sup> For more information on Collaborating Entities, go to the [Selecting Collaborating Entities Worksheet](#)

# Statutory Partnerships Worksheet



3. What activities are required to complete this project's **Climate Action Strategy(ies)**?

Which should be done by the Lead Applicant?

Which should be done by the Statutory Partner?

Which should be done by the Collaborating Entities?

4. What activities are required to complete this project's **Pollution Reduction Strategy(ies)**?

Which should be done by the Lead Applicant?

Which should be done by the Statutory Partner?

Which should be done by the Collaborating Entities?

# Statutory Partnerships Worksheet



5. Is there expertise needed to successfully implement this grant that is not currently represented among the partners?

What expertise is missing?

Who are potential additional partners?



## Resources

1. **EPA Grants Management Training for Applicants and Recipients**

This training will clarify what EPA means by “management responsibilities” for the Lead Applicant. The training courses are available in both video and text format. <https://www.epa.gov/grants/epa-grants-management-training-applicants-and-recipients>



## NOFO Requirements for a Partnership Agreement

From NOFO Appendix B:

To be reviewed, applications must include a signed, legally binding Partnership Agreement between the Lead Applicant and Statutory Partner.

Suggestions of the topics that could be covered in the Partnership Agreement include but are not limited to:

- Who will be the Lead Applicant and the Statutory Partner.
- The Lead Applicant will be responsible for the overall management, performance, oversight, and reporting responsibilities under the grant, and for making subawards to the Statutory Partner<sup>2</sup> and Collaborating Entities.
- The Lead Applicant will be responsible for the receipt of federal funds from EPA, the proper expenditure of these funds, and liability for any unallowable costs.<sup>3</sup>
- Roles and responsibilities of the Lead Applicant and Statutory Partner for project activities and how they will handle and resolve disputes between them. Please note that EPA is not a party to the Partnership Agreement, and any disputes between the parties must be resolved under the law applicable to the Partnership Agreement.
- The Lead Applicant is responsible for compliance and legal issues, and managing risks associated with the project.<sup>4</sup>
- If the application is selected for award, the Lead Applicant will make a subaward to the Statutory Partner that complies with the subaward requirements in the grant regulations at 2 CFR 200.331 and in EPA's Subaward Policy and related guidance.

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<sup>2</sup> A Statutory Partner may use their subaward to make subawards to collaborating entities.

<sup>3</sup> Liability for any unallowable costs includes paying back any misused funds.

<sup>4</sup> The Partnership Agreement must also describe the procedures for replacing a Statutory Partner with another Statutory Partner, and for ensuring the replacement has the comparable expertise, experience, knowledge, and qualifications of the replaced Statutory Partner to ensure successful grant completion within three years. Replacement may be necessary for various reasons, including performance issues. Note that replacement requires prior approval by an authorized EPA official pursuant to 2 CFR 200.308(c)6.



Purpose: This document is a template of a Partnership Agreement. It is an aid to help you get started on creating an Agreement to include in your grant application. It is not a substitute for legal advice.

## Example of a Partnership Agreement

**DISCLAIMERS: This document is only meant to be an example of a possible Partnership Agreement. It was not produced by EPA and is not exhaustive of all the possible terms that may be appropriate for your partnership. It is not legal advice and not meant to replace advice from a licensed attorney in your state.**

This Partnership Agreement (the “Agreement”) is made and entered into this (the “Effective Date”). The \_\_\_\_\_ and \_\_\_\_\_ are the “Partners” in this Agreement are as follows:

The Partners of this Agreement to the following:

- I. The Partners are executing this document to create a Partnership. This Partnership will be known as \_\_\_\_\_ (the “Partnership”).
- II. The partnership
  - a. The Partners wish to become partners for the primary purpose of applying for and, if awarded, completing an Environmental Protection Agency (EPA) Community Change Grant (CCG).
  - b. The terms and conditions of their Partnership will be outlined in this Agreement.
  - c. The Partnership will be in effect on \_\_\_\_\_
  - d. The Partnership will only be terminated as outlined in this Agreement.
  - e. The Partnership will be governed under the laws of the state of \_\_\_\_\_
  - f. The Partners shall be responsible for the work of their employees or volunteers and for completing their agreed-to roles and responsibilities.
- III. Roles of the Partners
  - a. \_\_\_\_\_ shall be the Lead Applicant of a CCG. If the CCG is awarded, \_\_\_\_\_
    - i. Be responsible for the overall management, performance, oversight, and reporting responsibilities under the grant, and for making subawards to Collaborating Entities.

# Statutory Partnerships Worksheet



- ii. Make a subaward to the \_\_\_\_\_ in the amount \_\_\_\_\_ consistent with the final EPA approved grant budget.
      - iii. Make sure that all subawards comply with the subaward requirements in the grant regulations at 2 CFR 200.331 and in EPA's Subaward Policy and related guidance.
      - iv. Be responsible for the receipt of federal funds from EPA and the proper expenditure of these funds and will bear liability for unallowable costs.
      - v. Be responsible for all compliance and legal issues, and managing risks associated with the project.
      - vi. Be responsible for the following project-specific activities:
        - vii. Share decision making authority with the \_\_\_\_\_ and other parties as specified in the Collaborative Governance Structure that is submitted to EPA as part of the CCG application.
    - b. \_\_\_\_\_ if the CCG is awarded, shall:
      - i. Be responsible for the following project-specific activities:
        - ii. Share decision making authority with the \_\_\_\_\_ and other parties as specified in the Collaborative Governance Structure that is submitted to EPA as part of the CCG application.
- IV. Dispute Resolution
  - a. \_\_\_\_\_
  - b. Both members of this partnership recognize that EPA is not a party to this agreement and any disputes between the parties must be resolved under the law applicable to the Partnership Agreement.
- V. Replacement of \_\_\_\_\_ as Statutory Partner
  - a. \_\_\_\_\_

# Statutory Partnerships Worksheet



- b. Any replacement requires prior approval by an authorized EPA official pursuant to 2 CFR 200.308(c)6.
- VI. Grant application
  - a. \_\_\_\_\_ shall not submit a CCG application for this Partnership without the written approval of the \_\_\_\_\_.
- VII. \_\_\_\_\_
- VIII. End of the Partnership
  - a. Unless overridden by a new written agreement of the Partners, the Partnership shall end in one of the following ways:
    - i. When \_\_\_\_\_ is replaced under the procedure listed in Section V of this agreement.
    - ii. When the CCG is completed as determined by EPA.
    - iii. When the Partnership is informed that their application for a CCG is rejected unless, as agreed by both Partners, they resubmit an amended application.
    - iv. When the Partnership is informed that their resubmitted application is rejected.
  - b. The Partners agree to be bound by the terms of this Partnership Agreement and agree that the Partners have received due consideration for entering into this contract.

Signature Block for Lead Applicant, including date:

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Lead Applicant

Date

Signature Block for Statutory Partner, including date:

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Statutory Partner

Date