



# NATIONAL GUARD BUREAU

3500 FETCHET AVENUE

JOINT BASE ANDREWS MD 20762-5157

3 June 2010

MEMORANDUM FOR SEE DISTRIBUTION

FROM: NGB/A7

SUBJECT: Air National Guard Engineering Technical Letter (ANGETL) 10-04, Military Construction Cooperative Agreements (MCCA)

TO: SEE DISTRIBUTION

**1. PURPOSE.** This ANGETL defines what an ANG MCCA is, when it is appropriate to use an MCCA, and what the procedures are to enter into an MCCA. The National Guard Bureau's Office of Grants and Cooperative Agreements (NGB-PARC-A) is responsible for the oversight and management of the National Guard Grants and Agreement Program. The purpose of this ANGETL is not to replicate the policy guidance for this program that is managed by NGB-PARC-A, but to outline the steps necessary to enter into an MCCA and the procedures to follow when an MCCA is necessary to support an ANG Military Construction Project (MCP), a Sustainment, Repair, or Maintenance (SRM) Project, or other construction project.

## 2. APPLICATION.

- 2.1 **Effective Date:** Immediately.
- 2.2 **Ultimate Recipients:** NGB/A7A Programmers, NGB/A7O Project Managers, Base Civil Engineers (BCEs) and Deputy BCEs.
- 2.3 **Coordination with Key Organizations:** NGB/A7A, NGB-PARC-A.

## 3. REFERENCES.

- 3.1 NGR 5-1, National Guard Grants and Cooperative Agreements.
- 3.2 US Code – Title 31: Money and Finance – 31 USC 6305 - Sec. 6305. Using Cooperative Agreements.
- 3.3 DoDGAR, 3210.6-R Grants and Agreement Regulations.
- 3.4 NGR 130-6 United States Property and Fiscal Officer Appointment, Duties and Responsibilities.

## 4. DEFINITIONS.

- 4.1 **Cooperative Agreement (CA)** – A legal instrument which, consistent with 31 USC 6305, is used to enter into a relationship between the Department of Defense (NGB) and a State (as herein defined) or other recipient when the principal purpose of the

relationship is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States; and substantial involvement is expected between the executive agency (NGB) and the State, or other recipient when carrying out the activity contemplated in the agreement.

- 4.2 Military Construction Cooperative Agreements (MCCA)** – A cooperative agreement entered into between the Department of Defense (NGB) and the State (as herein defined) to establish the terms and conditions applicable to the contribution of NGB funds or in-kind assistance for a project involving design, construction, sustainment, restoration or modernization. MCCAs consist of the main body of the agreement, which includes standard terms and conditions applicable to all Appendices under the MCCA, and one or more of the following Technical Appendices, as appropriate, which contain specific project information: Statement of Work for Design, Statement of Work for Construction and Statement of Work for Utility Connection.
- 4.3 Memorandum of Agreement (MOA)** – In the context of this ANGETL, an MOA is a legal instrument used to perform incidental construction work on State owned property using a Federal Contract when the predominance of the construction work is being accomplished on Federal property. It is developed by the concerned parties, the USPFO (as representative of the Federal Government, NGB) and the State (as herein defined). This agreement, as a minimum, should define the general areas of conditional agreement; however, it can be as detailed as both parties agree to. It is recommended that it be reviewed by both parties' legal counsels.
- 4.4 State** – Any of the States of the United States, District of Columbia, the Commonwealth of Puerto Rico, and each territory and possession of the United States, including their political subdivisions, counties, municipalities, cities, townships, local public authorities and tax-supported agencies to include airports authorities.

## 5. APPLICABILITY.

- 5.1 MCCA:** An MCCA is entered into with the State (as herein defined) whenever it is necessary to design and/or execute a construction project (MCP, SRM, or other), the State will be providing the design and/or construction services, and NGB will be providing full or partial funding for the design and/or construction services. **An MCCA is required when an ANG project is to be accomplished on land that is not Air Force owned/leased.** Examples of projects of this type are runway repairs, taxiway repairs, arm/disarm pads, portions of base entrances, etc. The project funding shares to be supported respectively by NGB and the State are typically determined based on whether the facilities addressed by the project are for the sole use of the ANG or jointly used by the ANG and the State, and in what proportion.
- 5.2 Execution of a Federal Contract on State Property:** Occasionally, there have been requests to do incidental work on State Property using a Federal Contract. An example of this is the overlay of an arm/disarm pad on State Property incidental to a taxiway overlay on Federal Property accomplished by a Federal Contract. An MCCA is **not** the appropriate legal instrument to use for this since the State is not doing the construction. In this case, a Memorandum of Agreement (MOA) needs to be developed by the concerned

parties with the USPFO as signatory for the ANG. The State Attorney General needs to provide a legal opinion in that particular state indicating that Federal contracting is authorized on State property.

**6. PROCESS.** The following addresses the steps involved in initiating and executing an MCCA. Policy and procedural guidance to be followed in the administration and execution of an MCCA is provided in NGR 5-1, National Guard Grants and Cooperative Agreements. NGR 5-1 implements DoDGAR, 3210.6-R Grants and Agreement Regulations.

- 6.1 MCCA Request:** A request may be initiated by the Base to NGB/A7A or by NGB/A7A to the Base to execute a project using an MCCA. The Base submits their responses to a checklist required by NGB/A7A providing information about the proposed MCCA and its intent.
- 6.2 MCCA Approval in Principle:** Following NGB/A7A review of the MCCA checklist provided by the Base and approval of its proposed provisions, NGB/A7A will issue a letter to the USPFO, signed by NGB/A7A notifying agreement in principle to the project and requesting that an MCCA be prepared for a specified programmed amount as the ANG share of the cost for design and/or construction and also identifying who is to be the design and/or construction agent.
- 6.3 Preparation:** The Base Civil Engineer (BCE) and the USPFO through the Grants Officer Representative (GOR) prepare the MCCA in coordination with the State using the current approved version of the main body of the MCCA and Appendices available on the Guard Knowledge Online (GKO) webpage, NGB-ZC-PARC, under “Cooperative Agreements.” The main body of the MCCA containing the standard terms and conditions is **not to be modified** without the approval of the NGB/A7O Project Manager and NGB-PARC-A. In such case the GOR will first review the proposed changes before forwarding them to the NGB/A7O Project Manager and NGB-PARC-A for approval. The Technical Appendices and any modifications thereto must be reviewed and approved by the NGB/A7O Project Manager.
- 6.4 Review:** After the MCCA has been prepared it must be reviewed by the legal counsels of the USPFO and the State. It will also be submitted to the NGB/A7O Project Manager for review of the Technical Appendix/Appendices. The MCCA is not to be finalized until the USPFO receives notification from the NGB/A7O Project Manager that the Technical Appendix/Appendices have been approved. NGB-PARC-A generally does not need to review the MCCA unless it was necessary to make changes to the current Master Template posted on the GKO webpage.
- 6.5 Funding:** Upon receipt of a signed copy of the MCCA, the NGB/A7O Project Manager will initiate funding action to support the NGB funding share for the project in accordance with the provisions of the MCCA if or when Federal funds become available. For MCP projects, Federal funds are only available after the line item appropriation for the project has been included in the Budget for a specific fiscal year and it has been signed by the President. An MCCA may be signed with the

understanding by both parties that the NGB's obligations under the MCCA are subject to the availability of funds for both the State's and NGB's shares.

## **7. ROLES AND RESPONSIBILITIES.**

- 7.1 Grants Officer Representative (GOR):** The individual appointed by the Grants Officer (USPFO) to perform the day to day administrative actions, reporting, and technical oversight related to the execution of MCCAs. The GOR establishes and maintains a file for each MCCA and its appendices. The GOR is responsible for coordinating all MCCA related staff actions with the State, the BCE, and the NGB/A7O Project Manager.
- 7.2 NGB/A7A Programmer:** The NGB/A7A Programmer for the Base reviews the MCCA checklist for the project, validates the requirement for the MCCA, and assists the base with the determination of the project requirements and the ANG share of the cost of the design and/or construction.
- 7.3 NGB/A7O Project Manager:** The NGB/A7O Project Manager for the Base is responsible for the oversight of execution of design and construction after projects have been Authorized for Design by NGB/A7A. When the project involves an MCCA, the terms and conditions of the MCCA govern the design and construction of the project. The NGB/A7O Project Manager reviews and has approval authority over the Technical Appendix/Appendices of the MCCA as these address the project scope and description, project, schedule, design reviews, financial obligations of the parties, etc. The NGB/A7O Project Manager will ensure that the NGB's financial obligations addressed in the MCCA are provided for in the NGB design and construction program. The NGB/A7O Project Manager will ensure that the project description adequately addresses the facility requirements and adherence to applicable ANG design standards. The MCCA is not to be finalized until the NGB/A7O Project Manager notifies the USPFO that the Technical Appendix/Appendices of the MCCA have been approved. Any modification to the Technical Appendix/Appendices of the MCCA requires review and approval by the NGB/A7O Project Manager.
- 7.4 NGB-PARC-A:** The NGB-PARC-A division is responsible for the oversight and management of the National Guard Grants and Agreement Program; provides policy guidance, directives and assistance regarding the administration of National Guard grants, cooperative agreements and inter-agency and inter-service agreements; writes, promulgates and coordinates changes to NGR 5-1.
- 7.5 United States Property and Fiscal Officer (USPFO):** The USPFO is responsible to the Chief of the National Guard Bureau as the Grants Officer in each state and territory. This is established by USC 708 and NGR 130-6/ANGI 36-2 explaining the duties and responsibilities.

**8. POINT OF CONTACT FOR THIS ANGETL:** The point of contact for this ANGETL is Mr. Modupe Babalola, P.E., LEED AP, NGB/A7OU at (301) 836-8148, DSN 278-8148, or email [modupe.babalola@ang.af.mil](mailto:modupe.babalola@ang.af.mil).



WILLIAM P. ALBRO, P.E., YF-03  
Director of Installations and Mission Support

Attachment:  
Current ETL Index

DISTRIBUTION via Email  
Each USPFO  
Each BCE  
NGB-PARC-A  
NGB-PARC-S

In-house distribution list:  
NGB/A7A  
NGB/A7O  
NGB/A7R  
NGB/A7OC

ANGETL INDEX		
ANG ETL	Title	Date Issued
90-02	Minimum Clearances for Jet Fuel, Special Fuel, and LOX Storage Systems	02 Feb 90
90-03	Preventive Maintenance for Liquid Fuels Facilities	14 Feb 90
90-05	Aqueous Film Forming Foam (AFFF) Waste Discharge Retention and Disposal	23 Aug 90
90-06	Project and Program Management handbook	10 Jul 90
90-08	Project and Program Management Handbook Update	10 Oct 90
90-09	Compliance with Buildings Codes	26 Nov 90
91-01	Managing the JOC/SABER Program	14 Jan 91
91-02	Compliance with EPA Regulations Governing Underground Jet Fuel Piping	30 Jan 91
91-05	Shattering of Aged Unreinforced Polyvinyl Chloride (PVC) Roof Membranes	11 Apr 91
91-08	Use of Unit Pricing Procedures for Pavements Contracts	18 Jun 91
91-09	Criteria for Testing Halon Fire Suppression Systems	19 Jun 91
92-02	Managing Asbestos-Containing Material (ACM) in Air National Guard (ANG) Facilities	24 Jan 92
92-03	Systems Furniture Management	18 Jun 92
92-07	Demand Side Management (DSM)	9 Nov 92
93-03	Chlorofluorocarbon (CFC) Limitation in Heating, Ventilating and Air Conditioning (HVAC) Systems	26 Feb 93
93-04	Roof Design Guidance	26 Mar 93
93-07	Project Documentation Preparation	25 Jun 93
93-08	Base Review and Criteria Review Conference	25 Jun 93
93-11	Facility Lighting Program	25 Jun 93
93-12	The Design Process	28 Jul 93
93-13	EPA Regulations on the Operation, Servicing, and Disposal of Chlorofluorocarbon (CFC) and Hydrochlorofluorocarbon (HCFC) Charged HVAC and Refrigeration Equipment	28 Jul 93
93-15	Confined Spaces	15 Oct 93
93-16	Refrigerant Management in Air National Guard (ANG) Facilities	28 Oct 93

ANGETL INDEX		
ANG ETL	Title	Date Issued
93-17	Energy Project Development Guidance	30 Nov 93
94-03	Job Order contracting (JOC) Lessons Learned	15 Jul 94
95-01	Environmental Baseline Surveys in Real Estate	31 Mar 95
98-02	Compliance with Handicapped Accessibility Standards	16 Mar 98
98-04	Design and Construction Reports	14 Oct 98
99-01	Architect-Engineer Selection Process	9 Apr 99
99-01(A)	Attachment One to Architect-Engineer Selection Process	
01-1-1	ANG Design Policy;Tab D ETL.Tab D Revised Mar 04	24 Sep 01
01-1-1	Tab D ANG ETL 01-1-1 Supplemental Comm Policy	Oct 06
01-1-1	Tab D Supplemental Mass Notification ANG CE Policy	Aug 05
01-03	Metric Design Requirements	13 Dec 01
04-01	ANG Engineering Technical Letter (ANGETL) 04-01; Airfield/Airspace Waiver Request and Renewal Process.	30 Aug 04
05-01	Policies and procedures for calculating work order shop rates.	10 Feb 05
32-1018	Specifications for Electronic Data Deliverables	23 Sep 05
08-01	Managing, Operating and Maintaining Aircraft Arresting Systems	18 Apr 08
08-02	Use of Appendix 21 (FOMA) Funds to Support Organizational Equipment	18 Apr 08
09-11	Project Closeout Process	23 Nov 09

ANGETL INDEX		
ANG ETL	Title	Date Issued
10-01	Authorized Element of Expense Investment Codes and Financial Plan Preparation for Facilities Operations and Maintenance Activities, Environmental, Fire Protection Activities and ANG Services Programs	1 Feb 10
10-02	Facility Operations (FO) Policies and Procedures for Janitorial Contracts and Janitorial Services (EEIC 570F8) under Appendix 21, FOMA	1 Feb 10
10-03	Air National Guard Design Objectives and Procedures	16 Apr 10
10-04	Military Construction Cooperative Agreements (MCCA)	28 May 10

ANGETL INDEX		
<b>OBSOLETE ANGETLs</b>		
ANG ETL	Title	Date Issued
88-02	Built-Up Roof Repair/Replacement Guide Specification	08 Apr 88
88-03	Built-Up Roof Repair/Replacement Guide Specification Update	26 Oct 88