

Feb 95

MEMORANDUM OF UNDERSTANDING
between
THE UNITED STATES DEPARTMENT OF AGRICULTURE
and
U.S. ARMY CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
REGARDING THE CONSTRUCTION OF THE
RESEARCH AND QUARANTINE FACILITY
IN BROWARD COUNTY, FLORIDA

The Memorandum of Understanding (MOU) is made and entered into this 13th day of February, 1995 by and between the U.S. Department of Agriculture (hereinafter USDA), acting by and through the Administrator of the Agricultural Research Service and the Department of the Army (hereinafter COE), acting by and through the District Engineer, U.S. Army Corps of Engineers, Jacksonville District.

I. PURPOSE AND SCOPE

The purpose and scope of this MOU is to coordinate the construction of the research and quarantine facility at Broward County, Florida that will be transferred to USDA and operated and maintained by USDA and the State of Florida. This MOU will set forth each party's duties and responsibilities regarding the construction of this facility to ensure that the resources available are efficiently utilized and that the product constructed is satisfactory to the using service.

II. REFERENCE AND AUTHORITY

This Agreement applies to the construction activities to be undertaken by COE pursuant to Section 108 of the Water Resources Development Act of 1992 (Public Law 102-580).

III. FUNDING

USDA and COE understand that the facility must be designed and constructed within the funds appropriated to the COE for this purpose. If the COE forecasts that design and construction costs will exceed the amount of funds available, it shall notify the USDA and shall require that the scope of work be limited to that which can be paid for by the then-available funds.

The parties acknowledge that current authorization and funding is limited to one million dollars. As additional funds are appropriated for design and construction of the facility, they will be made available for obligation under this MOU.

IV. USDA and COE ROLES AND RESPONSIBILITIES

Construction Design.

1. The COE and USDA will agree on the design criteria to be utilized in procuring an Architect/Engineer (A/E) to design the facility. The design criteria are initially agreed to as set forth in the attached scope of work which is incorporated herein. It is understood that the scope of work will evolve as the A/E design process progresses. It is agreed that these expected changes in the scope of work will be agreed to by the parties of this MOU in writing.
2. The COE, in consultation with USDA, will secure through the Federal Acquisition Process an Architect/Engineer to design the facility in compliance with the design criteria.
3. The COE and USDA will review A/E submittals and provide comments to the A/E. All comments will be transmitted through the COE.

Construction

1. A USDA representative will provide recommendations to the COE regarding contractor selection.
2. The COE will prepare the final construction bid package to be used for soliciting construction contract bids for the implementation of the project.
3. The COE will oversee and supervise the development of all work and safety plans, fabrication and acquisition of all materials and equipment for the project, and documentation needed by the contractor.
4. The COE will select the construction contractor and award the contract.

Real Estate, Permits and Approvals

1. The COE and USDA will jointly complete the NEPA process for the construction and operation of the facility through one document.
2. USDA will provide to COE a survey of the property upon which the facility is to be sited together with the nearest utilities and facilities identified.
3. The USDA will provide all real estate interests needed to construct the project and will provide to COE an appropriate real estate interest to facilitate the design and construction of the facility.

4. USDA will obtain and provide all utility agreements necessary to provide all required utility service to the facility.
5. USDA will provide all necessary permits.

Coordination

1. The USDA will provide a single point of contact for the COE in the design and construction of the facility. The point of contact is the Research Leader Aquatic Plant Control Research Unit, Ft. Lauderdale, Florida position which is currently occupied by Dr. Ted Center at 305-475-0541.
2. The COE will manage the construction of the facility. Nothing in this Memorandum of Agreement shall be construed so as to interfere with the independence of the contracting officer required under the Contract Disputes Act of 1978.

Transfer and Acceptance

1. The COE will transfer the completed facility together with all warranties to USDA and USDA agrees to accept same.

Miscellaneous Contract Provisions

1. Each party will handle and expend its own funds. Any and all expenditures from Federal funds of the USDA made in conformity with the plans outlined in this Memorandum of Understanding must be according to USDA and Agricultural Research Service rules and regulations and, in each instance based upon appropriate fiscal documents, such as lease, contract, purchase order, letter of authorization, etc.
2. This Memorandum of Understanding may be modified by mutual consent at the request of either party. Requests for modifications or any change shall be submitted to the other party for consideration not less than 60 days prior to the desired effective date of the modification.

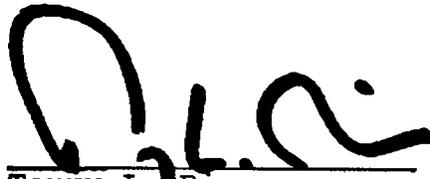
In Witness Whereof, witness the signatures of the parties hereto.

U.S. Department of Agriculture



R. D. Plowman
Administrator
Agricultural Research Service

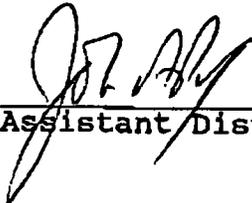
Department of the Army



Terry L. Rice
Colonel, Corps of Engineers
District Engineer

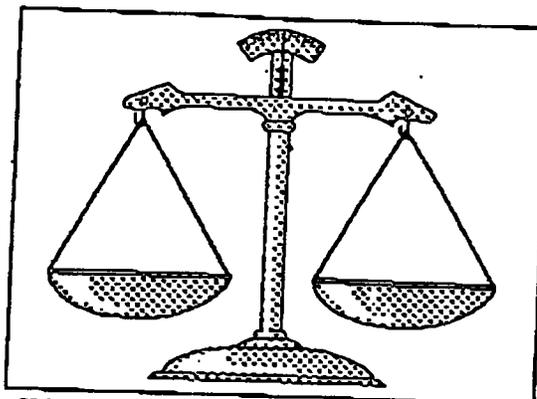
CERTIFICATION OF LEGAL REVIEW

The draft Memorandum of Understanding with the U.S. Department of Agriculture for construction of the research and quarantine facility in Broward County, Florida has been fully reviewed by the Office of Counsel, USAED, Jacksonville and is legally sufficient.


Assistant District Counsel

Fax transmission cover sheet

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Date: 7/26/95

Number of Pages (including cover sheet): 6

Notes: As requested

Thanks

John Pax

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