

# REAL ESTATE A GUIDE FOR PROJECT PARTNERS

## SPONSORS' RIGHTS AND RESPONSIBILITIES For Partnerships with the Corps

### WHO CAN BE A SPONSOR

A sponsor can be a state or any other political subpart of a state or group of states; an Indian tribe; or a port authority; which has the legal and financial authority and capability to provide the cash and real estate requirements needed for a project. A sponsor can also be an interstate agency, established under a compact between two or more states with the consent of Congress under Section 15 of Article 1 of the Constitution.

Section 221 of the 1970 Flood Control Act defines a local sponsor for a Corps water resources project as a non-Federal interest that is “ a legally constituted public body with full authority and capability to perform the terms of its agreement and to pay damages, if necessary, in the event of failure to perform”.

The United States Army Corps of Engineers will participate in partnership with non-Federal sponsors of projects in the development and management of the

Nation's water and related land resources.

Whenever there are opportunities for you, the sponsor, to cooperate, inform, advise, negotiate, appeal or otherwise participate in any facet of decision making, we encourage and expect you to do so and will welcome and fully accept your participation. Your ideas, views and other offerings will be given full and fair consideration and the opportunity to make a difference in the decision making process.

The quality and success of our partnerships is based on mutual trust, respect, honesty, integrity, accountability, consistency, cooperation, fairness, flexibility, objectivity, reasonableness, sincerity, and timeliness throughout the relationships.

Our commitment to partnerships is supported by the following rights and responsibilities:

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**As our partners, you have the right to expect:**

- Communication; to know what is going on; and to be heard, listened to, and understood in an atmosphere that is open and uncompromised. Information and opinions may differ, but will be shared. We will provide fiscal documentation on the use of project funds, assessments of risk and uncertainty, and other information needed by an informed sponsor.
- A spirit of individual and corporate cooperation that seeks ways to meet our mutual objectives and expectations. We encourage creativity and innovation in solving problems and opportunities, marked not by “We can't” but by “How can we”?
- Quality service and products that meet or exceed schedules and cost estimates coordinated with you. Promptness is expected in making decisions and completing work concerning costs and budgets, resolution conferences and other meetings, review and approval of documents, and answering the mail.
- Consistent, fair, timely and reasonable answers, and decisions within the Corps.
- Opportunities to participate in meetings about your projects including: team meetings; issue resolution conferences (IRC); reconnaissance resolution conferences (RRC); feasibility resolution conferences (FRC); technical resolution conferences (TRC); meetings of the Board of Engineers for Rivers and Harbors (BERH); and Project Review Boards (PRB).
- Opportunities to meaningfully participate in decisions about all aspects of project development to include: costs and schedules; the type, mix and completion of project objectives; formulation and selection of alternative plans; design, including environmental and aesthetic features; construction phasing; and other factors that affect sponsoring entities.
- Opportunities to assist in preparing documents concerning your projects: reconnaissance and feasibility reports; environmental assessments and impact statements as well as other environmental documents; design memoranda; plans and specifications; project management plans (PMP) and other life cycle project management (LCPM) reports; and feasibility cost sharing agreements (FCSA) and project cooperation agreements (PCA). At the national level, views concerning Corps guidance are welcomed.
- Professionally competent technical, managerial and administrative work and products including the procedures, data, judgments and documentation employed in engineering, scientific, real estate, legal and fiscal products.
- Sponsor responsibilities, as described below, will also be respected by the Corps of Engineers.

## **We expect our partners to:**

- Accept that our local concerns are governed by laws established by Congress that regulate administration policies and professional standards, fix legal responsibilities, protect public safety and otherwise act in the public interest. Examples include Federal environmental requirements, Corps contracting officer responsibilities, and cost sharing and other mandated items of local cooperation. Sponsors have the right to have such conditions clearly explained as they may arise during the life of their study or project.
- Live up to commitments required in documents, such as the feasibility cost sharing agreement; project management plan; and project cooperation agreement; as well as other formal and informal agreements, acting in good faith to honor promises and agreements. Project partners must provide required financing, real estate interests, utility and facility relocations, in-kind services, and non-Federal decisions in a timely manner, and be accountable for the quality of their actions and work.
- Be the local project proponent, developing and maintaining non-Federal and local public and political support and consensus for the project.
- Participate and share in the work beyond cost sharing and meet other legislative requirements, including communicating expectations and views, delivering bad news as well as good news and cooperating to overcome problems.
- Communicate with us on matters that affect the project. As we make the commitment to communicate with our partners, we expect the communication highway to be a two way street. As has been stated before, we value your input, we want to know what you are thinking.
- Always deal with your project partners in a spirit of cooperation that will advance the goal of completing a project on time and on budget.