

Draft Friends Policy 633 FW 1-4

Part 633 FW 1: “Working With Friends Organizations”

1.1 What is the purpose of this Part and chapter?

A. Part 633 Friends includes four chapters to assist U.S. Fish and Wildlife Service (Service) employees to achieve our mission more efficiently and effectively through partnerships that leverage community involvement.

B. This chapter establishes policy and provides guidance and administrative procedures for Service employees working with Friends organizations.

1.2 What is the scope of this Part and chapter? This policy applies to all Service employees working with Friends organizations established to support Service sites or programs.

1.3 What are the objectives of this chapter? The chapter:

A. Identifies authorities for working with Friends organizations,

B. Describes the relationship between the Service and Friends organizations, and

C. Describes responsibilities of Service employees and Friends organizations.

1.4 What are the authorities for working with Friends organizations?

A. The Fish and Wildlife Act of 1956 (16 U.S.C. 741a-742j).

B. The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-ee), as amended.

C. The Refuge Recreation Act of 1962 (16 U.S.C. 460k - k-4), as amended.

D. The Anadromous Fish Conservation Act (16 U.S.C. 757a-757g), as amended.

E. The Fish and Wildlife Coordination Act of 1934 (16 U.S.C. 661-667e), as amended.

F. The National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998 (16 U.S.C. 742f), as amended.

1.5 What are the responsibilities of Service personnel?

A. The **Director** establishes national policy, guidance, and administrative procedures for Service employees working with Friends organizations.

B. The Assistant Directors – National Wildlife Refuge System and Fisheries and Habitat Conservation:

(1) Provide national oversight of Friends partnership activities,

(2) Ensure that we comply with policy when conducting partnership activities with Friends organizations, and

(3) Encourage relationships and meaningful and mutually beneficial partnerships with communities through Friends organizations.

C. The National Friends Program Coordinator:

- (1) Evaluates the progress of Friends organizational work throughout the Service;
- (2) Develops and coordinates policy and standards of operations for the Friends program;
- (3) Provides guidance and technical assistance to field and Regional offices on the Friends program;
- (4) Develops, coordinates, manages, delivers, and encourages the growth of the national program Servicewide;
- (5) Establishes national partnerships and works with the partners to support the Service's Friends program; and
- (6) Provides leadership and direction for the overall program.

D. The Regional Directors:

- (1) Provide leadership for Friends activities in their Region and designate a Regional Coordinator to guide this function, and
- (2) Review, approve, and sign Friends Partnership Agreements with Friends organizations or designate an employee to perform these functions.

E. The Regional Coordinators:

- (1) Evaluate the progress of Friends work in their Regions.
- (2) Assist in implementing the national program,
- (3) Disseminate information about Friends to field stations,
- (4) Provide guidance to field stations for establishing Friends organizations,
- (5) Mentor and suggest training for Service Liaisons, and
- (6) Assist in negotiating new Friends Partnership Agreements and with overall problem solving.

F. The Project Leader or his/her designee:

- (1) Assesses the needs of his/her site and compares them with the benefits and costs of establishing and sustaining a Friends organization. To make this assessment, the Project Leader must consider:
 - (a) Compatibility with Service site/program mission and objectives,
 - (b) Future plans for the site,
 - (c) Funding, and
 - (d) Staffing levels required to participate in and sustain a Friends partnership;
- (2) Seeks the assistance of the Regional Friends Coordinator to develop and establish a Friends Partnership Agreement with the Friends organization (see 633 FW 3.6);

(3) Provides the Friends with information on our policies, goals, and objectives. Orients Friends on the mission and scope of operations and the many programs that play a role at the site, such as visitor services, biology, law enforcement, maintenance, etc.;

(4) Advises the Friends on ways in which they can assist the Service and maintains regular communications with the Friends about the site's/program's operations;

(5) Monitors the Friends' performance as it relates to the Friends Partnership Agreement;

(6) Helps identify and provide opportunities for the Friends to develop competencies that will help the organization assist the Service;

(7) Approves Friends programs, activities, and projects as described in the Friends Partnership Agreement;

(8) Serves as the Service Liaison with the Friends or designates an employee to serve in that role. Also see section 1.5G below; and

(9) Attends available training to achieve competencies in partnership programs.

G. Service Liaison:

(1) Works closely with the Friends to coordinate programs and projects;

(2) Provides Friends with updates on activities associated with the site/program;

(3) Participates in the Friends' meetings;

(4) Monitors fulfillment of the Friends Partnership Agreement;

(5) Monitors routine operation of any sales outlet(s) (see 633 FW 4.5.);

(6) Reviews and recommends to the Project Leader (if the liaison is not the Project Leader) approval of items the Friends organization is proposing for sale, prices of the items, publication projects, and other services or programs (see 633 FW 4.6 and 4.7 for more information about items allowed);

(7) Ensures that time Service site staff invest on the partnership is efficient, effective, and sufficient;

(8) Assists the Friends organization to get the training necessary to succeed in meeting the goals of the partnership; and

(9) Attends available training to achieve competencies in partnership programs.

1.6 What are Friends organizations and what is their purpose?

A. Friends are private, independent, nonprofit organizations (under Title 26, Internal Revenue Code, Subtitle A, Chapter 1, Subchapter F, Part 1) formed and managed primarily by private citizen volunteers.

B. Friends are established to support the purposes and objectives of the Service site(s) or program(s) they seek to assist (i.e., national wildlife refuges, national fish hatcheries, or other Service programs or offices).

C. Friends provide many vital services to our sites and programs, including community outreach and special events support; educational, interpretive, and other visitor services programming; habitat restoration and other biological and maintenance program support; and volunteer staffing;.

1.7 Does the Service consider cooperating/interpretive associations to be Friends organizations?

Sometimes cooperating associations and Friends organizations work together as partners to support a Service site or program, but they each complete separate tasks working toward similar missions. In other situations, we consider cooperating associations to be Friends organizations as long as they meet the requirements in sections 1.6A and B.

1.8 How do Friends organizations compare to concessions? Table 1-1 below shows the major distinctions between Friends organizations and concessions.

Table 1-1: Differences between Friends Organizations and Concessions

| | Friends | Concessionaires |
|-------------------|---|---|
| IRS Rules | Nonprofit | For profit |
| Objectives | To support the mission and purposes of the site/program they serve | To provide commercial visitor services |
| Operations | Through Friends Partnership Agreement | Under contract awarded after competition |
| Motivation | To maximize return for the benefit of the Service site/program they serve | To maximize value for their customers and financial return for the business |

1.9 How do Friends and Service volunteers compare?

A. In some ways, Friends and volunteers are the same. Friends members often perform the same functions as our volunteers. For example, they may lead environmental education programs and site tours, help with biological programs, conduct community outreach, and staff special events. When engaged in these activities, Service staff oversee Friends, and the Friends are serving as volunteers (also see section 1.10).

B. Some things they do are different from volunteers. One of the great values of Friends organizations to the Service is their ability to act independently of us and perform functions that staff are prohibited from doing. Activities such as advocating for their site and Service programs with members of Congress and soliciting donations for Service programs are distinctly Friends functions that do not fall under the auspices of the volunteer program.

1.10 Do Friends members need to sign Volunteer Services Agreements? The Project Leader or Service Liaison should ask Friends members who perform volunteer activities at or in support of the Service site or program to sign a Volunteer Services Agreement, Optional Form (OF) 301A. The Friends president may complete a single agreement for the organization that covers all members (see Part 150 FW 2, sections 2.6 and 2.8). When signed by the volunteer and the Project Leader, this agreement covers the volunteer for tort claims and injuries and allows them to seek reimbursement for costs associated with their volunteer work.

1.11 Should Project Leaders include work contributions by Friends members in their annual site volunteer totals?

A. Yes, Project Leaders should include Friends work contributions in their annual volunteer totals as long as they are performing typical volunteer activities. Typical volunteer activities include:

- (1) Leading environmental education programs and site tours,
- (2) Helping with biological programs,
- (3) Conducting community outreach, and
- (4) Staffing special events, a visitor center, or bookstore/sales outlet, etc.

B. Project Leaders must not include hours Friends spend on advocacy or other activities strictly related to the organization or management of the Friends in the site's volunteer records.

1.12 Are there activities that the Service does not allow Friends to participate in? Yes, Project Leaders **must not**:

A. Allow Friends to be involved in law enforcement activities, and

B. Involve Friends members in any Service administrative functions that are sensitive in nature, such as employee hiring or discipline or other activities that would give them access to personnel files.

1.13 What is the Service's role in establishing a new Friends organization? Service employees may play an important role in helping to initiate and establish new Friends organizations. For example, they may:

A. Provide space and help with organizing and hosting Friends start-up meetings;

B. Assist with identifying and contacting the core group of citizens who will formalize the organization;

C. Provide information, technical assistance, training, and mentoring to the group;

D. Encourage participation in the start-up process; and

E. Assist the group with developing organizational documents and the process of applying for nonprofit status.

1.14 May a Service employee be a Friends member and serve on a Friends Board of Directors?

Yes, Service employees may be members of Friends organizations as private citizens on their own time.

A. Employees may:

(1) Pay membership dues and participate in membership votes as a private citizen.

(2) Serve on a Friends Board of Directors in a non-voting capacity, as ex-officio or as an advisor.

(3) Serve on Friends committees. Committees are a way for our employees to assist in the Friends organization's work.

B. Employees must not:

(1) Represent the Friends organization in any matter between the Service and the Friends.

(2) Participate in the formal decisionmaking/voting procedures of the Friends Board of Directors.

(3) Serve the Friends organization in any fiduciary capacity.

(4) Negotiate or execute contracts for the Friends organization or represent the Friends organization in business transactions or operations.

C. Employees must comply with 43 CFR part 20, Employee Responsibilities and Conduct and 212 FW 4, Participation in Outside Organizations.

1.15 What are the responsibilities of Friends organizations? Friends organizations are legally, financially, and ethically responsible for their actions and finances. Friends organizations also have reporting and record keeping responsibilities (also see 633 FW 2.9 for information on reporting and record keeping). The Friends organization:

A. Works with the Service to achieve the purposes defined in the Friends Partnership Agreement;

B. Manages the financial and programmatic activities of the organization;

C. Identifies a liaison, typically the president, to help communicate with the Service about Friends affairs;

D. Coordinates with the Project Leader or Service Liaison (if different from the Project Leader) on all activities, programs, services, and projects related to meeting our mission;

E. Notifies the Service Liaison about Board of Director's meetings and invites Service representatives to the Board meetings and to appropriate committee meetings;

F. Ensures that Friends members and Friends employees do not act in any way that leads the public to conclude that they are Service employees. This does not keep them from conducting routine information activities, sponsoring special events, working in visitor centers, or performing interpretive activities under the guidance of a Service employee;

G. Handles all personnel matters affecting its members and its employees;

H. Avoids any implication that the Service endorses a particular commercial product or process; and

I. Displays a sign that identifies sales outlets and bookstores as nonprofit activities of the Friends organization (see 633 FW 4 for more information about revenue-generating operations).

1.16 May the Project Leader allow a Friends organization to use Service facilities? Yes, we may allow Friends to use our facilities if the Friends Partnership Agreement permits this.

A. The Project Leader retains the right to have emergency access to and inspect the Service facilities that Friends organizations use. In an emergency, the Project Leader also retains the right to withdraw the facility from a Friends organization's use immediately by notifying the Friends Board of Directors and providing the rationale.

B. With a 60-day written notice, the Project Leader may withdraw the facilities from a Friends organization's use if the Project Leader needs the facility to accomplish the mission of the refuge or for reasons relating to how the Friends organization is using or running the facility.

C. When necessary, the Project Leader may withdraw the facilities from the Friends organization's use with less than a 60-day notice for reasons relating to how the Friends organization is using or running the facility. In this situation, the Project Leader must meet with the Friends Board of Directors prior to termination to discuss the proposed termination and to give the Friends the opportunity to address the reasons leading to it. Unless the activity violates regulations or law, the Friends must have a minimum of two weeks and a maximum of 30 days as determined by the Project Leader, to address our concerns.

D. If the Friends Partnership Agreement permits it, the Project Leader may allow the Friends organization to alter the facility through redesign, renovation, or construction to carry out:

(1) New sales,

(2) Storage, or

(3) Routine work.

E. The Project Leader must approve a redesign or construction project before work may begin.

F. All permanent improvements made by the Friends organization become the property of the United States.

1.17 What can the Service provide in addition to the use of facilities? In addition to allowing Friends to use our facilities, we can provide:

A. Utilities, such as water, electricity, heat, and air conditioning as long as we are already using these utilities for operation of the building and other Government purposes.

B. General maintenance and repair of facilities. The Project Leader must ensure that the Friends organization is keeping its area neat and clean and is taking reasonable care to prevent damage to Government property.

C. Reasonable use of onsite office equipment and communication systems that support the mission of the Service. Project Leaders must ensure that Friends do not use onsite office equipment and communication systems for advocacy initiatives.

18 May a Project Leader use Federal funds to support a Friends organization? Subject to availability and using procurement procedures and requirements found in 301 FW 5, the Service site or program may provide funds to the Friends organization for projects or activities that support the site or program mission.

1.19 What may the Service do with funds received from Friends organizations? The Friends Partnership Agreement includes information about how we may use funds for projects and activities that support our sites or programs. Such projects and activities may include, but are not limited to, developing, improving, maintaining, and updating biological, maintenance, management, outreach, recreational, interpretive, educational, and other visitor services programs and/or facilities.

Part 633 FW 2: “The Business of Friends—Finance and Administration”

2.1 What is the purpose of this chapter? This chapter will help Service employees work with Friends organizations by giving them the information they need to consider financial and administrative activities under our agreements with Friends.

2.2 What are the objectives of this chapter? The chapter:

- A.** Describes normal business and administration practices of Friends organizations and the practices and activities we allow on Government property.
- B.** Explains the business relationship between the Service and Friends organizations.
- C.** Describes the limitations we have on Friends organizations using Service items of identity, such as the Service logo and uniforms, and linking to Friends Web sites from our Web sites.

2.3 Do Project Leaders need to verify that Friends organizations incorporate and have nonprofit status before working with them? Yes, to enter into a Friends Partnership Agreement with a Friends organization, we need to be sure they have their nonprofit designation. If the Friends have received their State incorporation status and they are in the process of applying for their Section 501(c)(3) of Title 26 of the Internal Revenue Code, with the Internal Revenue Service (IRS), they may enter into an agreement with the Service before the IRS awards the status. If, however, the IRS does not award the section 501(c)(3) status to the Friends organization, the agreement is invalid.

2.4 How does a Friends organization generate revenue and income? Friends organizations generate revenue and income through a variety of sources and activities. Examples include, but are not limited to:

- A.** Bookstore sales,
- B.** Sales over a Web site,
- C.** Membership dues,
- D.** Program fees,
- E.** Donations from the public and private sector,
- F.** Bequests,
- G.** Native plant sales,
- H.** Special events, and
- I.** Project fundraising through grant writing, etc.

2.5 What mechanisms are available to the Service to provide funds to Friends organizations to do projects? If we want to pay Friends organizations to perform work for us, we may use Friends Partnership Agreements, grants, and other procurement instruments described in 301 FW 5.

2.6 What is the process for Service sites and programs to receive and accept funding and non-monetary donations from Friends organizations? Project Leaders are responsible for meeting Departmental and Service standards and requirements for receiving and managing donations of funding, services, products, real property, and other non-monetary donations. (See 374 DM 6, 260 FW 4, 261 FW 1, and 342 FW 5.)

2.7 Do Friends organizations hire employees? Yes, a Friends organization may hire full-time, part-time, and seasonal employees.

A. Like any employer, the law requires Friends organizations to comply with equal employment opportunity guidelines when hiring.

B. Service employees may not hire or fire Friends' employees.

C. Friends' employees may not supervise or direct Service employees.

D. Service employees may supervise a Friends employee if that employee is performing duties in support of the Service site or program under a Volunteer Services Agreement (Optional Form (OF) 301A).

2.8 What access does the Service have to Friends' organizational and financial documents? The Regional Director or designee or the Project Leader may request to review a Friends organization's organizational and financial records. As charitable nonprofit organizations (under Title 26, Internal Revenue Code, Subtitle A, Chapter 1, Subchapter F, Part 1) the IRS requires Friends to make their financial records available to the public upon request. The Friends organization must maintain in a secure place all records, including, but not limited to, original documents, current 501(c)(3) status, Articles of Incorporation, sales information, bank statements, and other applicable documents.

2.9 What responsibilities do Friends organizations have for reporting and record keeping related to their organizations and the activities/events they conduct? As Friends are private, independent, nonprofit organizations, certain record keeping and reporting requirements apply.

A. Records.

(1) IRS Requirements. The IRS requires that Friends:

(a) Keep financial records, Board of Directors and membership meeting minutes, and records of all other fiduciary matters.

(b) Friends organizations must comply with current IRS requirements for annual exempt organization tax returns.

(c) Maintain records and other legal documents onsite at their established headquarters location.

(d) Pay penalties for failure to comply with the IRS regulations.

(2) General Accounting Practices. Friends organizations should follow Generally Accepted Accounting Practices and keep accurate and appropriate records such as receipts, invoices, purchase orders, and inventory records. Generally Accepted Accounting Practices are a set of guidelines, procedures, and conventions published by the Financial Accounting Standards Board that define accepted accounting practices.

B. Audits. Each State's Secretary of State, Attorney General, or Public Corporation agency determines audit requirements for nonprofit organizations. In addition, the Office of Management and Budget (OMB) has audit requirements for nonprofits receiving Federal funding (OMB Circular A-133). In both instances, there are established thresholds of annual income that determine when and what type of audit is required. Given the modest levels of income most Friends organizations receive annually, many are not required to meet State or Federal audit requirements. The Friends Partnership Agreement should address the established thresholds that trigger audit requirements and explain what those requirements are. The Friends Partnership Agreement should also include any additional organizational financial disclosure or reporting required (see section 2.10).

C. Reports. We do not ask the site/program working with Friends to send reports to the Washington Office on a regular schedule. However, Congress or other authorities may request information about our Friends program on such topics as gross receipts, expenditures, and projects. Depending on the request, the National Friends Coordinator may need to collect data, narratives, or images of special events and projects. After receiving such a request, the National Coordinator will ask Regional Coordinators to work with the sites/programs to collect this information. The Regional Coordinator will consolidate the information and send it to the National Coordinator.

2.10 Does the Service have audit requirements for Friends organizations? We do not impose audit requirements on Friends organizations. However, we strongly recommend that Friends organizations obtain periodic evaluation of financial records (e.g., compilation, review, audit) by an independent accounting firm or someone with an accounting background, such as a Certified Public Accountant. Many funding organizations (e.g., foundations, corporations, agencies) require organizations seeking financial assistance to provide some level of independent financial review of the organization with applications.

2.11 Does the Service have insurance requirements for Friends organizations?

A. We do not require a Friends organization to buy public liability insurance to operate a sales outlet, bookstore, or other revenue-generating activity on Service property. However, we strongly recommend that Friends who operate such stores procure an appropriate amount of insurance to protect against the loss of inventory and other property in case of events such as fire, weather events, or theft.

B. Other Friends activities performed both on- and off-site, may require liability insurance, depending on the level of risk. The Friends organization should assess the level of risk and determine the amount of insurance required. Friends may consult with insurance professionals and with our Regional Contracting and General Services staff to assess risk. The Friends Partnership Agreement should describe activities requiring insurance coverage. See 633 FW 3 for more information about the Friends Partnership Agreement.

C. Other types of insurance that a Friends organization may want to buy include:

(1) Loss of business income;

(2) Security bonding of staff and board members;

(3) Directors' and Officers' insurance that covers actions taken by Board members, officers, and staff; and

(4) Event insurance.

2.12 Does the Service allow Friends to sell items on Service-owned or leased property? Yes, a Friends organization's efforts to sell its merchandise is a natural extension of its outreach and fundraising activities. Project Leaders may allow Friends to sell items on Service-owned or leased property as described under their Friends Partnership Agreement. See 633 FW 4 for more information about specific revenue-generating activities (e.g., bookstores, sales outlets, vending machines).

2.13 Does the Service allow Friends to fundraise on Service-owned or leased property? Yes, Project Leaders may allow Friends organizations to conduct fundraising events or display materials about fundraising activities on Service property.

A. Project Leaders must ensure fundraising events are appropriate and compatible with Service site activities and natural resources. Typically, events highlight the purpose of Service site(s) or program or reinforce the mission and goals of the Service.

B. Project Leaders may allow the non-intrusive display or distribution of materials to educate visitors about Friends' fundraising or other activities.

(1) Materials may include donation envelopes, architectural drawings, graphics, pictures, newsletters, membership forms and brochures, or other similar information.

(2) The material must identify the Friends organization and explain how to receive additional information.

C. Project Leaders may allow links from their site's Web site to a Friends Web site (see section 2.14), even if the Friends Web site contains information about making donations.

2.14 May the Service include links in its site-specific Web sites to Friends Web sites? Links from a Service site's Web site to a Friends Web site must conform to Departmental information technology management and security policies. See the Service Web page on Privacy and other Web Policies (<http://www.fws.gov/help/policies.html>) for more information and a standard disclaimer statement.

2.15 May Friends members and Friends employees wear uniforms? Friends members and Friends employees may not wear a Service uniform or any clothing that may confuse the public about whether or not they are Service employees. However, Project Leaders may allow Friends members working onsite or conducting Service-related activities off-site to wear an easily observable and readily identifiable insignia of the Friends organization. Also see 041 FW 4 and 150 FW 3.

2.19 May Project Leaders allow Friends to use the Service logo in their outreach materials? Friends organizations may only use the Service logo with written approval from the Director. See 041 FW 2.

Part 633 FW 3: “Friends Partnership Agreements”

3.1 What is the purpose of this chapter? This chapter will help Service employees work with Friends organizations through Friends Partnership Agreements.

3.2 What are the objectives of this chapter? This chapter:

A. Provides administrative guidance on the need and process for developing and modifying Friends Partnership Agreements with Friends organizations, and

B. Describes the major components of a Friends Partnership Agreement.

3.3 What defines the relationship between the Service and a Friends organization? A formal Friends Partnership Agreement is the legal instrument defining the relationship between the Service and a Friends organization. Friends Partnership Agreements allow both parties to be substantially involved in mutually agreed-upon activities. As defined in the Friends Partnership Agreement, Service employees and the Friends organization work together cooperatively in support of the Service mission.

3.4 What is the purpose of establishing a Friends Partnership Agreement between the Service and Friends? Entering into a Friends Partnership Agreement:

A. Formalizes and facilitates the collaboration between the Service and Friends, and

B. Ensures that both parties have a mutual understanding of their respective roles, responsibilities, rights, expectations, and requirements within the partnership.

3.5 What is in a Friends Partnership Agreement? Each Friends Partnership Agreement may be slightly different because the Friends organization and Service site/program must develop an agreement specific to their needs. The agreement must meet Service policy and requirements.

A. All Friends Partnership Agreements typically include the following sections:

(1) Authority

(2) Purpose

(3) Background

(4) Authorization and Term of Agreement

(5) Service and Friends Responsibilities

(6) Supplemental Agreements

(7) Insurance

(8) Assignment

(9) Miscellaneous

(10) Agreement Officers

B. For an agreement example, see [Exhibit 1](#) (Sample Friends Partnership Agreement).

3.6 What is the process for developing and getting approval of a Friends Partnership Agreement?

A. When beginning to develop an agreement, first contact the Regional, or National Friends Coordinator for guidance.

B. Submit the Friends Partnership Agreement to the Regional Friends Coordinator for review. The Regional Coordinator gives the agreement to the site's/program's Assistant Regional Director for review before sending it to the Regional Director.

C. The Regional Director (or designee) signs the Friends Partnership Agreement. The Friends organization's president of the Board of Directors (or equivalent elected leader) signs for the Friends organization.

D. The Friends Partnership Agreement is effective for 5 years with five 1-year renewal options. Each time the agreement is up for renewal, the Project Leader must meet with the Friends Board of Directors to review the agreement.

E. The Friends organization, the Service site/program, and the Regional Friends Coordinator should keep copies of the Friends Partnership Agreement.

3.7 Can the Service or the Friends organization make modifications to its Friends Partnership Agreement? Yes, either party may propose modifications or amendments to the agreement at any time during the period of performance. When both parties sign the modified agreement or amendment, it becomes effective. Neither party is obligated to a change until it is put in writing and both parties sign it. No agreement may obligate the Service to expend funds beyond annual appropriations.

3.8 How do the Friends organization and the Service resolve problems or disagreements? The Project Leader and Friends president should work together to resolve conflicts. If necessary, the Project Leader may ask the Regional Friends Coordinator to intervene and assist with overall problem solving and conflict resolution. Other options available for problem solving or resolving conflicts include seeking assistance from the National Wildlife Refuge Friends Mentoring Team or Service Human Capital offices.

3.9 Can either party terminate the Friends Partnership Agreement?

A. With 60-days written notice, the Project Leader or the Friends organization may terminate the agreement for reasons relating to the mission of the refuge.

B. Also with 60-days written notice, the Service or the Department may terminate the agreement for reasons relating to how the Friends are running the organization or because of relations between the refuge and the Friends. In this case, the Project Leader must first meet with the Friends organization's Board of Directors, or document the Board's unwillingness to do so, to inform them of the reasons of the proposed termination. Unless the activity violates regulations or law, the Friends must have a minimum of 2 weeks and a maximum of 30 days to address our concerns.

C. The Project Leader may suspend the agreement immediately in the presence of documented violation of regulation or law.

Part 633 FW 4: “Friends Sales Outlets, Bookstores, and Other Revenue-Generating Activities”

4.1 What is the purpose of this chapter? This chapter will help Service employees work with Friends organizations that manage sales outlets, bookstores, or other revenue-generating operations on Service property.

4.2 What are the objectives of this chapter? This chapter:

A. Describes the roles and responsibilities of the Service and of Friends organizations when a Friends organization manages revenue-generating operations on Service property, and

B. Identifies the types of items that Friends organizations may sell in an outlet or bookstore.

4.3 What defines the relationship between the Service and a Friends sales outlet, bookstore, or other revenue-generating operation? A Friends Partnership Agreement defines the relationship between the Service and a Friends organization. See 633 FW 3.5 and the accompanying exhibit for more information about what is in the Friends Partnership Agreement for a Friends organization that operates a sales outlet, a bookstore, or any other revenue-generating program.

4.4 What are the insurance requirements for Friends bookstores? We do not require a Friends organization to procure public liability insurance for the purposes of operating a sales outlet or bookstore at a Service field station (also see 633 FW 2.11). However, we strongly recommend that Friends organizations procure an appropriate amount of insurance to protect against the loss of inventory and other property in case of events such as fire and theft.

4.5 What role does the Service have in the operation of sales outlets/bookstores?

A. The Project Leader ensures that operations meet the requirements of the Friends Partnership Agreement. The Project Leader, in collaboration with the Friends organization, approves:

(1) The location and layout of the sales outlet/bookstore;

(2) Services and products provided;

(3) The hours of operation; and

(4) Rates and prices.

B. With approval from the Project Leader, other Service employees may assist in the direct operation of the sales outlet, including placing orders for sales items and selling items when Friends members are absent. This should be the exception, however, and not the rule. Most of the time Friends organizations should provide their own staff or coordinate with other volunteers to operate sales outlets.

4.6 What types of items does the Service allow Friends to sell on Government property?

A. Typically, all items for sale should illustrate the purpose of the Service site(s) or program or reinforce the mission and goals of the Service. The Friends organization and Project Leader should collaborate to determine the content, quality, price, and display of sales items. The Project Leader has final approval authority.

B. A sample list of appropriate items includes books, field guides, pamphlets, pictures, posters, videos, maps, interpretive publications, and other natural or cultural resource-related materials. The Friends organization may also sell postcards, t-shirts, patches, pins, caps, etc., that reinforce the Service and the site/program’s missions.

4.7 What types of items does the Service not allow Friends to sell on Government property?

A. We do not allow the sale of any item prohibited under Federal or State laws, such as original artifacts, endangered species products, etc.

B. Although a Project Leader may approve it, we discourage him/her from allowing a Friends organization to sell food, bottled water, soft drinks, photographic film, sun screen, insect repellent, or other items that concessions normally sell. The Project Leader must take special care to avoid approving a practice that may compete with local businesses. To sell these types of items, Friends organizations typically should enter into a separate concession contract with us (also see 301 FW 5).

4.8 How does the Project Leader approve sales items? The Service and Friends organization should work together closely to plan the sale of merchandise and services.

A. A Friends' representative should submit a list of all items the organization plans to sell to the Project Leader or his/her designee for written approval.

B. Either party may propose additional sales items or request removal of items. They can use the optional Review of Sales Items form we provide in the Sample Friends Partnership Agreement (see Exhibit 1, 633 FW 3) or a comparable item review process. The Project Leader should give copies of the signed form to the Friends' representative.

C. If we cannot reach a consensus with a Friends organization on any given item, the Project Leader makes the final decision.

4.9 Can Friends sell items using the Service logo and other related symbols? Friends organizations may only use the Service logo with written approval from the Director. See 041 FW 2.

4.10 May a Project Leader allow a Friends organization to host an auction on Service-owned or leased property? Yes. Many Friends organizations host general and silent auctions and incorporate them into their field station events. When approved by the Project Leader, these activities are a legitimate means for raising additional funds, building public support, and facilitating broader community partnerships with local, regional, or national contributors.

4.11 May a Project Leader allow a Friends organization to install and use donation boxes on Service-owned or leased property? Yes. Project Leaders may approve the installation of Friends donation boxes on Service property if:

A. 100% of the donations or collections go to support Service site programs and projects,

B. The boxes clearly advise the public about how the money will be spent, and

C. He/she approves the design and location of the box.

4.12 May a Project Leader allow a Friends organization to collect fees for programs held on Service-owned or leased property? Yes, the Project Leader may allow the Friends organization to charge and collect fees for programs and services the Friends provide. The Project Leader should ensure that any fees the Friends organization charges are fair and reasonable and do not compete with other similar commercial activities in the local area.

4.13 May a Project Leader allow a Friends organization to operate vending machines on Service-owned or leased property? The State Licensing Agency (SLA) for the Blind has the right of first refusal for vending machines on Federal property. Vending machine operations must go through the Randolph-Sheppard Program. Usually, the SLA is the State Rehabilitation Agency in the State Department of Education. If the SLA does not want the business, the Project Leader may allow a Friends organization to manage vending machine programs (see 20 U.S.C. 6A, Section 107, Operation of Vending Facilities).