

Memorandum of Understanding
between the
U.S. Environmental Protection Agency
and the
National Institute of Environmental Health Sciences
for
Joint Operations and Maintenance of the First Environments Early Learning Center
April 12, 2016

Background

The First Environments Early Learning Center (FEELC) is a child care center in the Research Triangle Park (RTP), North Carolina. FEELC was established in 1986 by the U.S. Environmental Protection Agency (EPA) and the National Institute of Environmental Health Sciences (NIEHS). It is managed by the non-profit First Environments Parents' Organization. FEELC's primary goal is to provide a world class, National Association for the Education of Young Children accredited, North Carolina 5-star rated child care facility to EPA and NIEHS employees, research fellows, and contractors.

Nearly 200 children and their parents are served by FEELC. Consistent with the agencies' environmental missions, FEELC programming emphasizes nature and the environment and operational practices maximize resources to support sustainability.

By cooperating to maintain the Center's operations, the two agencies create a recruitment and retention incentive for current and future FEELC employees and others. The agencies, in coordination with the First Environments Parents' Organization, ensure that the Center thrives as an innovative, unique resource for employees and an example for the community.

Purpose

This MOU establishes responsibilities and general financial agreements between EPA and NIEHS relative to the guidance provided to and the costs associated with the efficient operations and maintenance of the FEELC facility. Specific financial transactions to implement this MOU are addressed in Interagency Agreement Number RW75923493.

Authorities

The statutory authority for this MOU and for subsequent interagency agreements is the Clean Air Act, Section 102(b), which authorizes the EPA administrator to cooperate with federal departments and agencies, such as NIEHS, which has functions relating to the prevention and control of air pollution. The provision states that this cooperation is to assure the utilization in the federal air pollution control program of all appropriate and available facilities and resources within the federal government. The statutory authority for NIEHS is 40 U.S.C. § 590 and section 463 of the Public Health Service Act, 42 U.S.C. § 285I. Funds will be transferred and received under interagency agreements pursuant to the Economy Act, 31 U.S.C. § 1535.

Key Personnel

Principal contacts on matters relating to operation and funding of FEELC are:

EPA:
Deborah Thomas
Program Analyst
U.S. EPA C604-02
RTP, NC 27711

NIEHS:
Edward Kang
Employee Services Manager
NIEHS
P.O. Box 12233
RTP, NC 27711

Operations and Management

Recognizing the shared benefit of FEELC to both agencies, EPA and NIEHS will work in partnership and mutual agreement in decisions impacting the operation and funding of the center. This includes the development and implementation of the Child Care Center Use Agreement, which governs operations of the Center. Management of and communication with board members and center manager(s)/staff on matters of a non-trivial nature will represent the shared perspective of both agencies.

While EPA, as licensor, assumes the lead role in the maintenance and operations of FEELC, all correspondence of a non-trivial nature, documentation, reports, and other updates to and from FEELC will be shared with the NIEHS Child Care Liaison.

Budget and Funding

EPA and NIEHS agree to evenly bear the operating and maintenance costs for FEELC. These costs include, but are not limited to: utilities; operations and maintenance, including the maintenance and annual testing of the security/fire system; and custodial, landscaping, desktop, voice, and telecommunications support. All repairs, capital improvements, upkeep requirements, and facility alterations will be agreed upon and coordinated between EPA and NIEHS before work begins.

The EPA Child Care Project Officer (CCPO) will collect data on costs pertinent to operating and maintaining FEELC when formulating the annual budget. Once the budget has been agreed upon by NIEHS, the funds will be transferred to EPA as soon as administratively feasible. Whenever possible, in the event of an unforeseen need, both agencies must agree on the need to fund any actions that fall outside of the initial formulated budget. Upon agreement, EPA will perform the work and NIEHS will provide advance funding or reimbursement, as agreed, for their portion of the cost of each action. EPA will notify NIEHS of any significant cost changes for operations and maintenance of the facility and obtain concurrence on any change orders. When feasible, this consultation and concurrence will be in advance of the work. Unless otherwise agreed, all costs will be shared equally between the two agencies.

During the life of this MOU, both agencies will maintain documentation that will provide accountability for all financial transactions. The documentation will be available for examination by either agency and any items in dispute will be resolved by the EPA CCPO and the NIEHS Child Care Liaison. The documentation will provide assurance that all funds applied were responsibly expended and were used for the purposes set forth in this MOU.

To the maximum extent possible, the EPA and NIEHS will collaborate on decisions involving center closures due to unplanned circumstances such as interruptions in appropriations.

Both agencies agree that all funds expended on the activities described in this MOU are solely for the purpose of Center maintenance and operations and will not be expended for any other activities without prior approval by both agencies.

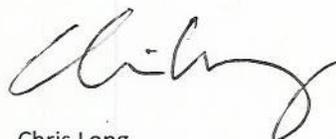
Changes

This MOU cannot be modified, altered, or violated without consent of both agencies. The MOU will receive periodic review, which can be initiated by either the EPA or NIEHS.

Approvals



Mark McPherson
Acting Director
U.S. EPA, OARM-RTP



Chris Long
Acting Associate Director for Management
NIEHS, Office of Management