

## **SECTION 221 – FCA 1970, AS AMENDED**

### **MODEL MOU FOR IN-KIND CONTRIBUTIONS PROVIDED OR PERFORMED BY A NON-FEDERAL INTEREST PRIOR TO EXECUTION OF A PROJECT PARTNERSHIP AGREEMENT**

#### **MODEL HISTORY:**

**30 May 2008** - Model originally approved.

**Note:** For information regarding the approval authority and signature authority for a project specific agreement developed using the current version of the In-Kind MOU for Construction model, go to the Implementation Memo link to see the In-Kind MOU Model Implementation Memo, dated 23 June 2008.

#### **MODEL APPLICABILITY:**

The In-Kind MOU for Construction model is one of two model MOUs developed to address in-kind contributions to be provided or performed by a non-Federal interest prior to execution of the applicable cost sharing agreement. The other model addresses design activities provided or performed as in-kind contributions.

This model should be used if the non-Federal interest intends to provide or perform construction activities prior to execution of a Project Partnership Agreement (PPA) for a specifically authorized project. In addition, it should be used if the non-Federal interest intends to provide or perform design and construction activities or construction activities for authorities (Continuing Authorities Program and regional authorities) that use a PPA that addresses performance of design and construction in one agreement. It should not be used if the sponsor intends to provide or perform design activities prior to execution of a Design Agreement for a specifically authorized project nor if the non-Federal interest intends to provide or perform design activities only prior to execution of a PPA for those authorities (Continuing Authorities Program and regional authorities) that use a PPA that addresses performance of both design and construction in one agreement.