

MEMORANDUM OF AGREEMENT

BETWEEN THE

**U.S. INTEGRATED OCEAN OBSERVING SYSTEM OFFICE
NATIONAL OCEAN SERVICE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
U.S. DEPARTMENT OF COMMERCE**

AND THE

GULF OF MEXICO COASTAL OCEAN OBSERVING SYSTEM

**FOR THE PURPOSE OF DESIGNATING THE GULF OF MEXICO
COASTAL OCEAN OBSERVING SYSTEM AS CERTIFIED FOR
INCORPORATION INTO THE NATIONAL INTEGRATED COASTAL
AND OCEAN OBSERVING SYSTEM**

NOS Agreement Code: MOA-2018-026/11579

I. PARTIES AND PURPOSE

- A. The Program Director of the United States Integrated Ocean Observing System (IOOS[®]) Office, a component of the National Ocean Service (NOS) of the National Oceanic and Atmospheric Administration (NOAA) within the Department of Commerce (DOC) enters into this Memorandum of Agreement (“MOA” or “Agreement”) with the Executive Director of the Gulf of Mexico Coastal Oceans Observing System (GCOOS).
- B. This Agreement integrates GCOOS into the National Integrated Coastal and Ocean Observing System (ICOOS) based on satisfying NOAA’s requirements as specified in the Regulations to Certify and Integrate Regional Information Coordination Entities (RICES) (15 C.F.R. Part 997).

II. BACKGROUND

- A. The Integrated Coastal and Ocean Observation System (ICOOS) Act of 2009 (Pub. L. 111-11) (ICOOS Act or Act, codified at 33 U.S.C. §§ 3601-3610) directs the President, acting through the National Ocean Research Leadership Council (Council), to establish a National Integrated Coastal and Ocean Observation System (System). The System must “include in situ, remote, and other coastal and ocean observations, technologies, and data management and communication systems, and [be] designed to address regional and national needs for ocean information, to gather specific data on key coastal, ocean, and Great Lakes variables, and to ensure timely and sustained dissemination and availability of these data.” 33 U.S.C. § 3601(1). Another purpose of the System is “to fulfill the Nation's international obligations to contribute to the Global Earth Observation System of Systems and the Global Ocean Observing System.” 33 U.S.C. § 3603(a).
- B. The ICOOS Act directs the Interagency Ocean Observation Committee (IOOC) to “develop contract certification standards and compliance procedures for all non-Federal assets, including regional information coordination entities, to establish eligibility for integration into the System.” 33 U.S.C. § 3603(c)(2)(E). The Act further directs NOAA, as the lead Federal agency for implementing the System, to “promulgate program guidelines to certify and integrate non-federal assets, including regional information coordination entities, into the System.” 33 U.S.C. § 3603(c)(3)(C). The Regulations to Certify and Integrate Regional Information

Coordination Entities (15 C.F.R. Part 997) satisfy this requirement and identify the compliance procedures and requirements for certifying RICEs. The U.S. Integrated Ocean Observing System Office, within NOAA, is responsible for implementing the provisions of the Act for certifying RICEs.

- C. NOAA designates GCOOS a certified RICE on DATE XX, 2017. Certification expires on [DATE, 2022] (*5 years from date the MOA is finalized*). This MOA provides final integration of GCOOS into the ICOOS for the same term. Integration provides GCOOS with the civil liability protections that are described in 15 C.F.R. § 997.26.

III. AUTHORITY

The programmatic authority for the NOAA U.S. IOOS Office and GCOOS to enter into this Agreement is the ICOOS Act (33 U.S.C. 3601-3610), which authorizes the President to establish a national integrated System of ocean, coastal, and Great Lakes observing systems, comprised of Federal and non-Federal components coordinated at the national level by the National Ocean Research Leadership Council and at the regional level by a network of regional information coordination entities. The system is to include in situ, remote, and other coastal and ocean observation, technologies, and data management and communication systems, designed to address regional and national needs for ocean information, to gather specific data on key coastal, ocean, and Great Lakes variables, and to ensure timely and sustained dissemination and availability of these data.

IV. TERMS AND CONDITIONS

A. NOAA:

1. Consistent with paragraph II.C. above, recognizes GCOOS as a certified RICE per the ICOOS Act (33 U.S.C. 3601-3610).
2. Recognizes the individuals listed as meeting the employee of a RICE criteria in the Decision to Approve GCOOS Certification Application letter from the Director of the U.S. IOOS Office to the Director of GCOOS, dated November 22, 2017 as being approved RICE employees consistent with 15 C.F.R. § 997.26.
3. Will provide reasonable guidance to GCOOS for fulfilling all work related to existing certification requirements.
4. May audit a RICE to ensure that it is maintaining compliance with all parts identified in 15 C.F.R. Part 997.

B. GCOOS:

1. Will continue to meet all requirements identified in 15 CFR Part 997 through the duration of the Agreement, in conformity with the documentation provided in its certification application.
2. GCOOS will notify the IOOS Program of changes to the individuals that we determined to be certified employees in a letter and provide documentation about any new hire that is considered a certified RICE employee in accordance with requirements 15 C.F.R. § 997.13 (c) and 15 C.F.R. § 997.26 of the final rule.

VI. FUNDING ARRANGEMENTS

- A. This Agreement is not a fiscal or funds obligation document, and funding is neither anticipated nor required for activities identified herein.

VII. DURATION OF THE AGREEMENT, MODIFICATION OR TERMINATION

- A. This Agreement will become effective upon the date of the last signature and shall remain in effect until **[5 years from date certification MOA is finalized]**.
- B. The Agreement may be amended or terminated through mutual written consent of the Parties. However, certification, renewal, and decertification is subject to the requirements in 15 C.F.R. §§ 997.14 and 997.15. Decertification by NOAA or voluntary termination by GCOOS under 15 C.F.R. § 997.15 will automatically terminate this Agreement.

VIII. RESOLUTION OF DISAGREEMENT

If the Parties disagree over how to interpret this Agreement, such disagreement(s) shall be presented to the other Party for consideration. If agreement or interpretation is not reached within 30 days, the parties may refer the matter to a higher level of authority within their respective organizations for appropriate resolution.

IX. CONTACTS:

- A. POINTS OF CONTACT:

FOR THE INTEGRATED OCEAN OBSERVING SYSTEM (NOAA):

For program/technical matters:

Mr. Dave Easter, Chief, Regions, Budget & Policy Division
1315 East-West Highway, 2nd Floor
Silver Spring, MD 20910
(240) 533-9453 (voice)
Dave.Easter@noaa.gov (e-mail)

Debra Esty, Agreements Coordinator
1315 East-West Highway, 2nd Floor
Silver Spring, MD 20910
(240)-533-9446 (voice)
debra.esty@noaa.gov (e-mail)

FOR THE GULF OF MEXICO COASTAL OCEAN OBSERVING SYSTEM:

For program management/technical areas:


Barbara Kirkpatrick, Executive Director
(941)724-4320 (voice)
Barb.kirkpatrick@gcoos.org (email)

- B. Either Party may elect to change its point(s) of contact by providing 14-day written notice thereof to the other Party. This change will not require an amendment.

X. SIGNATURES:

This Agreement shall be effective as of the date of last signature of the authorized representatives of the Parties (the "Effective Date"). This Agreement may be signed in duplicate originals, or in separate counterparts, which are as effective as if the Parties signed a single original. A facsimile of an original signature transmitted to the other Party is effective as if the original was sent to the other Party.”).


ACCEPTED AND APPROVED FOR THE DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, NATIONAL OCEAN SERVICE, U.S. INTEGRATED OCEAN OBSERVING SYSTEM:



Mr. Carl C. Gouldman, Director

3/7/18
Date

ACCEPTED AND APPROVED FOR THE GULF OF MEXICO COASTAL OCEAN OBSERVING SYSTEM



Ms. Barbara Kirkpatrick, Executive Director

3/7/18
Date