

Blue Ridge Parkway Nonmonetary Gift Acceptance Policy

BACKGROUND

Excerpt from DOI Partnership Legal Primer:

Receiving assistance from partners, Donations to the Department

The classic partnership (in which the Department is working with an outside entity) usually does not involve a direct transfer of property *to* the Department. However, there are certain to be situations in which an outside party wants to donate money, property, or services to the Department in support of a partnership. This will be permissible in many circumstances, and such donations will often serve partnership purposes. This Primer, accordingly, will briefly discuss the issue of the Department's authority to accept gifts from outside entities. For these purposes, a "gift" is a gratuitous conveyance of ownership in property without anything being given by the Department in return. Gifts are distinguished from required payments, such as fees, and from payments in satisfaction of an obligation, such as the provision of services to satisfy a "matching" requirement under a grant program.

The general rule regarding donations to the Department is that the Department may not accept donations of money, property, or services, unless there is specific statutory authority to accept such gifts. To accept a gift without authorization would be either an improper augmentation of the Department's appropriations (for gifts of money and property) or would be an improper acceptance of voluntary services (for gifts of services). *See* Part C for a more detailed discussion of these limitations.

Most of the Department's bureaus have gift acceptance authority. The authorities listed at Part D will usually provide a means to accept a gift. Nonetheless, with respect to any suggested donation, the list must be consulted to determine whether the Department has the requisite statutory authority to accept the proffered gift from outside entities under the circumstances. The statutory authority needs to be clear and specific enough to provide a basis to conclude:

- that the type of gift is permissible (e.g., authority to accept "funds" does not include authority to accept "property");
- that the gift furthers authorized Department/bureau purposes; and
- that no conditions or terms of the gift would make the gift unacceptable, (e.g., a gift that requires the Department to perform some future activity when Congress has not specifically authorized performance of the activity in the future).

Finally, the circumstances of the gift must not violate ethics rules, including that the gift must not create the appearance of impropriety.

A gift of real property (e.g. land) or personal property (e.g., computers, tools) must be accepted and accounted for according to the bureau's authority and procedures. See below for mandatory procedures.

*In order for FRIENDS Chapter leadership and Parkway District Supervisors to be able to request and or exchange gifts. The procedure information outlined here **must** be followed.*

**Blue Ridge Parkway Nonmonetary Gift Acceptance Policy:
Procedure for Blue Ridge Parkway Staff:**

BEFORE CONTACTING A PARKWAY PARTNER REGARDING A POTENTIAL GIFT

1. District employees identifying a need for supplies or equipment, valued at \$1000 or less, will prepare a brief statement of need and send it to their supervisor for concurrence. (This process can occur via email).
2. The supervisor will provide a copy of the written statement of need, including his/her concurrence, to the appropriate Division Chief **and** the BLRI Partnership Coordinator.
3. After steps 1 and 2 are complete and concurrence is confirmed, the gift can be accepted.
4. Upon receipt of a gift, the benefitting division/program area will accept the gift and acknowledge its receipt in writing. The original of this written acknowledgement must be sent to the source of the donation, with copies also sent to the park's Property Manager and Partnership Coordinator, thus ensuring appropriate records of transfer and property receipt.

District employees identifying a need for supplies or equipment, valued over \$1000, will prepare a brief statement of need that must be approved by the appropriate Division Chief (who may hold the unmet need and submit it during an upcoming annual funding cycle). If the Division Chief concurs with the proposed request, the district employee may follow the same procedure for donations valued at \$1000 or less and as outlined in the steps above.

Procedure for FRIENDS of the Blue Ridge Parkway Chapter Leaders:

FRIENDS chapters wishing to provide gifts of property, supplies, or equipment at the district level must:

1. Chapter leaders should only begin the process making a gift, **after Steps 1 & 2 listed above are complete.**
2. Have a copy of the documented statement of need indicating park supervisor's approval (see procedures above).
3. Coordinate specifics regarding the gift (makes, models, etc.) with the requesting supervisor to insure item meets NPS standards and guidelines.
4. Consult with the FRIENDS office to discuss the details of the request.
5. Convey the gift with a written letter stating the date, description of item(s), and estimated value. The original of this letter must be sent to the park's property manager at park headquarters and copies must also be sent to both the FRIENDS office in Roanoke and the Partnership Coordinator at park headquarters.

Important Contact Information:

BLRI Partnership Coordinator
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**PLEASE NOTE: If donations are intended for museum collections, please work with park curator Jackie Holt, as different procedures apply.*