# United States Department of the Interior

U.S. GEOLOGICAL SURVEY
Reston, Virginia 20192

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WATER MISSION AREA MEMORANDUM NO. 12.01

Subject: Avoiding Competition with the Private Sector

This memorandum reiterates the longstanding Water Mission Area (WMA)(formerly Water Resources Discipline) policy on avoiding competition with the private sector and provides references for additional guidance in areas where competition may be an issue.

The need to review the role of the WMA in performing work on a reimbursable basis with a variety of partners continues to be relevant in light of the changing technical and political environment and evolving expertise and capabilities of the water-resources consulting community. The U.S. Geological Survey (USGS) mission continues to provide clear and compelling justifications for a Federal role in water-resources data collection, assessments, and research. It is our intention to adhere to that role. The existence of even a few projects (out of the many hundreds undertaken) for which the justification is weak can undermine our ability to continue to provide the services to the Nation that is our proper mission. Thus, for every study we undertake, we must be able to demonstrate that the work is consistent with our Federal role.

The essential role for the WMA is to be the principal Federal provider of water-resources data, assessments, research, and new technology for the Nation. As such, the WMA intends to maintain its competence through hydrologic research and methods development; distributed data-collection and resource-assessment programs; and continuous stakeholder input. The continued vitality and relevance of our programs depend on our close involvement and responsiveness to stakeholder agencies. Internally, strong competence in field techniques and assessments; familiarity with the full range of hydrologic systems; and a robust and relevant research program will be maintained. The data and hydrologic system information gathered from the individual local and regional activities are used in turn by the WMA to synthesize regional- and national-scale water-resources perspectives and are vital to our overall mission. Without these elements, the WMA would soon lose its scientific leadership and relevance to emerging water-resource issues.

Paramount in our relationships and programs with other agencies, however, is the need to maintain the longstanding WMA policy not to compete with the private sector. This means that the WMA must be responsive to the requests and interests of potential partners, but at the same time, set limits on the type of work undertaken on their behalf. As such, projects undertaken with funding partners must meet several basic standards. Our projects must provide an enhancement of

knowledge or an enhancement of hydrologic methodology that is useful beyond the immediate needs of the cooperator. In general, if the project provides services readily available from the private sector and or driven solely by an operational need of the cooperator to meet an agency-specific requirement, (such as a design or permit application) we should not undertake the work. However, if services are not readily available from the private sector or the partner's operational need can be satisfied along with one or more of the following broader WMA goals, then the work may be considered appropriate. These broader goals include:

- advancing knowledge of the regional hydrologic system;
- advancing field or analytical methodology;
- advancing understanding of hydrologic processes;
- providing data or results useful to multiple parties in potentially contentious inter-jurisdictional conflicts over water resources;
- furnishing hydrologic data required for interstate and international compacts, Federal law, court decrees, and congressionally mandated studies;
- furnishing hydrologic data or information that contribute to protection of life and property; and,
- providing standardized, quality-assured data to national data bases available to the public that can be used to advance the understanding of regional and temporal variations in hydrologic conditions.

A critical aspect of each of these goals is that all WMA programs (whether funded by appropriations or by funding partners) actively share the results through widely-accessible data bases and published reports. Further guidelines on our appropriate role are given in WRD Memorandum No. 84.21; this memorandum specifically addresses criteria to be used to decide which hydrologic activities are not appropriately included in the Cooperative Water Program.

The USGS uses private sector contractors to carry out specific tasks in projects where it is appropriate and efficient to do so. Agreements for such arrangements should contain clear expectations as to how the USGS and the private sector firms will collaborate.

An External Task Force Review of the Cooperative Program completed in 1999 provided two important recommendations related to competition (USGS Circular 1192, p. 19) as follows:

**Convene ad hoc committees by project type, composed of private sector, other agencies, and Cooperators, to resolve emerging competition issues, and to help determine what types of projects are appropriate for the USGS to undertake.*

To address this recommendation, USGS convened 'listening sessions' at major national conferences involving topical areas where competition could be a potential issue. To date, these listening

sessions have resulted in two guidance memorandums on floodplain mapping (August 22, 2002; April 19, 2002). A third guidance memorandum (WRD Policy 03.06) on the subject of bridge scour is based on numerous interactions with cooperators and the private sector on this topic. Other topics will be covered as they arise and as appropriate venues for addressing them are identified.

**Create and convene biennially, a review panel to update WRD Memorandum No. 95.44, as necessary.*

Because guidance memorandums on specific topical areas are being used to update information about competition issues, we have agreed to review and revise, as needed, our policy memorandum on competition at least every 5 years.

The WMA remains committed to stay relevant to the needs of its funding partners while maintaining significant technical leadership, innovation, and hydrologic expertise of benefit to stakeholders across the Nation.

William H. Werkheiser
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This memorandum supersedes WRD Memorandum No. 04.01, which superseded WRD Memorandum No. 95.044 and WRD Memorandum No. 85.059