

Navy

Moffett Field Transition
Memoranda of Agreement
with
Federal Agencies

Background

The transition of Moffett Field will require NASA agreements with Federal and other entities:

1. The **Memorandum of Understanding (MOU)** between DOD and NASA is the document which sets in motion the transfer of the facility and establishes the basis for other agreements.
2. In the Draft MOU, it is stated that **Memoranda of Agreement (MOA)** with DOD entities will be signed prior to the end of FY92. Existing interagency support services agreements (ISSAs) between the Navy and other Federal agencies may be replaced by **Reimbursable Agreements (RA)** between NASA and selected tenant entities. A list of existing Navy tenants is (to be) attached.
3. If not covered in the MOU, the Navy and NASA must also have an agreement to transfer management authority to NASA when the base closes (October 1994) and transfers the deed to NASA after hazardous wastes (surface) have been cleaned up (e.g. 2005).
4. Also, NASA will need an agreement with the Air Force to the effect that the housing area on-site will transfer to NASA if not needed by DOD/Air Force. This will meet NASA's goal of **protecting the wind tunnels** from regulation by State or local authorities.

5. During the period before the Navy turns the facility over to NASA (the interim period -- until October, 1994) NASA will need **Interim agreements** with the Navy to:

- o accept buildings or to approve the use of buildings by other tenants and
- o provide/manage services to other tenants, in place of the Navy.

6. Agreements with **new Federal entities** can be implemented on a case-by-case basis provided that the entities meet NASA objectives for the utilization of Moffett Field.

7. A multi-party agreement may be required to replace the ownership/management of Navy's **MWR program** with a similar non-appropriated funding authority or non-profit organization.

8. Agreements with Federal (e.g. Defense Fuels Agency) and non-Federal (e.g. City of Sunnyvale for waste water disposal) **service providers** will be required. There is also an option to have Public Works Center, San Francisco Bay Area (PWC) to continue to provide public works services for NASA after the Navy turns the base over to NASA.

9. NASA and other Federal Entities may decide to establish an **Industrial Development Fund** for public works and/or other activities requiring capital improvement funding on a shared basis.

10. Agreements with Federal (e.g. EPA for takeover of Navy permits); Regional (e.g. Air Quality Control Board) and Local (e.g. Santa Clara County for hazardous waste management) **regulatory agencies** will be required.

11. Existing Navy agreements with **private sector entities** may be taken over by NASA and/or new agreements may be entered into by NASA for the purpose of providing services (e.g. food services) to NASA and its tenants.

12. Any existing easements, covenants or other types of agreements involving the Navy property will be investigated as part of the **Title Search**. The potential requirement for new easements has been identified for the Light Rail System and the Bay Trail.

13. Finally, regulations (e.g. 14 CFR regarding NASA airfields) must be changed as necessary.

Importance of MOAs

After the MOU, the agreements with the Navy and the MOAs with the Federal tenants are most important since they establish the basis for the operation of the facility and must be executed as soon as possible (see below).

Approach

The proposed approach for MOAs with Federal tenants is:

- o NASA signs a one-time MOA and annual (RA) with each entity. The MOA will cover principles (e.g. cost-sharing), long-term provisions (e.g. land permit) and other articles of interest to either entity. The RA will cover specific services and costs and will be renewable annually (similar to the Navy's ISSA).
- o MOAs will, for some entities, be signed at higher than the local level. RAs should be signed at the local level.

Timing

NASA should sign the following agreements as indicated, or sooner, in order to begin the procurement cycle in a timely fashion. All of the following agreements should be in place in order for interim operations (i.e. security) to begin by January 1, 1993.

- o DOD/Navy MOU (April 1, 1992)
- o MOAs with Major DOD Tenants. The Draft MOU identifies September 30, 1992 as milestone for signing MOUs with DOD entities (viz. the Air Force, Army Reserve, ANG, Navy Reserve, AF-Lockheed and Army-ESL). The operational deadline for signed MOAs and RAs is October 1, 1994 since the Navy will be responsible for operations during the interim period prior to that date.
- o MOAs with the Navy for Interim Use of Buildings (ASAP) and to assist the Navy with Interim Operations (prior to January 1, 1993)

While it normally requires between one and two years to have an MOA signed, according to the tenants, the Draft MOU requirement to have them signed prior to September 30, 1992 could speed up the process since it is signed by an Assistant Secretary of Defense. On the other hand it might take the two years plus of the Interim period to have the MOAs approved by some entities.

All other agreements should be in place prior to the takeover by NASA on October 1, 1994.

General Format of the MOAs

The NASA MOAs and RAs with Air Force, Army Reserve, ANG, Naval Reserve, the Navy and other Federal entities will use a master MOA based

on the Space Act. Examples of standard agreements for use in the transfer of Moffett Field are (to be) attached.

Subjects covered in the MOA include:

- o principles
- o conditions
- o liability
- o termination
- o
- o
- o

Subjects covered in the RA include:

- o categories and subcategories of support
- o reimbursable vs. non-reimbursable
- o responsibilities of the supplier and the receiver.
- o
- o
- o

Reimbursable Agreements Categories of Support

The major categories and subcategories of support between Suppliers and Receivers of the Reimbursable Agreements may be selected from the following:

Administration

Airfield Operations (incl. Crows Landing)

- Aircraft Emergencies, Incidents or Accidents

- Airfield Security

Flight Operations

- Air Traffic Control/Tower

- Aircraft Clearance Facilities

- Communications (FM)

- Crash/Fire/Rescue Services

- Emergency Ambulance Service

- Fueling Service

- Salvage Operations

- Weather Services

Life Support Equipment

- Oxygen, Gaseous Breathing

- Liquid Oxygen

Maintenance

- Airfield Lighting

- Aircraft Support Equipment

- Runway and Ramp Sweeping

Use of Crows Landing

Communications Services

- Telecom

- Data

- Secure (AF likely to provide secure DOD communications)

Custodial

Janitorial Services

Refuse Collection

Disaster Preparedness/Emergency Preparedness

Environmental Quality Control

Administration of Hazardous Wastes Programs

Removal of Hazardous waste

Equipment

Loan and Transfer

Maintenance

Fire Protection

Fire Protection and Inspection

Portable Fire Equipment (Extinguishers)

Food Services

Laboratory and Shop Services

Mail Services

Guard Mail

U.S. Mail

Manpower Resources (NASA likely to be receiver only)

Medical

Ambulance Service

Pest Control (Entomology Services)

Petroleum, Oil and Lubricants

Police Services

Security

Entrance Control

Special (e.g. East gate operation)

Real Property Use

Buildings

Facility Assignment

Land

Parcel Assignment

Real Property Maintenance

Buildings

Maintenance, Cycle

Maintenance, Additional

- Construction, Modification or Alteration
- Engineering Services
- Roads, Parking Areas & Grounds
- Normal Maintenance & Repair
- Sweeping and Clean-up of Assigned Area
- Safety
- Storage
 - Warehousing
 - Weapons
- Supplies/Consumables
- Training
- Transportation (e.g. shuttle bus)
- Utilities
 - Electricity
 - Gas
 - Sewerage
 - Steam
 - Storm Drainage
 - Water
- Vehicle Services/Capability
 - Fueling
 - Maintenance
 - Repairs