**Attachment C – Third Party Cooperative Arrangements (TPCA) and Interagency Transfers**

The following is from the Code of Federal Regulations (CFR) describing the requirements for a Third Party Cooperative Arrangement. Further clarification is provided following this citation.

**34 CFR 361.28   Third-party cooperative arrangements involving funds from other public agencies.**

(a) The designated State unit [BRS] may enter into a third-party cooperative arrangement for providing or contracting for the provision of vocational rehabilitation services with another State agency or a local public agency that is providing part or all of the non-Federal share in accordance with paragraph (c) of this section, if the designated State unit ensures that—

(1) The services provided by the cooperating agency are not the customary or typical services provided by that agency but are new services that have a vocational rehabilitation focus or existing services that have been modified, adapted, expanded, or reconfigured to have a vocational rehabilitation focus;

(2) The services provided by the cooperating agency are only available to applicants for, or recipients of, services from the designated State unit;

(3) Program expenditures and staff providing services under the cooperative arrangement are under the administrative supervision of the designated State unit; and

(4) All requirements of the vocational rehabilitation services portion of the Unified or Combined State Plan, including a State's order of selection, will apply to all services provided under the cooperative arrangement.

(b) If a third party cooperative arrangement does not comply with the statewideness requirement in §361.25, the State unit must obtain a waiver of statewideness, in accordance with §361.26.

(c) The cooperating agency's contribution toward the non-Federal share required under the arrangement, as set forth in paragraph (a) of this section, may be made through:

(1) Cash transfers to the designated State unit;

(2) Certified personnel expenditures for the time cooperating agency staff spent providing direct vocational rehabilitation services pursuant to a third-party cooperative arrangement that meets the requirements of this section. Certified personnel expenditures may include the allocable portion of staff salary and fringe benefits based upon the amount of time cooperating agency staff directly spent providing services under the arrangement; and

(3) other direct expenditures incurred by the cooperating agency for the sole purpose of providing services under this section pursuant to a third-party cooperative arrangement that—

(i) Meets the requirements of this section;

(ii) Are verifiable as being incurred under the third-party cooperative arrangement; and

(iii) Do not meet the definition of third-party in-kind contributions under 2 CFR 200.96.

(Authority: Section 12(c) of the Rehabilitation Act of 1973, as amended; 29 U.S.C. 709(c))

**When submitting a proposal for a TPCA, please keep in mind the following:**

* BRS may only enter into a TPCA with another state agency or a local public agency (e.g. public university, local education agency).
* The state agency or local public agency is responsible for providing non-Federal match funding of 21.3%, at minimum.
* Services provided through the interagency cash transfer agreement must be provided only to students who meet the definition of a student with a disability who is eligible or potentially eligible for VR services.
* Specific services provided to carry out Pre-ETS activities must be new, or substantially modified, adapted, expanded or reconfigured services.
* Program expenditures and staff of the state agency of local public agency are under BRS’ administrative control.

**Interagency Transfers**

An interagency transfer is similar to a TPCA in that a partner agency provides non-federal match to carry out pre-employment transition services, however respondent should be aware that an interagency transfer agreement also has requirements that differ from a TPCA. When submitting a proposal for an interagency transfer, please keep in mind the following:

* BRS may only enter into an interagency cash transfer with another state agency.
* The state agency or local public agency is responsible for providing non-Federal match funding of 21.3%, at minimum.
* Services provided through the interagency cash transfer agreement must be provided only to students who meet the definition of a student with a disability who is eligible or potentially eligible for VR services.
* Specific services provided to carry out Pre-ETS activities may be existing services already provided by the partnering state agency, or may be new services.