



Growing Competition for  
American Farmers and Consumers

# **Agricultural Competition Partnership**

## **Partnership Manual**

### **Procedures, Project Criteria, and Forms**

## **Background**

In late May, 2023 the United States Department of Agriculture (USDA) entered into a Cooperative Agreement with the Center for State Enforcement of Antitrust and Consumer Protection Laws, Inc., (The State Center) to manage and administer a program for the purpose of effectively distributing funds to strengthen fair competition in the food and agriculture sector through the formation of the Agricultural Competition Partnership. Upon this agreement, the USDA committed \$12 Million for the Partnership's use. The Attorneys General of the States, and the District of Columbia were subsequently invited to join the Partnership.

The activities of the Agricultural Competition Partnership are overseen by an Oversight Committee which is charged with adopting the governance and structure of the program and establishing the criteria for selection of projects to be funded through Partnership resources. The review and recommendation of specific projects proposed by the Partner Attorneys General's Offices for funding will be made by the Project Selection Advisory Committee. Alternatively, the USDA may make recommendations for funding Partner AGO project requests. The State Center will provide administrative and coordinating support for the Committees and the Partnership.

## **Partnership Joinder and Benefits**

Any State Attorney General's Office (AGO) may join the Agricultural Competition Partnership at any time by sending a letter expressing their desire to do so to the Honorable Tom Vilsack and Andrew Green, United States Department of Agriculture, 1400 Independence Ave., SW, Room 1643-S, Washington, DC 20250-3604. The joinder letter should identify a designated representative of the Attorney General who should receive Partnership-related correspondence and will oversee that office's involvement in the Partnership. Departure from the Partnership should also be indicated by letter.

By participating in the Partnership, an AGO is eligible to submit requests for Partnership support of projects that AGO may be pursuing or wish to pursue, ranging from support for investigative costs to educational opportunities for staff on competition issues and other initiatives intended to promote competition in the Agricultural industry. Partner AGO's may participate in the selection of the Oversight Committee and the Project Selection Advisory Committee and may volunteer staff to serve on either. Partner AGOs will also receive an annual financial report and a summary report of the Partnership's activities and projects being funded by Partnership Funds to extent feasible under the Confidentiality Protocol. Following the establishment and sufficient funding of the Agricultural Competition Revolving Fund, Partner AGOs may also apply for grants from this funding source and receive similar annual reports.

## **Oversight Committee**

**Responsibilities.** The Oversight Committee is responsible for developing criteria for the selection of the projects and for the implementation of the projects selected consistent with the objectives set forth in the Cooperative Agreement. The Committee will develop and approve of criteria and restrictions for funding as well as the procedures to be followed throughout the application, review and implementation process. The committee shall establish governance and transparency standards regarding the operation of the Oversight Committee. The committee shall also establish a process for selecting members of the Project Selection Advisory Committee (PSAC) and shall develop confidentiality protocols to preserve confidentiality of requests which may pertain to investigations and other enforcement activities not routinely public as well as to mitigate any potential conflicts of interest among members of the PSAC.

On an on-going basis, the Oversight Committee will receive reports on the activities of the PSAC's recommendations of projects and the State Center's administration of the overall program, monitor the activities of the Partnership, approve annual budgets, and provide advice and counsel as to how the Partnership might most effectively promote competition within the agricultural industry.

**Membership.** The Oversight Committee shall be comprised of five (5) or seven (7) Partner AGOs, acting through their appointed representatives, along with the State Center and USDA as ex officio members. Partner AGOs may designate substitute representatives should the initially identified representative become unavailable. The USDA and the State Center may each designate one or more persons to serve in an ex officio capacity without election. One ex officio member shall be designated by the State Center as the "tie-breaker" to cast votes on matters before the Committee only as needed.

**Terms.** A term of service for a Partner on the Oversight Committee shall be two years with the initial terms staggered. The initial terms shall begin upon the first election and run until December 31, 2024 (2 or 4 members) and December 31, 2025 (3 members), respectively, so terms are subsequently staggered. Partners may be re-elected to consecutive terms without limitation.

**Applications.** The Oversight Committee shall be selected/elected from applications submitted by Partner AGOs. See Forms. As of a specified date, applications to serve on the Oversight Committee shall be submitted to the State Center by all interested Partners.

The applications shall provide the following information:

- 1) The contact information for the individual within the Attorney General's Office whose name is being submitted as its representative to serve on the Committee.
- 2) The agreement of the identified representative to make his/her best efforts to attend meetings and participate in the work of the Oversight Committee in a timely manner.
- 3) At least three agricultural/retail food markets which have a significant presence in the State/Commonwealth in terms of physical operations and employment of residents.

- 4) At least three agricultural/retail food markets that have a significant impact on the residents of the State/ Commonwealth as consumers of end products.
- 5) The name and political party affiliation<sup>1</sup> of the Attorney General.
- 6) The approximate population of the State/Commonwealth.

**Selection/Election Process.** Whenever vacancies are anticipated (due to expiration of a term or other reasons), applications will be invited from the Partners with a deadline for submission. The State Center will initially propose a bipartisan slate for the vacant positions so as to fill the positions by consensus. The proposed slate will be as bipartisan as possible based on applications. If any objection is raised to the proposed slate, a ballot listing all applicants will be prepared that is designed to maintain bi-partisan participation on the Committee. Selection of member Partners shall be based on election through approval of a proposed slate or by individual election as needed to fill vacancies. If a position becomes vacant more than six (6) months before its scheduled end, a slate for its replacement may be offered by the State Center for filling it by consensus or a special election may be conducted.

**Meetings and Committee Process.** Meetings may be conducted in person or virtually through contemporaneous Internet or telephonic participation of members, and voting may be conducted through these technologies as well as through email, provided that any vote conducted by email or other technology either follows a discussion of the issue during a meeting or is unanimous. The frequency of meetings will vary based on the work of the Committee. Following the Committee's initial work of adopting policies and procedures and establishing criteria for the selection of projects for Partnership funding, meetings may be scheduled quarterly for purposes of receiving and reviewing reports and discussing other oversight matters. Special meetings may be called with two business days' notice delivered via email when a matter should be addressed before the next regular scheduled meeting.

Quorum for any vote shall consist of the majority of Committee members. Decisions require majority vote with a quorum being present. A summary of decisions made during meetings (or through votes taken outside of meetings through emails or other technology) will be maintained by the State Center.

The Committee shall elect a Chair and may elect a Vice-Chair, each to serve a one-year term. The Chair is responsible for calling any special meetings, conducting all meetings, and reporting to the Partner AGOs regarding the activities of the Partnership; the Vice-Chair may act for the Chair when needed.

**Reports and Records.** The Committee will receive periodic reports from the Project Selection Advisory Committee and the State Center reflecting projects recommended or approved for the expenditure of Partnership Funds. Reports may be summary in nature to the extent needed to preserve confidentiality of any projects which may support an Attorney General investigation or legal action or the privacy of any individual. The Committee will also receive periodic reports on the receipt and use of Partnership Funds along with periodic budget-related reports.

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<sup>1</sup> Political affiliation is requested to help ensure Committee membership is as bipartisan as possible to avoid any appearance of bias or favoritism regarding projects or funding decisions. See Selection/Election Process below.

## **Project Selection Advisory Committee (PSAC)**

**Responsibilities.** The Project Selection Advisory Committee (PSAC) is responsible for reviewing requests for the use of Partnership Funds for various projects as may be submitted by Partner AGOs and for communications with the Oversight Committee and others as needed.

**Membership.** The PSAC shall be comprised of representatives of five (5) or seven (7) AGO Partners along with the State Center as an ex officio member. Partner AGOs may designate substitute representatives should the initially identified representative become unavailable, provided that representative completes all confidentiality commitments and agrees to the conflicts of interest policy. The State Center shall designate one or more persons to serve in an ex officio capacity without election. One ex officio member shall be designated by the State Center as the “tie-breaker” to cast votes on matters before the Committee only as needed.

**Terms.** The term of service for members of the PSAC shall be two years with the initial terms staggered. The initial terms shall begin upon the first election and run until December 31, 2024 (2 or 4 members) and December 31, 2025 (3 members ), respectively, so terms are subsequently staggered. Partners may be re-elected to consecutive terms without limitation.

**Applications.** The PSAC shall be selected from applications submitted by Partner AGOs. See Forms. As of a specified date, applications to serve on the PSAC shall be submitted to the State Center by all interested Partners.

The applications shall provide the following information:

- 1) The contact information for the individual within the Attorney General’s Office whose name is being submitted as its representative to serve on the Committee.
- 2) The agreement of the identified representative to make his/her best efforts to attend meetings and participate in the work of the Project Selection Advisory Committee in a timely manner.
- 3) The agreement of the representative to comply with the confidentiality policy and the conflicts of interest policy.
- 4) At least three agricultural/retail food markets which have a significant presence in the State/Commonwealth in terms of physical operations and employment of residents.
- 5) At least three agricultural/retail food markets that have a significant impact on the residents of the State/ Commonwealth (whether or not there are significant market participants within the State/Commonwealth)
- 6) The name and the political party affiliation of the Attorney General.<sup>2</sup>
- 7) The approximate population of the State/Commonwealth.

**Selection/Election Process.** Whenever vacancies are anticipated (due to expiration of a term or other reasons), applications will be invited from the Partner AGOs with a deadline for

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<sup>2</sup> Political affiliation is requested to help ensure Committee membership is as bipartisan as possible to avoid any appearance of bias or favoritism regarding projects or funding decisions. See Selection/Election Process below.

submission. The State Center will initially propose a bipartisan slate for the vacant positions so as to fill the positions by consensus. The proposed slate will be as bipartisan as possible based on applications. If any objection is raised to the proposed slate, a ballot listing all applicants will be prepared that is designed to maintain bi-partisan participation on the Committee. Selection of Members of the PSAC shall be based on election through approval of a proposed slate or by individual election as needed to fill vacancies. If a position becomes vacant more than six (6) months before its scheduled end, a slate for its replacement may be offered by the State Center for filling it by consensus or a special election may be conducted.

**Meetings and Committee Process.** Meetings may be conducted in person or virtually through contemporaneous Internet or telephonic participation of members, and voting may be conducted through these technologies as well as through email, provided that any vote conducted by email or other technology either follows a discussion of the issue during a meeting or is unanimous. The frequency of meetings will vary based on the work of the Committee but may be at least monthly. Special meetings may be called with two business days' notice delivered via email when a matter should be addressed before the next regular meeting.

Quorum for any vote shall consist of the majority of Committee members. Decisions require majority vote with a quorum being present. A summary of decisions made during meetings (or through votes taken outside of meetings through emails or other technology) will be maintained by the State Center.

The Committee shall elect a Chair and may elect a Vice-Chair, each to serve a one-year term. The Chair is responsible for calling any special meetings, conducting all meetings, and reporting to the Oversight Committee regarding the activities of the Partnership; the Vice-Chair may act for the Chair when needed.

**Reports and Records.** The PSAC will receive periodic reports from the State Center reflecting projects that have been requested by Partners and the status of projects that have been previously approved for Partnership funding. The PSAC will prepare or approve of periodic reports to the Oversight Committee reflecting completed and pending projects approved for Partnership funding. Reports may be summary in nature to the extent needed to preserve confidentiality of any projects which may support an Attorney General investigation or legal action or the privacy of any individual. The PSAC will also be advised of budgetary decisions rendered by the Oversight Committee and reports on available funding.

**Expectations of Members.** Members of the PSAC are expected to attend and participate in meetings at which applications for Partnership Funds are considered for recommendations so as to ensure such applications are reviewed and vetted in a timely manner before a recommendation is made. Members are expected to participate in all voting regarding requests. Members may also be asked to serve on sub-committees should a project be approved which requires longer-term monitoring, if a request for proposal is needed for a project, or as may be otherwise helpful in achieving the purposes of the Partnership.

**Confidentiality of Applications and Deliberations.** Because many applications for the use of Partnership Funds may pertain to an investigation or prospective litigation activities of a Partner

AGO, all applications shall be marked as “confidential” and shall be treated in all respects as confidential documents by the State Center and the members of the PSAC in accordance with the Confidentiality Protocol. *See* Page 30-31.

**Avoidance of Conflicts of Interest.** No member of the PSAC shall vote as to whether to recommend an application for the use of Partnership Funds if the application is made solely by the Partner AGO by which that member is employed. However, all members may participate in any review and deliberation, and, where there are two or more Partner AGOs submitting an application as co-applicants, all members may participate in voting on a recommendation. *See* Page 32.

## **Procedures of the PSAC Committee in Handling Requests for Partnership Funds**

**Procedure.** A Partner AGO may submit a request for Partnership Funds electronically to the State Center in care of its executive director. The State Center will review the request for technical compliance with the provision of information and compliance with the criteria for projects in the specified category. If such technical compliance is not satisfied, the State Center will inquire further with the Partner AGO to determine if they would like to supplement their submission. Following any completion of a request, the State Center will then forward the request to the Members of the PSAC to consider in rendering a recommendation on the request and will note the deadline for the Committee’s decision.

The PSAC, upon receiving the request, may vote by email or through another technology to either approve or disapprove the request within five (5) business days of receipt of the request, *unless*, within three (3) business days of receipt of the request, two or more Committee Members indicate they would like a meeting of the Committee to discuss the request. If such a meeting is sought, the State Center will schedule a teleconference, video conference or other meeting as soon as practicable to facilitate the discussion. Such meeting may be immediately followed by a vote on the request *unless* a majority of Members request further information be received before a vote. The Committee may request additional information or invite the Partner AGO to meet with the Committee before a vote is taken.

Members may abstain from voting if they request their abstention be recorded. If any vote on a request for support is tied as of the deadline for voting, the State Center may cast a tie-breaker vote, provided a majority of the Members have cast a vote or indicated an abstention. In all voting on requests for support, a failure a PSAC Member to respond shall be treated as approval of the majority’s vote. A record of votes (and abstentions) will be maintained by the State Center.

It shall be a goal of the PSAC to act on all requests within 10 business days of any request for Partnership Funds which meets the established criteria.

Following the PSAC’s vote on its recommendation regarding a request for Partnership Funds, the Partner AGO will be advised by the State Center as to the approval or rejection of the request on

behalf of the Partnership (the latter which may offer suggestions for modifications or correction). A letter from the State Center confirming approval of the project on behalf of the Partnership and stating the applicable terms for funding, the procedures to be followed in submitting any invoices, and the documentation requirements for expenses covered by the approved Enforcement Support shall also be provided to the Partner AGO.

In the event a Partner AGO's request for support is not recommended for approval by the PSAC, the Partner AGO may request a recommendation of the USDA under the terms of the Cooperative Agreement. Absent the recommendation of the PSAC or the USDA, the State Center shall not arrange funding for a project with Partnership Funds. Nothing prevents a Partner AGO from re-submitting the same or similar request for support in the future.

**It is recommended that a Partner AGO seeking to utilize Partnership Funds for multiple purposes and for multiple prospective payees in a matter request that a secondary award be made for this purpose to the Partner.** A prospective secondary award recipient will be required to submit additional information in a request for funds but may obtain approval for a larger amount of funds which can then be used within the discretion of that Partner AGO in the particular project being pursued. The secondary award recipient will be required to assume responsibility for additional recordkeeping and reporting governed by applicable federal regulations.

**Reporting.** Actions of the State Center in implementing a request recommended by the PSAC or USDA will be reported to the PSAC within thirty (30) days of such action or in its next monthly reporting, whichever is later. All approved projects shall also be reported, subject to the Confidentiality Protocol, to the Oversight Committee in quarterly reporting.



## **Partnership Projects**

The Agricultural Competition Partnership may fund a wide variety of projects that are proposed by Partner AGOs, ranging from funding individual scholarships for training and education of AGO staff responsible for enforcement of competition laws to academic research and the funding of innovative initiatives that are expected to increase competition. Most projects will be funded on a reimbursement basis on behalf of the Partnership, although Partners have the option of assuming greater responsibility for funding decisions by pursuing a secondary award.

### **Categories of Partnership Projects**

The Agricultural Competition Partnership may fund projects that support following types of activities in furtherance of the Partnership's goals:

**Enforcement Support** to provide funds for larger investigations or enforcement actions or litigation expenses, including experts and consultants and related work as well as to cover costs necessary for the enforcement work in the matter, such as technological services.

**Education and Training Support** to facilitate (or support AGO attendance at) educational or training events or programs relevant to competition law or policy (not limited to food and agriculture), market functionality, or increased understanding of market realities. Such project funding may cover the purchase or selection of venues, speakers, meals, administration, scholarship incentives for attendees, and reimbursements for AGO's or their staff for costs incurred in traveling to and attending such events.

**Research Support** to provide funds for academic and market-related research relevant to antitrust and fair business practices enforcement considerations relevant to the work of the AGOs, USDA, or both. Projects may pertain to topics such as defining a product or geographic market or evaluating the impact(s) of a pricing practice.

**Innovation Support** to provide funds for experimentation and innovation with respect to new and innovative market or enforcement infrastructures or practices. For example, projects could contemplate exploring new ways to collect complaints and channel information to the appropriate regulatory agency, developing educational and advisory materials that may be useful, and experimenting with new technologies that may better intermediate markets or promote price discovery, such as exchanges.

**Other Support** to provide funding to meet the objectives of the Partnership as may be determined appropriate.

Subject to the criteria and guidance provided below or as adopted in the future by the Oversight Committee, including any budgetary restrictions, the Project Selection Advisory Committee (PSAC) and/or the USDA may recommend projects within any of

the foregoing categories for funding and the Cooperator will implement funding for such projects on behalf of the Partnership.

## **Prioritization Factors**

To further to objective of promoting competition in agriculture effectively and efficiently across geographical and product markets and to further the other goals of the Agricultural Competition Partnership, the USDA established in the Cooperative Agreement several considerations for **prioritizing** funding requests.

While no single factor is intended to be determinative, the following factors are to be considered in the Project Selection Advisory Committee's prioritization of and selection of projects as it reviews requests and considers recommendations for funding of prospective Partnership projects:

- Does the proposed project promote competition in the agricultural industry, and what is the basis for that anticipated impact?
- Is there a likelihood of the project's success enabling a repayment or other contribution to the Agricultural Competition Revolving Fund for future projects?
- Does the project support the work of multiple Partner AGOs or other enforcers of state or federal law?
- Does the project represent additive enforcement, *i.e.*, an investigation or action that is unique from already existing efforts, such as by including a novel matter, theory or authority(ies), and, if there are existing efforts, is there pro-competitive strategic value in the project being supported?
- Is the project non-duplicative so as to advance the understanding of the marketplace beyond existing relevant research?
- What agricultural markets are the subject of the project and how significant is their relative impact on the economy in the geographic region or nationwide?
- Is the proposed project recommended by an Agricultural Industry Working Group?
- Is the proposed project part of a coordinated approach or strategy supported by Partner AGOs to address competition issues?
- Are there more efficient or effective alternatives that should be considered, or are there aspects of the proposed project that might be modified to streamline the effort or enhance the potential impact?
- Does the project fit within any budgetary guidelines as may be dopted by the Oversight Committee?

## Quick Support Projects: Criteria and Procedures

Certain requests for **Enforcement Support** and **Education and Training Support** projects requesting Partnership funding may qualify as **Quick Support** projects.

**Criteria.** Requests for Quick Support which meet the following eligibility criteria may be approved for funding as a Partnership project by action of the Cooperator alone:

- 1) The proposed project is relevant to the objectives and purpose of the Partnership.
- 2) The proposed project is discrete and well-defined in scope.
- 3) The proposed project is reasonably anticipated to require no more than two separate payments to be made during the funding period. The proposed project is reasonably anticipated to be completed within twelve (12) months.
- 4) The project can be funded on a reimbursement basis whereby requests for payment are supported by invoices or bills that have been reviewed and approved by the requesting Partner AGO as appropriate for the products or services provided.
- 5) The requested project's application is complete, including the indication of approval by the AGO at the management level (*e.g.*, a chief counsel for the antitrust division or consumer protection division).
- 6) The Partner AGO making the requests commits that, in the event the project's costs are recovered through litigation, settlement or otherwise, and it is legally permissible and appropriate to do so, the Partner AGO will make its best effort to also recover the amount of Partnership Funds that are spent on the project and to repay the same to the Partnership's Revolving Fund.

*For proposed Quick Support projects in the category of Enforcement Support:*

- 1) Funding requested for an Enforcement Support project does not exceed \$10,000.
- 2) Funding requested for an Enforcement Support project for the retention of a Panel Consultant participating in the State Center's Consultant Panel Program is limited to the maximum number of hours adopted by the State Center for Quick Support Grants. (Any subsequent request for Enforcement Support funding related to the subject matter of the project or continued retention of a Panel Consultant may be submitted to the PSAC but as a standard request for Enforcement Support.)
- 3) The requested Enforcement Support project is the first such project requested in the particular matter (regardless of the Partner AGO making the request) (*i.e.*, it does not appear duplicative or appear to simply extend a prior request). If the request appears duplicative it may be referred to the PSAC as a request for standard Enforcement Support.

The Oversight Committee may set a limit on the number of scholarship projects or the total amount of funding that may be requested for scholarship assistance.

*For proposed Quick Support projects in the category of Education and Training Support:*

- 1) Funding requested does not exceed a total of \$5,000 and is for one staff member of a Partner AGO to attend an education or training event.
- 2) The Oversight Committee may set a limit on the number of such scholarship projects or the total amount of funding that may be requested for scholarship assistance.

- 3) The education or training event or program pertains to competition law or policy (not necessarily limited to agricultural and retail food markets), market functionality, or increased understanding of market realities which appears reasonably appropriate for the identified AGO employees for whom scholarship assistance is sought. (Provided such subject matter relevance is established, the event or program may provide investigative or litigation skills training.)

**Requests.** A request for a Quick Support project may be submitted by any professional staff member of a Partner AGO that has the approval of division-level management, *e.g.*, a chief counsel of an antitrust division. The request should provide the following information:

- 1) The name and contact information for the professional staff member making the request and for any additional staff of the Partner AGO who may serve as the point of contact for the project.
- 2) The general nature of the request in terms of category and a general description of the project.
- 3) If the project funds are intended to cover costs of a Panel Consultant, the identification of that professional and statement that he/she has agreed to provide the services being sought.
- 4) If the project funds are intended to provide scholarship assistance, (a) the name and contact information for persons who will be using the scholarship(s) (or a commitment to provide that information when it becomes known), (b) the identification of the education or training event along with its sponsor(s), (c) date(s) and location, (d) an estimate of costs for the component parts of the travel and event expenses for which reimbursement will be sought under the requested scholarship(s) and (e) an acknowledgement of having reviewed the **Scholarship Reimbursement Guidelines** regarding how requests for reimbursement payments shall be submitted.
- 5) If the project funds are intended for other professional services or costs, a description of the nature and purpose of those costs and the vendor, if known.
- 6) The amount of funding sought (available funding is capped at \$10,000 for Enforcement Support and at \$5,000 for Education and Training Support per project).
- 7) Confirmation that the project is expected to be completed within 12 months, that no more than two payments are expected to be needed during the entire funding period, and that all requests for payment will be supported by pre-reviewed and approved invoices or other bills, which will be provided with each request for payment.
- 8) Confirmation that, in the event the project's costs are recovered through litigation, settlement or otherwise, and it is legally permissible and appropriate to do so, the Partner AGO will make its best effort to also recover the amount of Partnership Funds that are spent on the project and to repay the same to the Partnership's Revolving Fund.
- 9) Confirmation of division-level management approval for the request has been obtained.

**Procedure.** A Partner AGO may submit a request electronically to the State Center in care of its executive director. The State Center's executive director will use best efforts to review the request within 3 business days. If there are no questions, the Partner AGO will be advised by

email as to the approval or rejection of the request (the latter which may offer suggestions for modifications or correction). A letter expressing such approval will either be delivered contemporaneous to this responsive email or will follow as soon as possible. A reminder of the procedures to be followed in submitting any invoices or documentation of expenses for which payment is sought will be provided. In the case of a scholarship, a copy of guidelines for requesting reimbursement of covered expenses will be provided.

**Confidentiality Protocol.** Requests for Quick Support will be maintained by the State Center's executive director and shared with the PSAC through reports in accordance with the Confidentiality Protocol.

**Reporting.** All actions of the State Center in approving or otherwise responding to a request for Quick Support will be reported to the PSAC within thirty (30) days of such action or in its next monthly report, whichever is later. Such report will identify the requesting Partner AGO, the category of the request and its general nature and purpose, the maximum amount requested, the amount of funding approved (if any), and the amount paid as of the time of the report. In the case of an education and training project, the educational or training event or program shall be identified by name, location and date, along with the principal sponsor(s).

Funding commitments shall also be reported, subject to the Confidentiality Protocol, to the Oversight Committee in quarterly reporting.

## **Enforcement Support Projects: Criteria and Procedures**

Enforcement Support is intended to provide funding for a specified purpose in larger investigations or enforcement actions and related expenses by members of the Partnership, such as for the retention of experts and consultants and their related costs, technological or other professional services, or such other costs as may be necessary for the investigation and litigation in the matter. The Oversight Committee may establish guidelines on the amount available on a per-project, per matter or per Partner AGO basis.

Enforcement Support funds may only be used for their specified purpose, *e.g.*, providing funding for an expert in a matter, and all payments made with Partnership Funds will be directed to that retained expert (or an assisting data firm) or other professional or vendor. Enforcement Support funds are not intended to avoid the establishment or use of a Cost Share Fund in a multistate effort where such a shared fund would be the normal practice, but, rather, to provide assistance with larger specific projects being undertaken, whether or not a Cost Share Fund is established.

To minimize the administrative cost to the Partnership, a request for payment for an approved project should not be made more frequently than once per month unless previously approved by the State Center.

**Criteria.** Requests for Enforcement Support which meet the following eligibility criteria may be approved for funding as a Partnership Project within the discretion of the Project Selection Advisory Committee (PSAC) (or USDA) and the State Center:

- 1) The proposed project is relevant to the objectives and purpose of the Partnership.
- 2) The proposed project is well-defined in scope and sufficient in detail in its projected use of funds to support the amount sought.
- 3) The proposed project is reasonably anticipated to require no more than two separate payments per month during the course of its implementation.
- 4) The proposed project is reasonably anticipated to be completed within two years, subject to extension due to litigation stays or other events not within the control of the requesting AGO Partner. (Extensions of time on an approved project should be liberally agreed upon following receipt of an updated budget and other information reflecting the additional time.)
- 5) The proposed project includes a proposed budget reflecting when various expenditures anticipated during the project will be incurred so that an overall budget and projected spend-down of the project funds can be established for monitoring purposes.
- 6) The proposed project may be paid either directly to third-party vendors or consultants based upon invoices submitted by the Partner State or on a reimbursement basis in accordance with the Reimbursement Guidelines set forth on pages 33-36.
- 7) The Partner AGO making the requests commits that, in the event the project's costs are recovered through litigation, settlement or otherwise, and it is legally permissible and appropriate to do so, the Partner AGO will make its best effort to also recover the

- amount of Partnership Funds that are spent on the project and to repay the same to the Partnership's Revolving Fund.
- 8) The requested funding for the project falls within any budget guidelines adopted by the Oversight Committee.
  - 9) The requested Enforcement Support project is the first such project requested in the particular matter (regardless of what Partner AGO may be making the request) and does not appear duplicative of other work unless the PSAC determines there is justification for the additional project.
  - 10) The requested Enforcement Support project is the only project in this *category* for which Partnership funding has been approved for a request submitted by the Partner AGO in the past three (3) month (90 days) period. (This requirement does not preclude the Partner AGO from submitting a future request for additional funding provided the time period has passed.)
  - 11) All of the Prioritization factors set forth above are considered by the PSAC (or USDA) in making any recommendation for approval of the Enforcement Support project to the State Center.
  - 12) The request is complete, including the indication of approval by the AGO at the front office level.

**Requests.** Requests from Partner AGOs for Enforcement Support should provide the following information:

- 1) Identification of the Partner AGO(s) making the request and all other Partner AGOs involved in the matter if they are working together, *e.g.*, in a multistate or a joint investigation.
- 2) Amount of funding requested and description of its purpose and anticipated payee(s).
- 3) If the funding is expected to be needed over a period of time, a reasoned prediction of both the length of time and the number of possible payments which might be requested by the submission of invoices or bills.
- 4) If the proposed project is to provide funds for the professional services of a consultant or expert, identification of the consultant/expert, his/her address and his/her Tax Identification Number (or, if not yet retained, a commitment to provide such information *before* the first billing is submitted for payment), and the nature of the consulting or professional work the consultant/expert is expected to provide. *Note:* If the consultant/expert is utilizing a third-party firm for support services to complete his/her work so as to require separate payments for the project, the name and address and Tax Identification Number of that vendor and the nature of services must also be provided.
- 5) If the proposed project is to provide funds for the purchase of products from a vendor, the name and address of the vendor and the nature of the services or products being purchased, if known.
- 6) Identification of the product and geographical market that is the expected subject of the matter.
- 7) If the project relates to a matter in litigation, a copy of the current complaint.

- 8) If not in litigation, a generic description of the target and brief description of the nature of the claims being investigated.
- 9) Identification of any federal or state AGO enforcement agencies believed to also be working on the matter or a substantially similar or related matter.
- 10) If there are other agencies believed to be looking into the matter, a statement as to whether the AGO is or is willing to coordinate efforts and share any outcomes of the work being funded by the Partnership, subject to any protective order or applicable confidentiality restrictions.
- 11) If the project appears similar to other projects or programs (including any being implemented outside of the Partnership), an explanation of how it is distinguishable and of additive value.
- 12) A description of the contribution being made to the matter by the requesting Partner AGO and any other participating AGOs (to demonstrate all have “skin in the game.”)
- 13) A commitment that, in the event the project’s costs are recovered through litigation, settlement or otherwise, and it is legally permissible and appropriate to do so, the Partner AGO will make its best effort to also recover the amount of Partnership Funds that are spent on the project and to repay the same to the Partnership’s Revolving Fund.
- 14) A statement of approval of the request signed by the Partner AGO’s front office.

**Confidentiality Protocol.** Requests for Enforcement Support are to be shared only among the identified members and ex officio members of the PSAC and are subject to the Confidentiality Protocol.



## **Education and Training Support Projects: Criteria and Procedures**

**Education and Training Support** is intended to facilitate educational or training events or programs relevant to competition law or policy (not limited to food and agriculture), market functionality, or increased understanding of market realities for the benefit of Partner AGOs. Such project funding may cover all typical costs associated with producing and presenting such programming and training as well as scholarships covering the costs of any Partner AGOs (including staff) in attending or participating in such events.

To accomplish this, there are two types of funding: **Sponsor Projects** and **Scholarship Projects**. Funds may be requested for “sponsor costs” which could include the purchase (rental) or selection of venues and site technology, honoraria and expenses incurred by presenters and speakers, all on-site and group meals, administration tasks relating to the planning of such events and supply and incidental costs (e.g., name badges, conference-related materials). Funds may also be used as “scholarship costs” for attendees, including registration fees, hotel rooms, and reimbursements for AGO’s or their staff for costs incurred in traveling to and attending educational or training programs. Additional guidance governing reimbursement of covered travel costs will apply. Thus, projects may range from a few scholarships enabling staff of Partner AGOs to attend a third-party training event to the cost of an entire conference prepared for AGO training.

**Sponsor Project Requests.** A request for Training and Education Support which seeks to plan or present an event (“Sponsor” request) may be presented by any Partner AGO which supports and will be helping to plan and will participate in the event. The Partner AGO need not be hosting the event on its own premises, e.g., it might be hosted at a third-party site and may be also co-sponsored by non-Partners.

**Criteria:** Requests for Sponsor Education and Training Support which meet the following eligibility criteria may be approved for funding as a Partnership Project within the discretion of the Project Selection Advisory Committee (PSAC) (or USDA) and the State Center:

- 1) The proposed project is relevant to the objectives and purpose of the Partnership.
- 2) The proposed project is well-defined in scope and sufficient in detail in its projected use of funds to support the amount sought.
- 3) Availability of the education and training programming to other Partner AGOs, whether in person or virtually, as well as access to any program materials, should be considered.
- 4) The amount sought in funding should reflect efficiencies in scheduling, site selection, accommodations, and other cost components.
- 5) The proposed project to provide funds for sponsoring an event should include a proposed budget reflecting when various expenditures anticipated will be incurred so that an overall budget and projected spend-down of the project funds can be established for monitoring purposes.
- 6) The proposed project may be paid either directly to third-party vendors or consultants based upon invoices submitted by the Partner State or on a reimbursement basis in

accordance with the Reimbursement Guidelines set forth on pages 33-36. (Mandatory deposits may be paid directly or reimbursed prior to the event's occurrence if properly documented and if refundable in accordance with standard industry practice.)

- 7) The proposed project is reasonably anticipated to be completed within one year. (Extensions of time on an approved project should be liberally approved following receipt of an updated budget and other information reflecting the additional time.)
- 8) The Partner AGO making the requests commits that, in the event the project's costs are recovered through litigation, settlement or otherwise, and it is legally permissible and appropriate to do so, the Partner AGO will make its best effort to also recover the amount of Partnership Funds that are spent on the project and to repay the same to the Partnership's Revolving Fund.
- 9) The requested funding for the project falls within any budget guidelines adopted by the Oversight Committee.
- 10) The requested project does not appear duplicative of other recent or similar education or training opportunities available to Partner AGOs.
- 11) All of the Prioritization factors set forth above are to be considered by the Project Selection Advisory Committee (or USDA) in making any recommendation for approval to the State Center.
- 12) The application is complete, including the indication of approval by the AGO at the front office level.

**Sponsor Requests.** A request for funds for a Training and Education Support project may be made by a Partner AGO who intends to plan or present an event as a sponsor or as a co-sponsor with other AGOs or other entities. A "Sponsor Request" must provide the following information:

- 1) Identification of the Partner AGO(s) making the request.
- 2) Identification of any other entity responsible for planning and presenting the education or training event (*e.g.*, the State Center or other nonprofit organization, the USDA or other governmental agencies, a university, *etc.*)
- 3) Description of the proposed event, including:
  - (a) subject matter and a (very) preliminary agenda,
  - (b) intended location,
  - (c) expected length of the event,
  - (d) description of who will be invited to attend (including any attendees from other AGO Partner offices),
  - (e) expected number of attendees,
  - (f) the estimated cost for attendance at the event (accommodations, registration/materials fees, meals, *etc.*)
  - (g) whether the AGO Partner (or another AGO Partner) is requesting Partnership Funds for scholarship assistance for attendees, and
  - (h) whether the event will be "closed" to a specified audience or public.
- 4) Amount of funding requested and description of what it will be used for and anticipated payee(s), along with a preliminary budget for the event and estimated timeline for expenses.

- 5) A commitment to provide appropriate attribution for the funding in offering or promoting the Education or Training event.
- 6) A commitment that, in the event the project's costs are recovered through litigation, settlement or otherwise, and it is legally permissible and appropriate to do so, the Partner AGO will make its best effort to also recover the amount of Partnership Funds that are spent on the project and to repay the same to the Partnership's Revolving Fund.
- 7) The requested Education and Training Support project is the only project in this category for which Partnership funding has been received for a request submitted by the Partner AGO in the past three (3) month (90 days) period.
- 8) A statement of approval of the application signed by the Partner AGO's front office.

**Multiple Scholarship Requests.** A request for funds for an Education and Training Support project which seeks to provide scholarships enabling multiple AGO staff to attend a training or educational event (which may or may not be sponsored as a separate project of the Partnership) may be presented by any Partner AGO which supports the event. A "Multiple Scholarship Request" must provide the following information:

- 1) Identification of the Partner AGO(s) making the request.
- 2) The name, sponsoring organization(s) and dates of the event for which the scholarship funds are being requested, noting if any Sponsor Support has also been requested of the Partnership Funds.
- 3) Amount of funding requested for scholarships and the number of scholarships sought to be offered through the project; a basis for the estimated per-attendee reimbursement should be included to support the request
- 4) Description of how scholarships will be offered or prioritized and any eligibility requirements such as a limit on the number available to a single AGO.
- 5) Description of what attendee costs would be covered by the scholarships and any limitations placed on the scholarships, such as caps limiting reimbursement for certain types of costs (beyond the guidelines provided in the **Scholarship Reimbursement Guidelines**).
- 6) A commitment to providing the names and contact information of all individuals awarded scholarships (so future reimbursements can be made) and to inform scholarship recipients of the **Scholarship Reimbursement Guidelines**.
- 7) A commitment to provide appropriate attribution for the funding of the scholarships.
- 8) A statement of approval of the application signed by the Partner AGO's front office.

**Note:** Any Partner AGO or a staff member of that AGO seeking a **single scholarship** for any competition-related training or education event may consider submitting a **Quick Support** request (above) and requesting an individual scholarship as a Partnership Project.

**Confidentiality Protocol.** Requests for Training or Education Support that identify individual prospective recipients of scholarship funds are to be shared only among the identified members and ex officio members of the Project Selection Advisory Committee and are subject to confidentiality protocol.

## **Research Support Projects: Criteria and Procedures**

**Research Support** is intended to provide funds for academic and market-related research relevant to antitrust and fair business practices enforcement considerations relating to the work of the AGOs, USDA, or both. Projects may pertain to topics such as defining a product or geographic market or evaluating the impact(s) of a pricing practice, and project funding may cover all typical costs associated with the conduct of such research.

Topics for potential research may be proposed by any Partner AGO in a request for the Project Selection Advisory Committee's (PSAC's) consideration. Subject to the criteria set forth below, that Committee may, with the assistance of the State Center, either pursue a request for proposals or it may recommend the selection of consultants or experts to undertake specific research projects. Members of the PSAC or other staff members of the Partner AGOs may be appointed to serve on sub-committees tasked with conducting a request for proposal, evaluation of responsive proposals, and on-going monitoring of an approved project. Such sub-committee will provide updates to the full Committee. Project funding may vary depending on the scope of work and the nature of the end product, e.g., a formal report.

It is anticipated that research support projects approved for funding will require one or more contracts for professional services covering the scope of work, payment terms and conditions and expectations for the project will be negotiated between the consultant or entity undertaking the research. While likely the State Center would serve as the contracting party for the Partnership, a Partner AGO or the USDA or others may be appropriately also parties to or named beneficiaries of the contract. Contracts will be reported to the Oversight Committee.

**Research Support Criteria.** Research Support Projects may provide invaluable insights into many aspects of competition and various business practices in the agricultural industry. Selection of a project for funding should be based on several factors:

- 1) The proposed project is relevant to the objectives and purpose of the Partnership.
- 2) The proposed project is well-defined in scope and sufficient in detail in its projected use of funds to support the amount sought.
- 3) The proposed project is non-duplicative of existing or on-going known research and is expected to provide new insights or understanding of market aspects important for competition.
- 4) The proposed project is reasonably anticipated to require no more than two separate payments per month during the course of its implementation.
- 5) The proposed project is reasonably anticipated to be completed within two years, subject to extension due to events not within the control of the requesting AGO Partner. (Extensions of time on an approved project should be liberally agreed upon following receipt of an updated budget and other information reflecting the additional time.)
- 6) The proposed project includes a proposed budget reflecting when various expenditures anticipated during the project will be incurred so that an overall budget and projected spend-down of the project funds can be established for monitoring purposes.

- 7) The proposed project may be paid either directly to third-party vendors or consultants based upon invoices submitted by the Partner State or on a reimbursement basis in accordance with the Reimbursement Guidelines set forth on pages 33-36. Where utilized, a sub-committee appointed by the State Center to monitor the project may also be required to review any requests for payment.
- 8) The Partner AGO(s) making the request commits that, in the event the project's costs are recovered through litigation, settlement or otherwise, and it is legally permissible and appropriate to do so, the Partner AGO will make its best effort to also recover the amount of Partnership Funds that are spent on the project and to repay the same to the Partnership's Revolving Fund.
- 10) The requested funding for the project falls within any budget guidelines adopted by the Oversight Committee.
- 11) The requested project does not appear duplicative of other research work on the topic.
- 12) The requested Research Support project is the only project in this category for which Partnership funding has been approved for a request submitted by the Partner AGO in the past three (3) month (90 days) period. (This requirement does not preclude the Partner AGO from submitting a future request for additional funding provided the time period has passed.)
- 13) All of the Prioritization Factors set forth above are to be considered by the Project Selection Advisory Committee (or USDA) in making any recommendation for approval to the State Center.
- 14) The application is complete, including the indication of approval by the AGO at the front office level.

**Research Support Requests:** Requests from Partner AGOs for Research Support funds should provide the following information:

- 1) Identification of the Partner AGO(s) making the request and all other Partner AGOs involved in the matter if they are working together, e.g., in a multistate or a joint investigation.
- 2) Amount of funding requested.
- 3) Description of the project's purpose and identification of the primary anticipated payee(s).
- 4) If the funding is expected to be needed over a period of time, a reasoned prediction of both the length of time and the number of possible payments which might be requested. (All requests for payment are required to be supported by the submission of invoices or bills.)
- 5) If the proposed project is to provide funds for the professional services of a consultant or expert, identification of the consultant/expert, their address and their Tax Identification Number (or, if not yet retained, a commitment to provide such information *before* the first billing is submitted for payment), and the nature of the consulting or professional work the consultant/expert is expected to provide. *Note:* If the consultant/expert is utilizing a third-party firm for support services to complete his/her work so as to require separate payments for the project, the name and address and Tax Identification Number of that vendor and the nature of its services must also be provided.

- 6) If the proposed project is to provide funds for the purchase of products from a vendor, the name and address of the vendor and the nature of the services or products to be purchased, if known.
- 7) Identification of the product and geographical market that is the expected subject of the matter.
- 8) Description proposed project, its scope of work and the general work plan contemplated.
- 9) Identification of any federal or state AGO enforcement agencies believed to also be working on the matter or a substantially similar or related matter.
- 10) If there are other agencies believed to be looking into the matter or topic, a statement as to whether the AGO is, or is willing to, coordinate efforts and share any outcomes of the work being funded by the Partnership, subject to any applicable confidentiality restrictions.
- 11) Confirmation that a review has been completed (or acknowledgment that it will be completed before the project can be approved for funding) of literature and scholarly publications to ensure the proposed project is not duplicative.
- 12) A description of the contribution (including in personnel oversight) being made to the project (and any matters to which it closely relates) by the requesting Partner AGO and any other participating AGOs (to demonstrate all have “skin in the game.”)
- 13) A commitment by the Partner AGO to assist in monitoring the project alongside any others involved in that monitoring, including providing guidance for the implementation of the project, reviewing billings, and reviewing any reporting or outcomes of the project.
- 14) A commitment that, in the event the project’s costs are recovered through litigation, settlement or otherwise, and it is legally permissible and appropriate to do so, the Partner AGO will make its best effort to also recover the amount of Partnership Funds that are spent on the project and to repay the same to the Partnership’s Revolving Fund.
- 15) A statement of approval of the application signed by the Partner AGO’s front office.

**Optional Formation of Sub-Committee for Special Tasks.** In the event a request for proposal, on-going monitoring, or other more significant work by the Partnership is required for a Partnership Project, a sub-committee of the PSAC may be formed for these purposes. Such sub-committee may have *added* to its membership one or more representatives of the requesting Partner AGO(s) or other Partner AGOs as determined by the PSAC. Commitment of Partner AGO personnel for such responsibilities may be set as a condition for funding by the PSAC. Members of any such sub-committee will be subject to the Confidentiality Protocol.

**Confidentiality Protocol.** Requests for Research Support are to be shared only among the identified members and ex officio members of the Project Selection Advisory Committee and are subject to the Confidentiality Protocol.

## **Innovation Support Projects and Other Support Projects: Criteria and Procedures**

Innovation Support is intended to provide funding for experimentation and innovation with respect to new and innovative market or enforcement infrastructures or practices. For example, projects could contemplate exploring new ways to collect complaints and channel information to the appropriate regulatory agency, developing educational and advisory materials that may be useful, and experimenting with new technologies that may better intermediate markets or promote price discovery, such as exchanges. Other Support is intended to provide funding to meet the objectives of the Partnership for other projects as may be determined appropriate.

Innovation and Other Support funds may only be used for their specified purpose.

**Criteria.** Requests for Enforcement Support which meet the following eligibility criteria may be approved for funding as a Partnership Project within the discretion of the Project Selection Advisory Committee (PSAC) (or USDA) and the State Center:

- 1) The proposed project is relevant to the objectives and purpose of the Partnership.
- 2) The proposed project is well-defined in scope and sufficient in detail in its projected use of funds to support the amount sought.
- 3) The proposed project is reasonably anticipated to require no more than two separate payments per month during the course of its implementation.
- 4) The proposed project is reasonably anticipated to be completed within two years. (Extensions of time on an approved project should be liberally agreed upon following receipt of an updated budget and other information reflecting the need for additional time.)
- 5) The proposed project includes a proposed budget reflecting when various expenditures anticipated during the project will be incurred so that an overall budget and projected spend-down of the project funds can be established for monitoring purposes.
- 6) The proposed project may be paid either directly to third-party vendors or consultants based upon invoices submitted by the Partner State or on a reimbursement basis in accordance with the Reimbursement Guidelines set forth on pages 33-36.
- 7) The Partner AGO making the request commits that, in the event the project's costs are recovered through litigation, settlement or otherwise, and it is legally permissible and appropriate to do so, the Partner AGO will make its best effort to also recover the amount of Partnership Funds that are spent on the project and to repay the same to the Partnership's Revolving Fund.
- 8) The requested funding for the project falls within any budget guidelines adopted by the Oversight Committee.
- 9) The requested Innovation or Other Support project is the first such project requested in the particular matter (regardless of the Partner making the request) and does not appear duplicative of other work or the PSAC determines there is justification for the additional project.

- 10) The requested Innovation or Other Support project is the only project in this category for which Partnership funding has been approved for a request submitted by the Partner AGO in the past three (3) month (90 days) period. (This requirement does not preclude the Partner AGO from submitting a future request for additional funding provided the time period has passed.)
- 11) All of the Prioritization factors set forth above are to be considered by the PSAC (or USDA) in making any recommendation for approval to the State Center.
- 12) The application is complete, including the indication of approval by the AGO at the front office level.

**Requests.** Requests from Partner AGOs for Innovation or Other Support should provide the following information:

- 1) Identification of the Partner AGO(s) making the request and all other Partner AGOs involved in the matter if they are working together, e.g., in a multistate or a joint investigation.
- 2) Amount of funding requested and description of its purpose and anticipated payee(s).
- 3) If the funding is expected to be needed over a period of time, a reasoned prediction of both the length of time and the number of possible payments which might be requested by the submission of invoices or bills.
- 4) If the proposed project is to provide funds for professional services of a consultant or expert, identification of the consultant/expert, his/her address and his/her Tax Identification Number (or, if not yet retained, a commitment to provide such information *before* the first billing is submitted for payment), and the nature of the consulting or professional work the consultant/expert is expected to provide. *Note:* If the consultant/expert is utilizing a third-party firm for support services to complete his/her work so as to require separate payments for the project, the name and address and Tax Identification Number of that vendor and the nature of services must also be provided.
- 5) If the proposed project is to provide funds for the purchase of products from a vendor, the name and address of the vendor and the nature of the services or products being purchased, if known.
- 6) Identification of the product and geographical market that is the subject of the project.
- 7) Identification of any federal or state AGO enforcement agencies believed to also be working on the matter or a substantially similar or related matter.
- 8) If there are other agencies believed to be looking into the matter, a statement as whether the AGO is or is willing to coordinate efforts and share any outcomes of the work being funded by the Partnership, subject to any protective order or applicable confidentiality restrictions.
- 9) If the project appears similar to other projects or programs (including any being implemented outside of the Partnership), an explanation of how it is distinguishable and of additive value.
- 10) A description of the contribution being made to the matter by the requesting Partner AGO and any other participating AGOs (to demonstrate all have “skin in the game.”)
- 11) A commitment that, in the event the project’s costs are recovered through litigation, settlement or otherwise, and it is legally permissible and appropriate to do so, the Partner



- AGO will make its best effort to also recover the amount of Partnership Funds that are spent on the project and to repay the same to the Partnership's Revolving Fund.
- 12) A statement of approval of the application signed by the Partner AGO's front office.

**Confidentiality Protocol.** Requests for Innovation or Other Support are to be shared only among the identified members and ex officio members of the PSAC and are subject to the Confidentiality Protocol.

## **Agricultural Competition Revolving Fund**

While all funds contributed for the purposes of the Agricultural Competition Partnership by the USDA under the terms of the Cooperative Agreement are to be kept segregated, funds from non-USDA sources may be directed to the Antitrust Competition Revolving Fund, which Fund will be established by the State Center for the purpose of providing funding for future needs of the States' Attorneys General in their enforcement work, education and training programs and other initiatives related to promoting competition and its benefits in the agricultural markets. Any future repayments of funds initially expended by the Partnership for the various Support projects, and other contributions which may be accepted by the Partnership, may be directed to the Antitrust Competition Revolving Fund, whereupon they will be subject to the following governance and procedures.

**Establishment and Oversight.** The Antitrust Competition Revolving Fund will be established in by the State Center and overseen by the Oversight Committee and the Project Selection Advisory Committee (PSAC) created for the Antitrust Competition Partnership until such time as the Partnership is ended or the Partner AGOs determine, by a majority vote, that a separate committee (the "successor oversight committee") should oversee the activities of the Revolving Fund.

For so long as the PSAC exists, it shall consider any requests for grants from the Revolving Fund using the same process as for the Partnership Funds, whereupon the State Center will approve and issue recommended grants. Similarly, the Oversight Committee may continue to oversee the criteria followed for the consideration of grant requests and receive reports on grant activities. The Confidentiality Protocol set forth herein will continue to apply.

Any successor oversight committee will consider requests for grants as well as oversee applicable criteria, essentially combining the responsibilities of the PSAC and the Oversight Committee into a single committee. Such successor committee will appoint one of its members as the chair of the committee for purposes of calling and conducting meetings.

Any successor oversight committee overseeing the Revolving Fund shall include, at a minimum, representatives of at least three (3) State Attorneys General's offices and shall be bipartisan in its membership. Such successor oversight committee may be initially established by appointment by the State Center in consultation with the then-current members of the Oversight Committee; future appointments shall be made by the State Center in consultation with the then-current members of the successor oversight committee and in consideration of both bipartisan representation and regional diversity. The term for service on the successor committee shall be two (2) years with the privilege of reappointment with no limitation.

The State Center will provide one ex officio member for the successor oversight committee and continue to serve as the administrator of the Revolving Fund. A representative of the USDA may, at the committee's discretion, be invited in the capacity of ex officio liaison to specified committee meetings subject to the Confidentiality Protocol applicable to the particular matters being considered.

## **Agricultural Competition Revolving Fund Grants**

**Availability.** Upon the determination by the State Center, in consultation with the Oversight Committee and the PSAC, or with the successor oversight committee, that the Agricultural Competition Revolving Fund has grown sufficiently to provide grants for eligible projects and applicants, guidelines will be adopted by the State Center, in consultation with such committee(s), for the consideration and awarding of grants and the terms thereof.

**General Eligibility for Grants.** For such time as the Agricultural Competition Revolving Fund is overseen by the Oversight Committee and the PSAC, and the Cooperative Agreement with the USDA for the funding of the Agricultural Competition Partnership is still in force, all applicants must be Partner AGOs unless the Partner AGOs vote to expand that eligibility. Following the conclusion of the Cooperative Agreement, eligibility to apply for grant funds from the Agricultural Competition Revolving Fund will be open to all States' Attorneys General and the Attorneys General of the U.S. Territories.

**Grant Purposes.** Unless modified by that State Center in consultation with the Oversight Committee and the PSAC (or a successor oversight committee overseeing the Agricultural Competition Revolving Fund), the purposes for any grants sought from the Revolving Fund may fall within the same categories and be subject to the same restrictions as projects submitted to the Agricultural Competition Partnership for funding with Partnership Funds. Any modifications adopted shall be publicized to the Attorneys General (or those eligible at the time to apply) and may be posted on the State Center's website for reference.

## **Fund Management**

**Limitation on Corpus.** The distribution of funds from the Agricultural Competition Revolving Fund is not limited to the principal of the corpus or restricted to only income generated by the fund during any preceding period of time, e.g., the prior calendar year.

**Deposit of Contributions.** The State Center shall direct all contributions to the Agricultural Competition Revolving Fund and any other monies lawfully committed for the purpose of the Revolving Fund as set forth herein in a new and segregated account, separate from other State Center accounts, which shall not then or thereafter be commingled with any other funds or accounts.

**Investment.** The State Center may invest all or part of the Agricultural Competition Revolving Fund appropriately in order to generate additional income. Any investments made shall be consistent with any investment policy approved by the Oversight Committee or a successor committee overseeing the Revolving Fund.

**Termination and Resolution of the Fund.** The Revolving Fund shall be maintained for as long a term as is consistent with its purpose. In the event the committee overseeing the Revolving Fund determines the purpose of the Revolving Fund no longer exists or that the Revolving Fund is no longer effectively serving that purpose, the committee may vote to recommend to the State

Center that the Revolving Fund be dissolved and that any remaining monies therein be directed as a contribution to a nonprofit organization whose mission includes providing funding and training support for the State Attorneys General within the areas of antitrust and/or consumer protection. Any vote by the Oversight Committee or a successor committee overseeing the Revolving Fund shall be unanimous among those voting, with a quorum being present.

**Contributions and Revenue.** To the extent permitted by law, each Partner AGO whose project receives Partnership Funds shall commit to making its best effort to recover the amount of Partnership Funds so as to pay to the Agricultural Competition Revolving Fund an amount at least equal to the any Partnership Funds expended for that project, if the state recovers any monies as a result of the project. If such recovery is insufficient to fully repay such funds, the Partner AGO shall pay as much as is reasonably permitted by the recovery. The same commitment to repay grant funds shall apply to any grants funded by the Agricultural Competition Revolving Fund.

While it is understood that some projects receiving Partnership Funds are *unlikely* to result in any direct recovery of monies, such as training and education projects, research projects, and some special initiatives, Partner AGOs and others shall still be encouraged to consider the benefits they received from the Agricultural Competition Partnership and to consider voluntary contributions to the Agricultural Competition Revolving Fund from unrelated recoveries, such as where residual monies remain in a settlement account or other funds whose disposition is not pre-determined by law. Contributions may also be made to the Revolving Fund by third parties subject to any gift acceptance policy as may be adopted by the Oversight Committee or the successor oversight committee.

**Gift Acceptance Policy.** The Oversight Committee and any successor oversight committee overseeing the Agricultural Competition Revolving Fund may recommend restrictions and guidelines on the acceptance of any contributions or gifts to the Revolving Fund which may or may not be identical to the gift acceptance policy of the State Center (which does not accept corporate funding for its own funding and activities). Subject to approval by the State Center such recommended gift acceptance policy may be applied to the Revolving Fund.

**Conflict of Interest.** In the event a grant application is submitted to the Agricultural Competition Revolving Fund by an Attorney General who has a representative serving on the Oversight or Project Selection Advisory Committee, or a successor committee overseeing the Revolving Fund, such member shall be temporarily replaced on that committee for the duration of that grant application. The temporary substitute shall be appointed by the State Center in consultation with the applicable committee and shall be of the same political party as the Attorney General who has the conflict so as to maintain the bipartisan balance of the Committee. The substitute shall participate in the consideration of the application and any subsequent decision-making which may arise pertaining to the same for so long as the conflict exists.

**Costs for State Center Administration of the Revolving Fund.** Following the conclusion of the Cooperative Agreement and/or the winding down of any Partnership Fund account containing funds from the USDA, the State Center may submit its costs for supplies and third-party services for reimbursement, as well as for its own services, in administering the Partnership, including the

Agricultural Competition Revolving Fund, to the committee overseeing the Revolving Fund and shall be entitled to recover the same. Such amount may be subject to negotiation of a standard rate based on the time and effort expended and in consideration of the size of the Fund.

**Audit.** All accounting relating to the Agricultural Competition Revolving Fund shall be subjected to audits conducted as part of the State Center's internal auditing and financial review procedures.

## **Confidentiality Protocol**

In recognition that the AGO Partners conduct much of their work as members of law enforcement, necessarily engaging in confidential investigations and engaging in extensive litigation activities as well as negotiations and deliberative discussions protected from public disclosure by the laws of their respective states as well as recognized legal privileges, the following Confidentiality Protocol governs the documents, communications and deliberative processes of the Project Selection Advisory Committee, the Oversight Committee, and the State Center in its administration of the Agricultural Competition Partnership.

**Treatment of Applications.** All applications for funding support from a Partner AGO, regardless of category or nature of the support requested, are subject to the Confidentiality Protocol and, accordingly, shall be treated as confidential except as provided herein.

Requests for Partnership funding should be submitted directly to the State Center to the attention of its executive director. Each request will be assigned a project identification code by the State Center. Projects that are subject to review by the PSAC may be made available for review by the designated PSAC members through an on-line portal and other methods. Project Selection.

Any request for Partnership Funding shall be treated as confidential and not disclosed to any persons outside of the State Center and the Members of the Project Selection Advisory Committee (PSAC) unless the requesting Partner AGO indicates that this Confidentiality Protocol should not apply to the particular request. Even so, any communication or documents that contain personally identifiable information about an employee of a Partner AGO (such as a request for reimbursement for travel expenses to be covered by a Partnership-funded Scholarship) as well as any documents describing the deliberations of the PSAC shall remain confidential.

**Identity of Applicants and Information.** No Member of the Project Selection Advisory Committee shall disclose the identity of any Partner AGO submitting a request or any particular information contained in the request to other persons who are not Members of the PSAC while a request is pending before the PSAC. Following a PSAC decision to recommend funding for a request, the category of the project and the funds committed for the project may be shared for reporting purposes to the Oversight Committee and to the Partnership. Notwithstanding the above, information about a planned education or training event may be shared for purposes of publicizing the event and information about a Research Support or Innovation Support project may also be publicized to the extent the PSAC or the State Center determines appropriate. Regardless of any such informational disclosures, all documents and communications among the PSAC relating to their deliberation and other work regarding requests for funds should remain confidential unless required by law to be disclosed, and then only to the extent required.

If a Partner AGO receives a request for disclosure, whether under public information laws or through discovery or a subpoena, for any records referring to Applicants, Partnership Projects, the deliberative work of the PSAC or Oversight Committees or any communications among or relating to other Partners, that Partner AGO shall notify such other Partners, as well as the State

Center, in writing, of the request for disclosure. The Partner receiving the request for disclosure shall give ten (10) days' notice to such other affected Partners before producing the requested documents or information (or, if ten days' notice is not consistent with an applicable law or order, the maximum permitted notice). In all cases, a Partner shall make its best efforts to provide such notice so as to allow such other Partners the ability to take any needed action to protect their own interests in maintaining confidentiality of the requested record or information.

Nothing in this Agreement may be construed to prevent a Partner from disclosing Material that the Partner, in its sole discretion, determines must be produced to comply with any such lawful request or any other law or regulation. Moreover, and notwithstanding the above, any Partner AGO subject to a discovery request in litigation or other disclosure required by law may disclose the Partnership as the source of funds for any Support project where it relates only to that particular Partner AGO.

**Paper Copies.** In the event Members of the PSAC download or print out a paper copy of any application or related document or communication, they shall not retain such electronic or paper copies following the disposition of the application except to the extent as may be required by law, in which case such copies should be segregated and marked as "confidential." An exception to the forgoing applies to Members of the PSAC who are assigned to sub-committees responsible for monitoring an on-going project, in which cases any downloaded and/or printed copies may be retained until the project or their responsibilities are completed. Electronic or paper copies may only be preserved to the extent required by law but should be segregated and marked as "confidential."

**Certification Required.** All members of the Project Selection Advisory Committee are required to certify they have read and will adhere to this Confidentiality Protocol.

## **Conflict Protocol**

The Agricultural Competition Partnership seeks to provide support for a broad range of Partner AGO activities intended to promote competition across all sectors of the broad agricultural and retail food industry. Each Partner AGO is entitled to make their own strategic decisions for action as they seek to represent the interests of their states' citizenry in enjoying the benefits of competition. Accordingly, it is important that requests made for Partnership funding of various projects be considered by persons who render decisions impartially and without allowing the interests or curiosities of Partner AGOs, including their own, impact their participation in such decision-making. To preserve the integrity of decision-making on requests for funding of proposed projects, a Conflict Protocol has been adopted.

A copy of the Conflict Protocol shall be provided to members of the Project Selection Advisory Committee (PSAC) annually, and completed forms maintained by the State Center. The State Center's executive director, as ex officio member of the PSAC, shall also complete the form. It is the responsibility of Committee members to keep their forms current and advise the State Center of any newly-discovered potential conflicts.

1. Members shall abstain from casting a vote regarding any request for funding presented by their employer Partner AGO unless that request is presented by three or more Partner AGOs. Notwithstanding the above, such members may engage in the review and discussion of such requests.
2. Members shall attest that they have no known interest, personally, financially, or by reason of their employment by a Partner AGO of such significance that it might lead an independent observer reasonably to question whether their decision-making role on the Committee is influenced by considerations of those interests. For purposes of illustration and not limitation, an exception that should be disclosed would include a significant personal (including by one's spouse) holding of stock in a market participant or having an immediate family member who is an employee of a market participant in the agricultural and retail food industry.
3. Any exceptions pertaining to any market participant in the agricultural and retail food industry shall be promptly disclosed to the State Center which may, in consultation with the USDA, determine the individual member should not participate in decision-making with regard to a particular request or requests pertaining to a particular industry. Notwithstanding the above, such member may engage in the review and discussion of such requests.

In the event a conflict (or multiple conflicts) is too significant to be merely an exception impacting little of the work of the PSAC and the particular member, the State Center and/or the USDA may direct that the member be replaced.



## **Reimbursement Guidelines**

**As a general rule, Partnership Funds may only be disbursed to fund Support Projects or administrative costs based on bills, invoices or other evidence of debt incurred by the Support Project. No payment will be made without appropriately reliable documentation of the underlying expense(s) as described below.**

In the event costs have already been paid so that the request is for reimbursement of such prior payments, evidence of the underlying expense as well as the prior payment is required.

No funds will be paid in advance unless supported by documentation of a requirement for an advance deposit or other payment to the service provider/vendor prior to services or products being provided.

All requests for payment submitted to the State Center pertaining to a billing by a third party (e.g., a professional consultant) must include an affirmation that the underlying bill(s), receipts or other evidence of debt have been reviewed by the Partner AGO for accuracy and the work or costs represented is covered by the applicable Support Project for which funds were paid.

All requests for payment shall provide the name and address and any applicable account number or other identification number needed for the preparation and delivery of payment, whether it is to a Partner AGO in reimbursement of expenses it has already paid or to a third party.

Any Partner AGO submitting a request for payment for professional services, such as a consultant or other professional, for whom a 1099 reflecting the payment as earned income may be required, shall ensure the State Center has the tax identification number (TIN or SSN) for the provider. (If the professional service provider is a member of the State Center's Panel of Consultants it may be assumed that the State Center already has this information.)

**Process.** Requests should provide payment instruction, including the payee's name and mailing address. For submissions including multiple expense items, a listing of each item and its amount is required to ensure accuracy. Requests for reimbursement should be emailed along with .pdf copies of any receipts being submitted, to the State Center's Executive Director, Anne Schneider, at [Anne@TheStateCenter.org](mailto:Anne@TheStateCenter.org).

## **Scholarship Reimbursement Guidelines**

Funds committed for Scholarship projects (Education and Training Support) may be used to reimburse travel expenses, including all transportation-related costs, meals throughout the travel or during any event the Scholarship may also cover (unless otherwise covered by the event sponsor), and accommodations costs as well as conference registration fees and associated costs. If a Scholarship was granted for a specific amount and the requested reimbursement exceeds that stated amount, please contact the State Center before submitting your request.

**Receipts.** Costs should, to the extent practicable, be supported by copies of receipts, such as for hotel rooms or commercial carriers and, to the extent possible, meals. If a receipt is unavailable and cannot be retrieved from the provider, excerpts of a credit card statement and written description of charges may be sufficient.

Incidental costs such as bus fares for which no receipts are typically obtained, do not require documentation but should be enumerated and explained in the request for reimbursement.

**Airfare.** Air or other commercial carrier travel will be reimbursed at the economy coach rate. If travel is for an event lasting longer than 1 full business day, coverage may include the cost of one checked bag. (If a budget airline which charges for a standard carry-on is used, that charge would be covered regardless.) Scholarship funds do not cover seat upgrade charges beyond the main seating on an airplane. If a scholarship recipient books a higher class, e.g., Delta Comfort, or American Economy Plus, it is recommended that the price differential between that premium level and main seating be noted at the time of booking and submitted. Otherwise, the State Center will use its own discretion in adjusting the reimbursement based on the then-current price differential.

**Mileage.** Mileage will be reimbursed at the current IRS mileage reimbursement for business use of a personal vehicle. (E.g., for Calendar year 2023 this rate is \$ .665/mile.) Carpooling/ride-sharing with other attendees is appreciated and encouraged.

**Travel Meals/Incidentals:** To the extent that meals are eaten during travel (or which are not provided during the conference or other event attended), they will be reimbursed based on receipts or, in lieu thereof, an attendee's statement of expenses, subject to the maximum GSA CONUS meal/incidentals rates unless a variance is justified (e.g., a conference group dinner at a rate established by the conference sponsor). See <https://www.gsa.gov/travel/plan-book/per-diem-rates>. Reimbursements will not be based on a per diem rate but such rates may be used in assessing the reasonableness of the charges submitted.

**Registration/Conference Fees:** Documentation that a registration or conference fee was paid should be provided. If a registration fee includes meals, those meal costs should not be separately submitted. If a conference meal was optional and the attendee chose to purchase it, it may be subject to the same criteria for reimbursement as Travel Meals. Please contact the State Center if an exception to this criteria is warranted.

**Process.** Requests should provide payment instruction, including the payee's name and mailing address. For submissions including multiple expense items, a listing of each item and its amount is required to ensure accuracy. Requests for reimbursement should be emailed along with .pdf copies of any receipts being submitted, to the State Center's Executive Director, Anne Schneider, at [Anne@TheStateCenter.org](mailto:Anne@TheStateCenter.org).

## Administrative Costs Guidelines for Reimbursement

The State Center may submit its costs for supplies and third-party services for reimbursement from the Partnership Funds. Such requests shall be supported by receipts, bills or other evidence of payment for supplies and services relating to its administration of the Agricultural Competition Partnership. The 5-year Budget established for the Partnership and contained in the Cooperative Agreement is set forth below:

Cooperative Agreement: 5-Year Budget				
		Annual Avg*	Monthly Avg*	5-Year Budget
<b>Administration</b>				
Personnel:				
Executive Director	Administration of Program	\$ 55,200.00	\$ 4,600.00	\$ 276,000.00
Administrative subcontracts/consulting services				
Contracted Bookkeeper/CPA	Financial Awards Record-keeping & Reports	\$ 36,400.00	\$ 3,033.33	\$ 182,000.00
Contracted Attorney/Advisor	Contracting/Compliance Advice & Assistance	\$ 12,500.00	\$ 1,041.67	\$ 62,500.00
Other Administrative Costs				
Travel (Admin)	State Ctr Travel	\$ 7,500.00	\$ 625.00	\$ 37,500.00
	OC/PSAC Trav	\$ 15,750.00	\$ 1,312.50	\$ 15,750.00
Materials/Supplies		\$ 2,250.00	\$ 187.50	\$ 11,250.00
Additional Liability Insurance	Placeholder: Quote Requested	\$ 40,000.00	\$ 3,333.33	\$ 200,000.00
Annual Audit Cost		\$ 27,500.00	\$ 2,291.67	\$ 137,500.00
Direct Administrative Costs:		\$ 197,100.00	\$ 16,425.00	\$ 922,500.00
Indirect Administrative Costs	Expansion of Existing Overhead Costs	\$ 3,000.00	\$ 250.00	\$ 15,000.00
<b>Total Administrative Costs:</b>		<b>\$ 200,100.00</b>	<b>\$ 16,675.00</b>	<b>\$ 937,500.00</b>
<b>Program (Partnership Projects/Support)</b>				
Funds to be allocated among Quick Support, Standard Support, Educational/Innovation Support and other Support sub-awards in consideration of the recommendations of the Oversight Committee				\$ 11,062,500.00
<b>Total Program Costs:</b>				<b>\$ 11,062,500.00</b>
<b>Total</b>				<b>\$ 12,000,000.00</b>
		% of Total for Administration		7.81%
* The annual and monthly averages are not relective of actual anticipated use of funds due to the nature of this sub-award program and the substantial upfront cost in collaboratively designing criteria and processes for handling applications for subwards to fund prospective partnership projects.				
** OC/PSAC Travel is based on one in person committee meeting during the program planning stage.				

The amounts budgeted within the line items may be adjusted in consultation with the USDA and subject to the need for USDA's written approval, which is unlikely to be withheld so long as such costs fall within the initial budget's annual totals as set forth in the Cooperative Agreement.

The State Center may also submit periodic billings for its own services in administering the Partnership, which bills will be based on a pro-rata share of the initial budget's annual totals for such services, and, so long as those costs fall within the initial budget's annual totals, they will be paid. (The initial budget set forth in the Cooperative Agreement provided for an annual fee of \$55,200 or \$4,600 per month, which amount may be billed monthly or quarterly by the State Center.)

All submissions by the State Center will be provided to the Oversight Committee for review at least two weeks (10 business days) Partnership Funds.

Costs incurred for administrative services relating to the Agricultural Competition Partnership Revolving Fund, for so long as the Revolving Fund is overseen by the Oversight and Project Selection Advisory Committees and the Cooperative Agreement remains in effect, will be submitted within the above-described process and will be assessed against the Partnership Funds as all other costs and services. However, following the conclusion of the Cooperative Agreement and/or the winding down of any Partnership Fund account containing funds from the USDA, the State Center may submit costs for supplies and third-party services for reimbursement as well as for its own services in administering the Partnership, including the Revolving Fund, (the latter amount being subject to negotiation of a standard rate based on the time and effort expended) to the committee overseeing the Revolving Fund and shall be entitled to recover the same.

## **State Center Reporting**

With the assistance of its financial accountant(s) the State Center will provide the following reports to the following constituencies to support the Agricultural Competition Partnership, all oversight and decision-making regarding the Partnership Fund, and, when applicable, the Agricultural Competition Revolving Fund.

*For the Project Selection Advisory Committee only:*

**Monthly Report on Projects (and Grant Applications):** A monthly report identifying by category and the requesting Partner State(s) each submission received during the time period, the amount sought, the amount approved (or granted) and the project's (or request's) current status.

**Monthly Report on Partnership Fund (and Revolving Fund)(Grant Level Detail):** A balance sheet reflecting monthly fund activity at the project/grant level. This report will indicate the category of each active grant, any funds expended during the month and the current balance of any funds committed for the project or grant.

**Monthly Report on Partnership Fund (and Revolving Fund)(Category Level):** A balance sheet reflecting monthly fund activity at the category level (no individual grants identified), providing the amount spent that month, the Year-to-Date amount spent, the annual budgeted amount, and the Year-to-Date budgeted amount for each category and the total fund balance.

*For the Oversight Committee and Project Selection Advisory Committee:*

**Quarterly Report on Partnership Fund (and Revolving Fund) (Category Level):** A balance sheet reflecting quarterly (three-month) fund activity at the category level (no individual grants identified) and providing the amount spent that period, the Year-to-Date amount spent, the annual budgeted amount, and the Year-to-Date budgeted amount for each category and the total fund balance.

*For all Partner AGOs and Committees:*

**Annual Report on Partnership Fund (and Revolving Fund) (Category Level):** A balance sheet reflecting annual fund activity at the category level (no individual grants identified) with the amount spent that period, the annual budgeted, and the total fund balance.

## **ACP Project Codes**

To facilitate reporting on Partnership Projects where specific matters should not be reported, all incoming requests for partnership support will be assigned a code.

Format: Category – Date – Number

Categories:

- E = Enforcement Support
- EQ = Quick Support in the Enforcement Support Category
- T = Education & Training Support
- TQ = Quick Support in the Education & Training Support Category
- R = Research Support
- I/O = Innovation Support or Other Support

Date:

Last 2 digits of year of application-2 digits of month of application – 2 digits for the day

A request received on December 4, 2023: 231204

Number:

The order the request was received on the particular day.

*E.g.*, EQ-231204-1

SAMPLE REPORT:

<b>Project Code</b>	<b>Partner</b>	<b>Amount</b>	<b>Status/Notes</b>
EQ-231204-1	NY	\$10,000	Request for Panel Consulting

## **Elections Terms and Dates**

The initial Slate of Members for the Oversight and Project Selection Advisory Committee was as follows:

### **Oversight Committee (5 or 7 Partner AGOs)**

*Fall, 2023 to December 31, 2024*

1. Colin Snyder, Nebraska [R]
2. Tracy Wertz, Pennsylvania [D]
3. Ian Papendick, Colorado [D]
4. Andrew Butler, Montana [R]

*Fall 2023 to December 31, 2025*

5. Lynette Bakker, Kansas [R]
6. Schonette Walker, Maryland [D]
7. Nicole Gordon, California [D]

Ex officio members: USDA and The State Center]

### **Project Selection Advisory Committee (5 or 7 Partner AGOs)**

*Fall, 2023 to December 31, 2024*

1. Andrew Butler, Montana [R]
2. Elizabeth Odette, Minnesota [D]
3. [R] (initially vacant)

*Fall 2023 to December 31, 2025*

4. Amanda Wentz, Arkansas [R]
5. Chris Teters, Kansas [R]
6. Ian Papendick, Colorado [D]
7. [D] (initially vacant)

Ex officio member: The State Center

**Elections to be held in November, 2024 and each November thereafter with terms to begin on January 1st.** Special Elections may be held to fill vacancies if more than 6 months remaining in the term.

Regular Terms for both Committees for elected members:

January 1, 2024 to December 31, 2025	3 positions
January 1, 2025 to December 31, 2026	2 or 4 positions
January 1, 2026 to December 31, 2027	3 positions

January 1, 2027 to December 31, 2028\*      2 or 4 positions  
January 1 2028 to December 31, 2029\*      3 positions

\*The Partnership is expected to last through May, 2028 but may be extended upon agreement of the parties to the Cooperative Agreement; terms extending beyond May, 2028 may be ended before the 2-year period expires.



# Forms:

- A. Application Form for Oversight Committee
- B. Application Form for Project Selection Advisory Committee
- C. Cover Page for Request for Partnership Project Funding
- D. Request for Quick Support – Enforcement Partnership Project (EQ)
- E. Request for Quick Support – Education and Training Partnership Project (TQ)
- F. Request for Enforcement Support Partnership Project (E)
- G. Request for Education and Training Partnership Project (T)
- H. Request for Research Partnership Project (R)
- I. Request for Innovation/Other Partnership Project (IO)
- J. Travel Reimbursement Form

## Application for Oversight Committee

Name

Position

Email

Telephone

Mailing Address

In support of my application to serve on the Oversight Committee I am providing the following information:

I have been authorized by my Office to apply and participate on the Oversight Committee and will make my best efforts to attend meetings and participate in its work in a timely manner.

The State/Commonwealth of \_\_\_\_\_ has at least the following three agricultural and retail food markets which have a significant presence in terms of physical operations and employment of area residents:

At least three agricultural and retail food markets have a significant impact on the residents of this State/Commonwealth as consumers of end products.

The approximate population of the State/Commonwealth is \_\_\_\_\_. The current Attorney General is \_\_\_\_\_ and is a member of the \_\_\_\_\_ Party.

By signing below I affirm the above commitments and that the above information is accurate to the best of my knowledge.

\_\_\_\_\_

Date: \_\_\_\_\_

# Application for Project Selection Advisory Committee

Name

Position

Email

Telephone

Mailing Address

In support of my application to serve on the Project Selection Advisory Committee I am providing the following information:

I have been authorized by my Office to apply and participate on the Committee and will make my best efforts to attend meetings and participate in its work in a timely manner. I will comply with the confidentiality policies adopted by the Oversight Committee as governing the work of the Project Selection Committee and, if I have any concerns regarding these requirements, I will immediately raise them with the Committee and the State Center. I will also comply with the Conflicts of Interest policy adopted by the Oversight Committee.

The State/Commonwealth of \_\_\_\_\_ has at least the following three agricultural and retail food markets which have a significant presence in terms of physical operations and employment of area residents:

At least three agricultural and retail food markets have a significant impact on the residents of this State/Commonwealth as consumers of end products.

The approximate population of the State/Commonwealth is \_\_\_\_\_. The current Attorney General is \_\_\_\_\_ and is a member of the \_\_\_\_\_ Party.

By signing below I affirm the above commitments and that the above information is accurate to the best of my knowledge.

\_\_\_\_\_

Date:

# Agricultural Competition Partnership

Request for Project Support (Cover Page) # \_\_\_\_\_

*For State Center Use Only*

Date: \_\_\_\_\_

Requesting Partner(s): \_\_\_\_\_

(If the Request is being submitted by multiple Partners, please list the additional Partners by State/Commonwealth; each Co-Applicant may provide their contact information and approval signature separately.)

Project Category (Please check one):

	Enforcement Support: Quick Support (Attach Project Description Form "EQ")
	Enforcement Support: Standard Support (Attach Project Description Form "E")
	Education and Training: Quick Support (Attach Project Description Form "TQ")
	Education and Training: Standard Support (Attach Project Description Form "T")
	Research Support (Attach Project Description Form "R")
	Innovation/Other Support (Attach Project Description Form "I/O")

Amount Requested: \$ \_\_\_\_\_

Contact Information for Requesting Partner AGO:

Mailing Address:

Name:

Title:

Email:

Tel:

Approval of the Request on Behalf of the Partner AGO:

\_\_\_\_\_  
*Signature*

Printed Name:

\_\_\_\_\_  
Title/Position

**Instructions:** Submit a .pdf copy of this Cover Page with the Project Description Form and the additional documentation requested to [Anne@TheStateCenter.org](mailto:Anne@TheStateCenter.org). Please send any additional information requested or that you think would be helpful in an additional letter or attachment. The State Center serves as the administrator of the Agricultural Competition Partnership. Please note that this Request will be shared with the Project Selection Advisory Committee in accordance with the Project Confidentiality Protocol. The identified Contact Person will be contacted with any questions and will be advised whether the Project is approved for funding with Partnership Funds as soon as a determination is made.

**Project Description EQ  
Enforcement Support: Quick Support**

(Please submit this completed form with the Support Request Cover Page)

General description of the project:	
Identify the Panel Consultant or other professional whose services you plan to utilize in the project and the general nature of services to be rendered by that professional:	
<b>Please indicate acknowledgment of each statement below by placing an “x” in the right-hand column</b>	
We have procured agreement by the identified professional for the planned work on this project and, if not a Panel Consultant, we also <b>attach</b> their curriculum vitae/resume or similar information regarding qualification to complete the project.	
We anticipate the project will be completed within 12 months.	
We anticipate that no more than two requests for payments will be made during the project.	
The maximum funds available for this project are \$10,000 or 20 hours of the identified Panel Consultant’s professional services (whichever is applicable).	
The requesting Partner AGO will review and approve any billing before forwarding it to the State Center for payment with Partnership Funds.	
In the event the funds are for direct payment to any professional other than a Panel Consultant, we will ensure the State Center has their tax identification number before submitting any request for payment.	
We acknowledge that if our office recovers costs in any litigation or other resolution of a matter relating to the project, and it is legally permissible and appropriate to do so, we will make our best efforts to recover the amount paid through Partnership funds and repay the same to the Partnership’s Revolving Fund.	
This Request for Project Funding has been authorized by the above-identified Partner AGO.	

Any questions regarding the requested information may be directed to the State Center’s Executive Director at Anne@TheStateCenter.org.

**Project Description E**  
**Enforcement Support (Standard)**

(Please submit this completed form with the Support Request Cover Page)

List all Partner AGOs joining in this request:
General description of the project:
Identify the expected product market and geographical market:
<p>Complete the following as applicable:</p> <p>Identify the consultant or other professional whose services you plan to utilize in the project and the general nature of services to be rendered by that professional. If not a member of the State Center's Panel of Consultants, <b>attach</b> their curriculum vitae/resume or similar information regarding qualification to complete the project and <b>provide</b> their contact information.</p> <p>Identify the Vendor or other Service Provider who will be an expected recipient(s) of the funds being requested. <b>Describe</b> the products or services they will be expected to provide for the project and <b>provide</b> their contact information.</p>
List any other enforcement agencies participating in the matter:

If the proposed project may appear duplicative of other law enforcement efforts, please explain how it is distinguishable and of additive value to increasing competition.

Describe the contribution being made by the requesting Partner AGO(s) from their own resources to the project and related efforts (e.g., in personnel, funding and the provision of other resources):

**Please confirm or acknowledge each statement below by placing an "X" in the right-hand column**

We have procured agreement by the identified professional(s) for the planned work on this project.	
We anticipate the project will be completed within 24 months and will advise the State Center if there are delays in the anticipated schedule.	
We anticipate that no more than two requests for payments will be made monthly during the project and that no more than two payees will be the recipients of the requested funding.	
We have <b>attached</b> a copy of any current complaint or will provide a copy of any complaint filed in an action commenced in relation to this project.	
A requesting Partner AGO will review and approve all invoices before forwarding to the State Center for payment with Partnership Funds.	
In the event the funds are for direct payment to any professional other than a Panel Consultant, we will ensure the State Center has their tax identification number (TIN or SSN) before submitting any request for payment.	
We acknowledge that if our office recovers costs in any litigation or other resolution of a matter relating to this project, and it is legally permissible and appropriate to do so, we will make our best effort to recover the amount paid through Partnership Funds and repay the same to the Partnership's Revolving Fund.	
This Request for Project Funding has been authorized by a front office representative of the requesting Partner AGO.	
We are willing to coordinate efforts and share any outcomes of the work being funded by the Partnership with other Partner AGOs and enforcement agencies, subject to any protective order or applicable confidentiality restrictions.	

Any questions regarding the requested information may be directed to the State Center's Executive Director at [Anne@TheStateCenter.org](mailto:Anne@TheStateCenter.org).

**Project Description TQ**  
**Education & Training Support: Quick Support**

(Please submit this completed form with the Project Support Request Cover Page)

Intended Scholarship Recipient(s).		
Name	Email	Phone
Name of the education or training event.		
Sponsor of event:		
Date(s) of event:		
Location of event:		
Describe how the education or training offered is expected to be relevant to the purposes of the Partnership:		
<b>Please indicate confirmation or acknowledgment of each statement below by placing an "X" in the right-hand column</b>		
Attached is a flyer/brochure or other information describing the education or training event and an estimate of anticipated costs.		
We have reviewed the Scholarship Reimbursement Guidelines.		
We anticipate the project will be completed within 12 months.		
We anticipate that no more than two requests for payments will be made.		
The maximum funds available for this project will not exceed \$5,000.		
We will review and approve any billing before forwarding it to the State Center for payment with Partnership Funds.		
We acknowledge that if our office recovers costs in any litigation or other resolution of a matter relating to this project, and it is legally permissible and appropriate to do so, we will make our best efforts to recover the amount paid through Partnership Funds and repay the same to the Partnership's Revolving Fund.		
This Request for Support has been authorized by the submitting Partner AGO.		

Any questions regarding the requested information may be directed to the State Center's Executive Director at [Anne@TheStateCenter.org](mailto:Anne@TheStateCenter.org).



**Project Description T  
Education & Training Support**

(Please submit this completed form with the Project Support Request Cover Page)

**Sponsor Project**

**Scholarship Project**

**PART A: SPONSOR EVENT/PROGRAM**

Name of Proposed Event/Program	
Description of Event/Program Content	
Description of how the Event/Program is relevant to the purposes of the Partnership	
Location	
Date(s) and Length of Event/Program	
Identify all Co-Sponsors and other organizations planning and running the Event/Program	
<b>Please SUBMIT a preliminary agenda or outline for the Event/Program</b>	Will Continuing Education Credit be offered?
	Intended Number of AGO Attendees
Description of Intended Attendees	
Is the Event/Program limited to AGO or government attendees? Explain	
Funding Amount Requested:	\$ _____
<b>Please SUBMIT a preliminary budget reflecting all costs for which funding will be sought.</b>	

Identify the anticipated vendors who will likely be submitting bills for payment (e.g., hotel, food vendors, etc.)	
Identify the entity that will be contracting with vendors (if contracts are required)	
Provide an estimated cost of attendance (per attendee) and describe the component costs for your estimate.	\$ _____
Are Partnership Funds also being sought for Scholarships for attendee costs? <i>(If so, please complete Part B: Scholarships Project)</i>	

**PART B: SCHOLARSHIPS**

**If Part A is not completed, provide the following Event/Program information:**

Name of Proposed Event/Program
Description of Event/Program Content
Description of how the Event/Program is relevant to the purposes of the Partnership
Location
Date(s) and Length of Event/Program
Identify all Co-Sponsors and other organizations planning and running the Event/Program
<b>Please SUBMIT a preliminary agenda, outline or brochure for the Event/Program</b>

**Please provide the following information regarding the proposed Scholarship Project:**

Funding Amount Requested	\$
Number of AAGs/other AGO Staff for whom Scholarships are being sought	
Estimated Cost of attendance ( <i>average per attendee</i> ):	\$
Travel (airfare, train, airport parking, mileage, taxi's, etc.)	\$
Travel-related meals	\$
Hotel accommodations	\$
Meals during Event/Program (not in registration cost)	\$
Registration cost	\$
Other costs	\$
Describe how scholarships will be offered and any eligibility requirements or restrictions; note any prioritization in selecting scholarship recipients.	

**ALL REQUESTS SHOULD COMPLETE THE FOLLOWING:**

Please indicate confirmation or acknowledgment of each statement below by placing an "X" in the right-hand column	
Attached is a flyer/brochure or other information describing the Event/Program	
If funding is requested for sponsoring an Event/Program, a budget for the Event/Program is attached.	
If funding is requested for scholarships, we will ensure that copies of the <b>Scholarship Reimbursement Guidelines</b> are provided to all scholarship recipients.	
We anticipate this Event/Program and/or Scholarship project will be completed within 12 months.	
We will provide the State Center with copies of any <b>vendor contracts</b> for which any payment is requested.	
We will ensure requests for payment, along with any required documentation, are submitted <b>at least 10 business days before</b> any payment is due.	

<p>We will <b>review and approve</b> any billing before forwarding it to the State Center for payment with Partnership Funds and ensure that the documentation required to support payment (or reimbursement) is also provided.</p>	
<p>We will promptly alert the State Center if we believe additional funding will be needed and provide any documentation requested by the Project Selection Advisory Committee or the State Center to review any request for additional funding.</p>	
<p>We acknowledge that if our office recovers costs in any litigation or other resolution of a matter relating to this project, and it is legally permissible and appropriate to do so, we will make our best efforts to recover the amount paid through Partnership Funds for this Partnership Project and repay the same to the Partnership’s Revolving Fund.</p>	
<p>We will, as appropriate, provide attribution for funding to the Agricultural Competition Partnership.</p>	
<p>This Request for Support has been authorized by the following front office representative of the requesting Partner AGO:</p>	

Any questions regarding the requested information may be directed to the State Center’s Executive Director at [Anne@TheStateCenter.org](mailto:Anne@TheStateCenter.org) .

**Project Description R**  
**Research Funding**

(Please submit this completed form with the Support Request Cover Page)

List all Partner AGOs joining in this request:
Description of the proposed research project, scope of work and intended deliverables:
Identify the product market and geographical market relevant to the research:
Describe how the Research is relevant to the objectives and purpose of the Partnership:
The requesting party is required below to conduct a review of literature and scholarly publications to ensure the proposed project is not duplicative. If similar work has been done in this area of research, please explain below how the proposed project is distinguishable and why it is expected to add new information and increase understanding.
The requesting party is expected to make reasonable efforts to coordinate with any similar research being conducted, subject to confidentiality. Please identify any known research of a similar nature being considered or conducted and describe your ability to coordinate the work and/or share outcomes.
Describe any office and personnel resources being contributed to this project by the Partner AGOs.

**Complete the following as applicable:**

Identify the consultant or other professional whose services you plan to utilize as the “lead” in the research project and **Describe** the general nature of services to be rendered by that professional. **Provide** their contact information below. **Submit** their curriculum vitae/resume or similar information regarding qualification to complete the project.

Describe hourly rates or other remuneration terms:

Identify **all additional consultants, other professionals, vendors and other Service Providers** who will likely require separate payments of funds for services/goods provided in connection with this project. **Provide** their contact information below. **Describe** the services they will be expected to provide for the project. *Attach additional pages as necessary.*

Describe hourly rates or other remuneration terms:

Amount of Funding Requested: \$

**Submit** a proposed Budget for the project reflecting the project’s anticipated length and when the various expenditures anticipated will be incurred to allow for a projected spend-down schedule of the project funds. Please indicate the projected dates of any research deliverables, e.g., completion of a survey or delivery of a report.

**Anticipated date of Project completion:**

<b>Please confirm or acknowledge each statement below by placing an "X" in the right-hand column</b>	
We have procured agreement(s) by the identified professional(s) for the planned work on this project and have submitted copies of their curriculum vitae and other information described above..	
We anticipate the project will be completed within 24 months and will advise the State Center if there are delays in the anticipated schedule.	
We anticipate that no more than two requests for payments will be made monthly during the project and that no more than two payees will be the recipients of the requested funding in any given month.	
We have <b>attached</b> a budget reflecting when various expenditures are anticipated.	
We will monitor our payment requests and the proposed budget, ensure requests for payment are in compliance with the Reimbursement Guidelines, and review and approve all invoices before forwarding them to the State Center for payment with Partnership Funds.	
In the event the funds are for direct payment to any professional other than a Panel Consultant, we will ensure the State Center has their tax identification number (TIN or SSN) before submitting any request for payment.	
We have searched for similar research and have either not found any comparable work or have explained above how the proposed project is not duplicative.	
We are willing to coordinate efforts and share any outcomes of the work being funded by the Partnership with other Partner AGOs and enforcement agencies, subject to any applicable confidentiality restrictions.	
If a subcommittee is formed by the Project Selection Advisory Committee for purposes of monitoring or coordinating any bid process relative to this project, we agree to provide a representative of this office to serve on that subcommittee and to provide all requested assistance.	
We acknowledge that if our office recovers costs in any litigation or other resolution of a matter relating to this project, and it is legally permissible and appropriate to do so, we will make our best effort to recover the amount paid through Partnership Funds and repay the same to the Partnership's Revolving Fund.	
This Request for Project Funding has been authorized by the following front office representative of the requesting Partner AGO:	

Any questions regarding the requested information may be directed to the State Center's Executive Director at [Anne@TheStateCenter.org](mailto:Anne@TheStateCenter.org).

# Agricultural Competition Partnership

## Travel Expense Reimbursement Form

Please complete and submit this form, with all required documentation, via email to the State Center within thirty (30) days of completion of travel. See the Reimbursement Guidelines on page 2 for further instruction.

Name: \_\_\_\_\_ Project Number: \_\_\_\_\_  
Position: \_\_\_\_\_ AGO Partner: \_\_\_\_\_  
Email: \_\_\_\_\_  
Telephone: \_\_\_\_\_

### Payment Instruction(s):

Please provide payment instructions for reimbursement checks below, including payee name and address for mailing. If reimbursement should be divided among separate payees (e.g., an individual AAG and the AGO or State) please indicate the amounts to be paid to each and provide mailing instructions:

Payee Name: _____	Payee Name: _____
Amount: _____	Amount: _____
Mailing Address: _____	Mailing Address: _____
_____	_____
_____	_____
_____	_____

### Expenses:

Please itemize your expenses below. Add any needed explanation in the Comments section below. **By submitting this information and the attached documentation you are attesting to the accuracy of the expenses to be reimbursed.**

Conference Fee/Registration	
Airfare/Train	
Baggage and other airline-related fees	
Parking	
Mileage (for personal vehicle)	
Local Transportation	
Hotel	
Meals	
Other / Incidentals	
<b>Total Expenses</b>	

### COMMENTS: