U.S. Fish & Wildlife Service

Basic Financial Assistance Management Course

FY2020 Workbook

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MODULE 1
COURSE OVERVIEW

Learning Objectives

1. Understand the goals and purpose of the Servicewide financial assistance training program and the BFA course objectives.
2. Review FWS financial assistance training policy requirements.

Handouts

- BFA 1-A – 515 FW 1 Responsibilities for Grants and Cooperative Agreements
- BFA 1-B – Servicewide FA Delegation of Responsibility Org Chart
- BFA 1-C – Financial Assistance Resources

Course Goals and Purpose

The goal of the FWS Servicewide Financial Assistance Training Program is to provide a systematic and ongoing national training program to develop basic and specialized award management knowledge and skills that result in the consistent and sensible application of regulations, processes, and decisions for financial assistance awards.

The purpose of the Basic Financial Assistance Course is to provide FWS employees who manage grants and cooperative agreements with a fundamental knowledge of Federal requirements in selecting, reviewing, approving, managing, and monitoring FWS financial assistance awards.

515 FW 1 | 516 FW 3 | 232 FW 1

Course Objectives

Upon completion of this course, the participant will be able to:

- Understand Service grant and cooperative agreement programs.
- Understand the Service's financial assistance business processes and requirements through the award lifecycle.
- Describe the roles and responsibilities of the Service and our recipients/grantees in managing grant and cooperative agreement awards.
- Use appropriate Federal regulations, Service manual chapters, guidance documents and other information resources in managing FWS financial assistance awards.

Course Schedule

DAY ONE

Morning Session	Welcome and Introductions Module 1: Course Overview Module 2: Introduction to Grants and Cooperative Agreements
Lunch	1 hour
Afternoon Session	Module 2: Introduction to Grants and Cooperative Agreements (continued) Module 3: Pre-Award, Financial Assistance Programs and Announcements

DAY TWO

Morning Session	Module 3: Pre-Award, Financial Assistance Programs and Announcements (continued) Module 4: Pre-Award, Application Review and Selection
Lunch	1 hour
Afternoon Session	Module 4: Pre-Award, Application Review and Selection (continued) Module 5: Award

DAY THREE

Morning Session	FASO Resources Overview, FA Policy Q&A Session Module 6: Post-Award, Managing and Monitoring Awards
Lunch	1 hour
Afternoon Session	Module 6: Post-Award, Managing and Monitoring Awards (continued) Module 7: Post-Award, Reporting Requirements Module 8: Closeout Module 9: Post-Closeout

Key Learning Points

- ✓ The goal of the FWS Financial Assistance Training Program is to build a knowledgeable and effective workforce to meet the increasing responsibilities involved in managing its financial assistance programs.

- ✓ The purpose of the Basic Financial Assistance Course is to work towards the FWS FA goal by providing initial training and resources for all personnel involved in managing grants and cooperative agreements.

- ✓ Service policy mandates that FWS personnel working with grant and cooperative agreement awards successfully complete the Basic Financial Assistance Course.

1.1 What is the purpose of this chapter? This chapter describes the responsibilities of U.S. Fish and Wildlife Service (Service) officials for grant and cooperative agreement administration, policy, oversight, systems, and training.

1.2 What is the scope of this chapter? This chapter applies to all Service employees who work with grants and cooperative agreements.

1.3 What are the authorities for this chapter?

A. 505 DM 1 and 2, Grants Administration – Policy Development and Management, and Procurement Contracts, Grants and Cooperative Agreements.

B. 507 DM 1 and 2, Program Information and Data – Catalog of Federal Domestic Assistance, and Federal Assistance Communication Requirements.

1.4 What are the overall responsibilities for managing grants and cooperative agreements? See Table 1-1.

Table 1-1 Overall Responsibilities for Managing Grants and Cooperative Agreements

These employees…	Are responsible for…
A. The **Director**	**(1)** Making sure that Service staff comply with Federal laws and Department of the Interior (Department) policies for managing grants and cooperative agreements; **(2)** Making sure that we have national policy and guidance for managing grants and cooperative agreements; **(3)** Providing the Department with reasonable assurance on an annual basis that the Service has developed and implemented processes to: **(a)** Prevent or promptly detect unauthorized use or disposition of assets, and **(b)** Implement and monitor corrective actions when we identify compliance or systemic weaknesses; and **(4)** Ensuring programs respond to audits and reviews in a timely manner.
B. The **Deputy Director, Operations**	Ensuring that Headquarters and Regional staff resolve any audit or review findings related to grants and cooperative agreements.
C. The **Assistant Director – Wildlife and Sport Fish Restoration Program (AD-WSFR)**	**(1)** Managing the national policy formulation and oversight, systems, and training for grants and cooperative agreements; and **(2)** Providing administrative and financial support of grant and cooperative agreement awards for Headquarters programs, except for the Migratory Birds and International Affairs programs.
D. Other Directorate Members	**(1)** Carrying out Servicewide policy and guidance for grants and cooperative agreements; **(2)** Making sure their employees are aware of and follow grants and cooperative agreements policies and procedures;

Table 1-1 Overall Responsibilities for Managing Grants and Cooperative Agreements	
These employees…	**Are responsible for…**
	(3) Making sure employees who manage grants and cooperative agreements receive the required training; **(4)** Providing support to the AD-WSFR for audits and reviews, and managing the resolution of any findings related to their programs and Regions; **(5)** Providing annually to the AD-WSFR a list of staff responsible for grants and cooperative agreements as requested, so that the AD-WSFR can provide the information to the Department and other officials; and **(6)** Working with the AD-WSFR to respond to information requests from Congress, the Department, and other Federal agencies that oversee the management of grant and cooperative agreement programs.

1.5 What are the responsibilities of the offices reporting to the AD-WSFR? See Table 1-2.

Table 1-2 Responsibilities of the Offices Reporting to the AD-WSFR	
Staff in this office…	**Are responsible for…**
A. Division of Administration and Information Management (AIM)	**(1)** Communicating grant and cooperative agreement issues and concerns to the AD-WSFR; **(2)** Reviewing, processing, and approving grants and cooperative agreements for Headquarters programs, except for the Migratory Birds and International Affairs programs; **(3)** Developing training strategies, approaches, and materials for grant and cooperative agreement topics that have an impact Servicewide; and **(4)** Delivering national training on grants and cooperative agreements.
B. Branch of Financial Assistance Policy and Oversight (FAPO)	**(1)** Serving as the Financial Assistance Communications Liaison with the Department; **(2)** Developing national policy and guidance; **(3)** Overseeing program compliance with Federal administrative, financial, and systems requirements; **(4)** Responding to Departmental data and policy review requests; **(5)** Conducting internal control and other reviews of grants and cooperative agreements that support the Director's annual assurance statement to the Department; **(6)** Assisting programs with the resolution of programmatic findings from audits and reviews; **(7)** Coordinating the corrective action plans programs develop for findings related to Office of Management and Budget (OMB) Circular A-133 Single Audits, Office of the Inspector General (OIG) investigations, and the

Table 1-2 Responsibilities of the Offices Reporting to the AD-WSFR	
Staff in this office…	**Are responsible for…**
	Department's annual financial audit; **(8)** Coordinating with programs on submission of Catalog of Federal Domestic Assistance (CFDA) profiles and Single Audit Compliance Supplements; and **(9)** Coordinating with AIM to develop training topics, strategies, approaches, and materials related to Servicewide grant and cooperative agreement policies, procedures, and guidance.
C. Branch of Financial Assistance Systems (FAS)	**(1)** Helping users to resolve issues with the Financial and Business Management System (FBMS) and the U.S. Treasury's Automated Standard Application for Payments (ASAP) system; **(2)** Coordinating Service system issues with Service programs, the Department's Project Management Office (PMO), the Interior Business Center (IBC), and the U.S. Treasury; **(3)** Analyzing, developing, and recommending approaches for Service programs to improve the overall efficiency and effectiveness of grant and cooperative agreement processes; **(4)** Analyzing plans and processes to identify, document, or develop business rules pertaining to Service, Departmental, and Federal award and reporting systems including, but not limited to, the System for Award Management (SAM), CFDA, Grants.gov, FBMS, ASAP, and the Federal Assistance Award Data System (FAADS/FAADS Plus); **(5)** Managing ASAP enrollment and waiver processes in coordination with Service programs; **(6)** Managing Service users in ASAP and Grants.gov; **(7)** Monitoring systems' reports and coordinating required system corrections with users to ensure data quality; and **(8)** Coordinating with AIM to develop training topics, strategies, approaches, and materials related to grant and cooperative agreement systems.

/sgd/ Rowan W. Gould
DEPUTY DIRECTOR

Date: February 12, 2013

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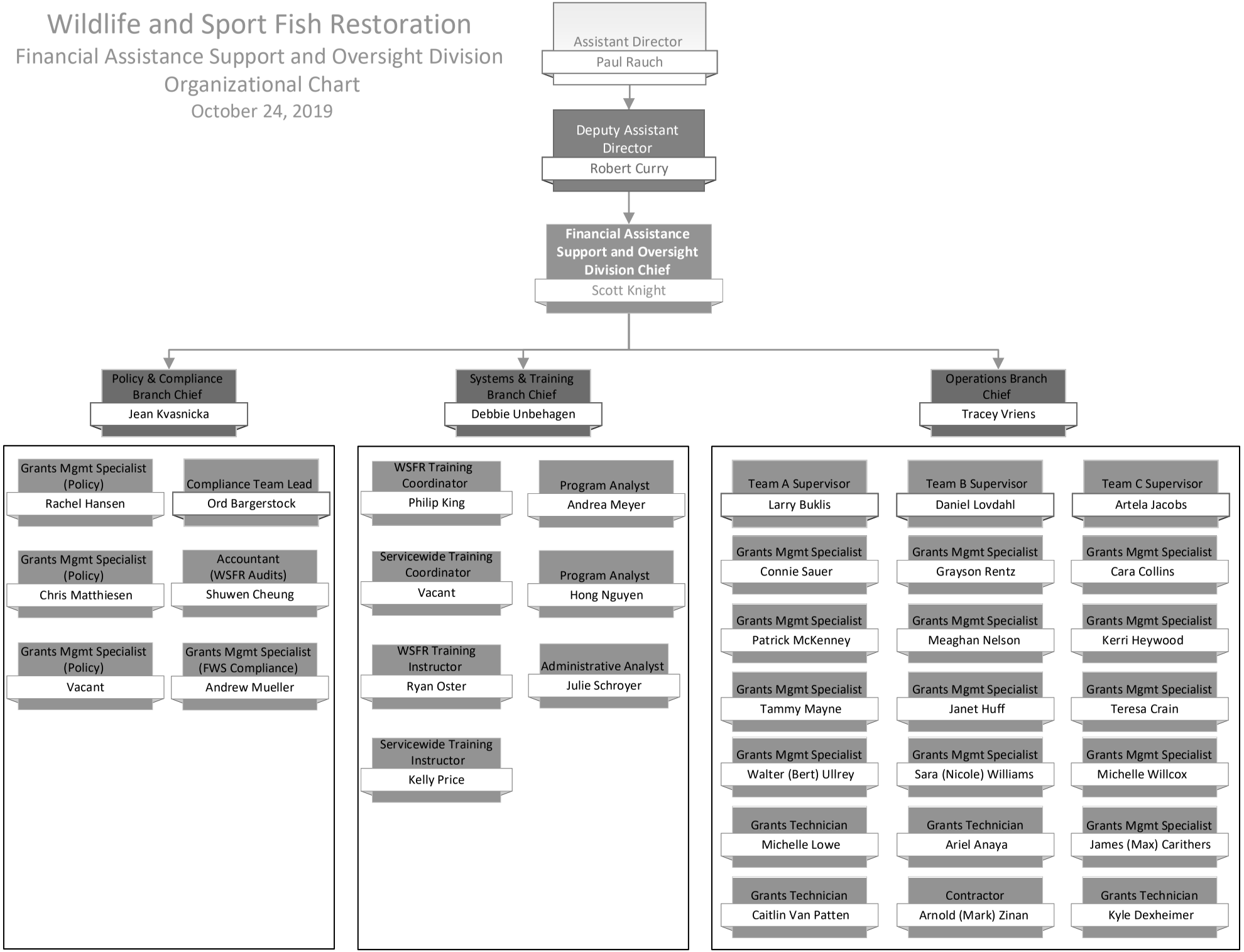
Wildlife and Sport Fish Restoration

Financial Assistance Support and Oversight Division Organizational Chart

October 24, 2019



BFA 1-B

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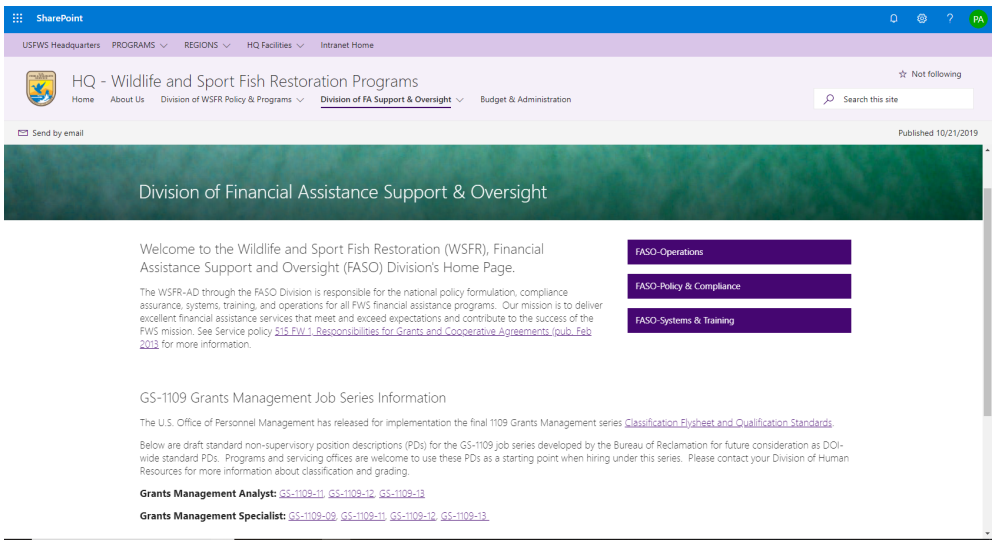
FWS Financial Assistance Resources

FASO Intranet Site

https://doimspp.sharepoint.com/sites/fws-FF09W00000/SitePages/Division-of-Financial-Assistance-Support-&-Oversight.aspx

The Division of Financial Assistance Support and Oversight (FASO) Intranet pages provide information and guidance on administration of all Service financial assistance programs, from statutes to FWS internal processes governing financial assistance management. The Financial Assistance Policy & Compliance, Systems & Training, and Operations branches maintain resources for staff here.

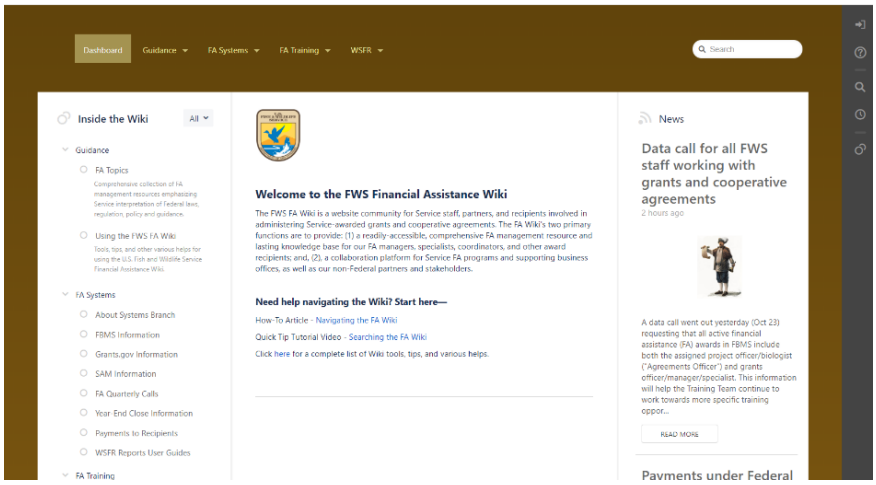


FWS Financial Assistance Wiki (FA Wiki)

http://fawiki.fws.gov/

What is a Wiki? A Wiki is a website developed by many users providing content to develop a knowledgebase. In this instance, it is FWS Financial Assistance.

The FA Wiki contains FWS Financial Assistance policies, laws, rules, guidance, and best practices for grant and cooperative agreement management responsibilities for Service award administrators and non-federal entity recipients.



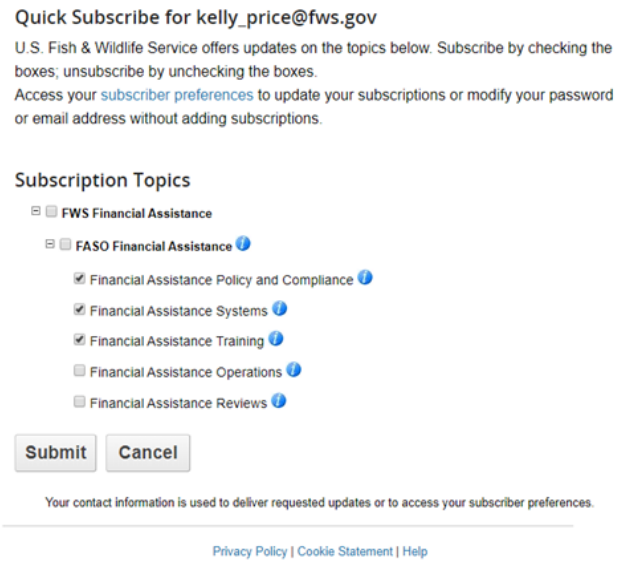
Updated: October 2019

FWS Financial Assistance Resources

FASO Division Listservs

https://public.govdelivery.com/accounts/USDOIFWS/subscriber/topics?qsp=USDOIFWS_6

FWS staff may subscribe to receive news from the FASO branches about policy or guidance changes and oversight activities for awards, training opportunities, use of FA systems, processing of awards by the Operations branch, and the FA Review process.

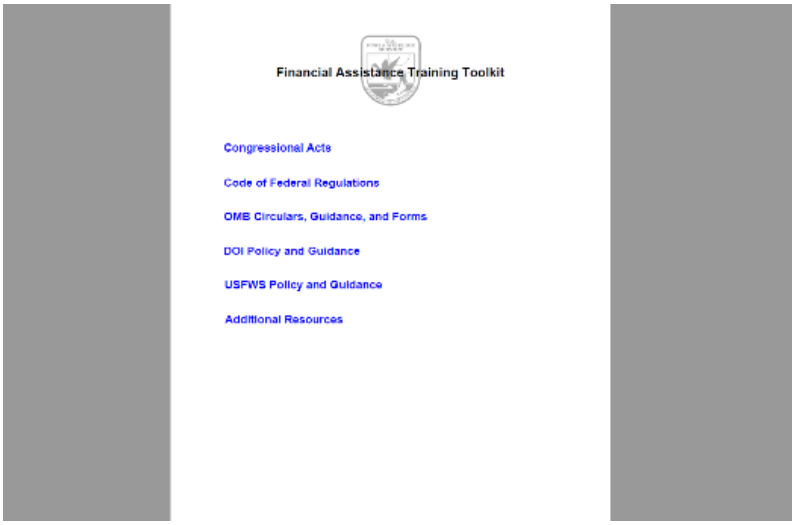


FWS Financial Assistance Training Toolkit (FA Toolkit)

https://fawiki.fws.gov/display/FT/Financial+Assistance+Training+Toolkit

The FWS FA Toolkit is a collection of full text, searchable documents pertaining to the Service's grant and cooperative agreement programs.

Users may download a zip file containing the latest version of the FA Toolkit from the FA Wiki. Once downloaded, the Toolkit will function in any pdf reader, though Adobe provides the optimal navigation features.

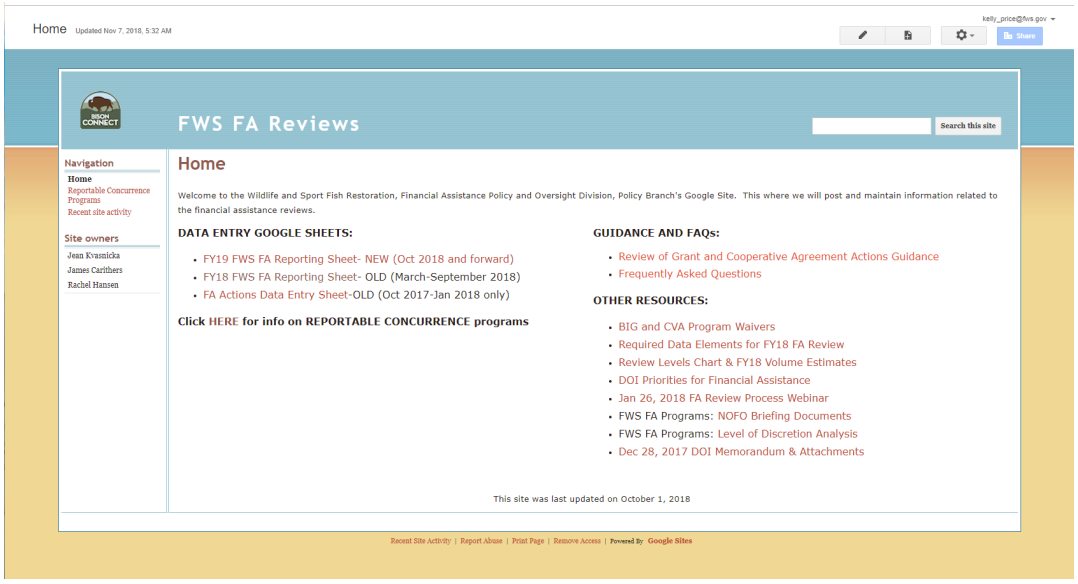


FWS Financial Assistance Resources

FWS FA Reviews Google Site

https://sites.google.com/a/fws.gov/fareviews/?pli=1

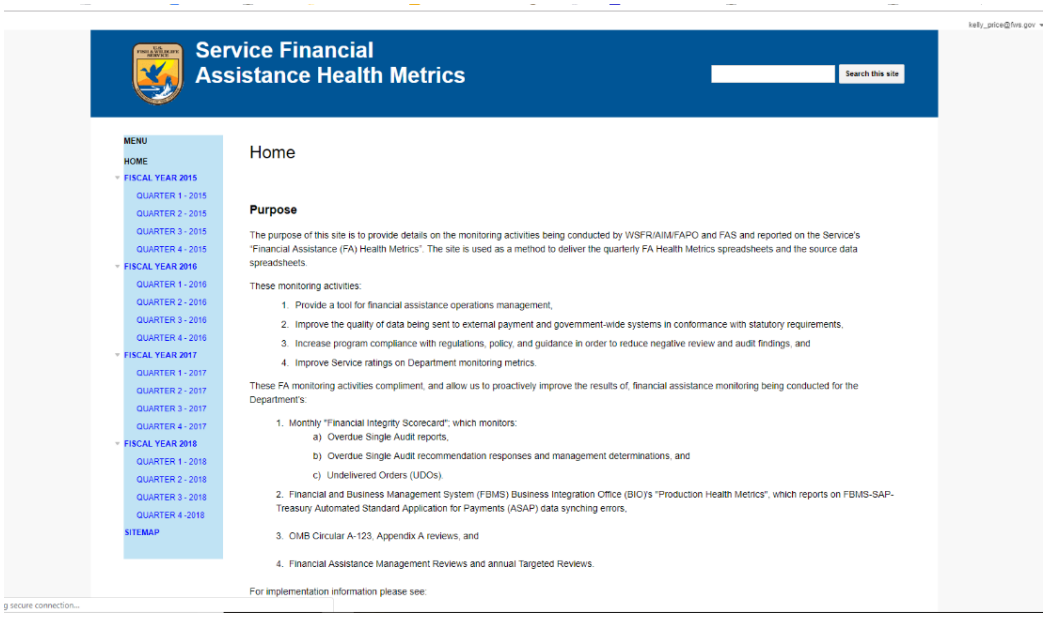
The FA Reviews Google site provides guidance, resources, and instructions on how to submit discretionary grant and cooperative agreement obligation actions for pre-award review as required in the DOI memorandum dated December 28, 2017.



FWS FA Health Metrics

https://sites.google.com/a/fws.gov/service-financial-assistance-health-metrics/home

The FA Health Metrics monitors seven critical areas of compliance by FWS programs issuing FA awards. These monitoring activities increase administrative compliance, improve data quality to external systems, provide a tool for FA operations management, and improve FWS ratings in DOI monitoring metrics.

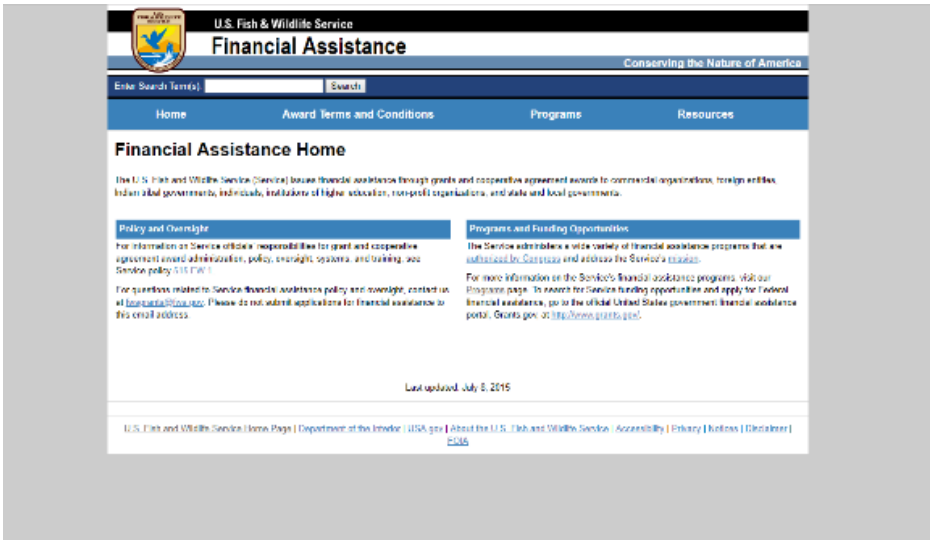


FWS Financial Assistance Resources

FWS Grants Webpage

https://www.fws.gov/grants/

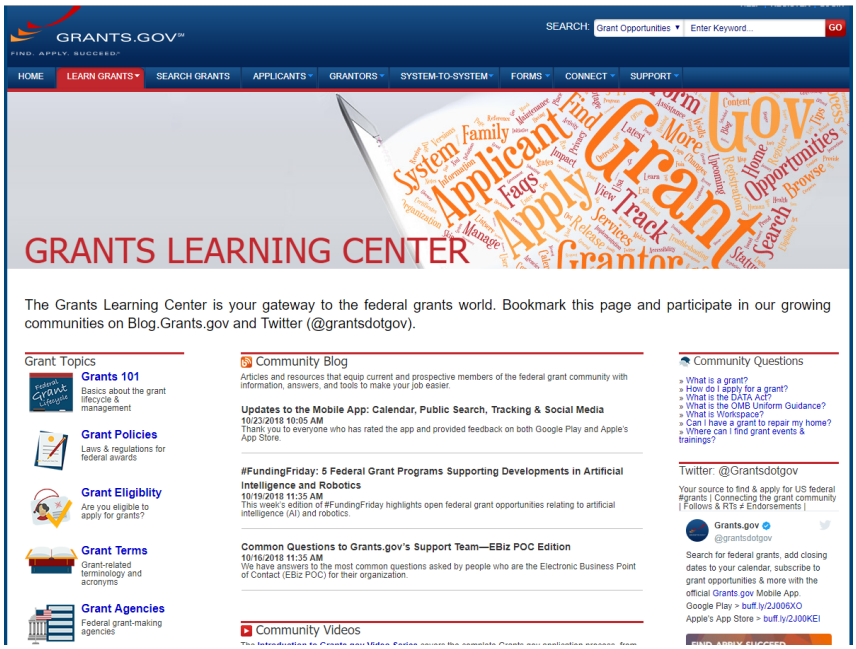
The FWS Grants webpage provides information related to Service financial assistance programs, current and archived award terms and conditions, and key resource links for both Service staff and the public.



Grants.gov 'Grants Learning Center'

https://www.grants.gov/web/grants/learn-grants.html

The Grants.gov 'Grants Learning Center' provides information on a range of topics related to financial assistance. Links here also connect users to the Grants.gov blog, instructional video series, community Q&A, and social media accounts.



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MODULE 2

INTRODUCTION TO GRANTS AND COOPERATIVE AGREEMENTS

Learning Objectives

1. Identify and discuss the distinguishing characteristics of the three award instruments.
2. Describe considerations in selecting the proper funding instrument.
3. Understand the history of financial assistance law and regulation.
4. Become familiar with the Uniform Guidance (2 CFR 200).
5. Understand the roles and responsibilities of the Service and its partners through each phase of the grant lifecycle.
6. Review and determine Federal compliance issues and general award administrative requirements.

Handouts

- BFA 2-A – Selection of Funding Instrument Decision Diagram (Attachment 4)

EXERCISE: Choosing the Proper Award Instrument

The first step when a Federal agency decides to fund an activity is to determine the appropriate award instrument.

The Federal awarding agency or pass-through entity must decide on the appropriate instrument for the Federal award (i.e., grant agreement, cooperative agreement, or contract) in accordance with the Federal Grant and Cooperative Agreement Act (31 U.S.C. 6301-08).

-2 CFR 200.201(a)

Please answer the following questions, using **505 DM 2** and the **New Award Guidance (NAG)** in Tab 10. Cite your references.

1. What are two funding tools used by FWS program offices? (NAG)

   Answer: Acquisition/contract and financial assistance, NAG Step 1A.

   If the appropriate funding tool is not FA, STOP and contact contracting office.

2. What are the three legal award instruments used by DOI and its bureaus? What is the principal purpose of each instrument? (505 DM 2)

   Answer: Procurement contract, grant, cooperative agreement. 505 DM 2.6

   Procurement - Acquire goods or services for direct benefit/use of Service.

   Grant - transfer a thing of value for public purpose **authorized by law**. NO substantial involvement.

   Cooperative agreement – Same as grant but has substantial involvement.

   Presence or absence of substantial involvement is only difference between grant and CA (NAG Step 1B). Some programs restrict FA type used based on the program's authority or policy.

3. True or False: Grants and cooperative agreements are subject to the same government-wide regulatory and policy framework. (NAG)

   Answer: True. NAG Step 1B.

4. Read 505 DM 2.9B and give a general description of Substantial Involvement.

   Answer: 505 DM 2.9B – Substantial involvement is a relative rather than absolute concept. It occurs during the period of performance and is centered on programmatic management and performance of work. There are no individual determinants or a checklist. Substantial involvement is not defined explicitly in the Federal Grant and Cooperative Agreement Act.

5. List some examples of anticipated Substantial Involvement activities. (505 DM 2)

   Answer: 505 DM 2.9B(3)(a). Examples include participating or collaborating in the scope of work, training recipient staff, technical assistance, approving one stage of work before another can begin, halting project activities, etc.

6. List some examples of activities that ARE NOT Substantial Involvement. (505 DM 2)

   Answer: 505 DM 2.9B(3)(b). Substantial involvement is not administrative oversight. Examples include reviewing reports, pre-award reviews and documentation, site visits, etc. These activities are part of our Federal stewardship responsibilities that are applicable to grants as well.

7. Who determines the appropriate Financial Assistance award instrument? (NAG)

   Answer: NAG Step 1B. The Program Office. This is preliminary. The Agreements Officer makes the final determination. Begin communication early to avoid issues.

Defining an Award's Intended Purpose

A primary purpose of the Federal Grant and Cooperative Agreement Act (FGCAA) of 1977 (which addresses federal agencies' proper use of procurement contracts, grants, and cooperative agreements) was to *"curb the misuse of financial assistance agreements in procurement situations*." (DOI OIG Report # W-IN-MOA-0086-2004). Federal agencies **MUST** select the correct award instrument using the criteria established in the FGCAA, based on the award's purpose.

- Financial Assistance awards support the recipient in its carrying out of a public purpose authorized by Federal Law.
- Procurement contract awards acquire goods or services for the direct benefit of the FWS.

Instructor notes: Who directly benefits from the award? "Public purpose" is defined as government assistance for which the principal purpose is to promote the general welfare, security, prosperity, or public convenience as authorized by Federal law.

Authorized by Public Law?

Federal agencies must have specific legal authority, authorized by legislation (often called "program" or "statutory" authority), to enter into grant or cooperative agreements. Without this legal authority, agencies cannot award funds through financial assistance. Legal reviews by the FWS Policy Branch and the Office of the Solicitor (SOL) are readily available to assist Program Offices in making the correct determination.

Statutory authority is identified with the program's Catalog of Federal Domestic Assistance (CFDA) number. We'll discuss this in Module 3.

"If grant agreements or cooperative agreements are considered, DOI must have the legal authority to provide financial assistance, because ***unlike procurement contracts, agencies must have express statutory authority to spend money using a grant or cooperative agreement."***

-OIG Advisory Report WR-EV-BIA-0017-2013 (July 2013)

Additionally, agencies are required to cite in the Notice of Award (NOA) letter the correct legal authority used to award the grant or cooperative agreement.

Instructor notes: An OIG audit of the LCCs found awards cited the FGCAA, which has no grant-making authority, and the Land and Water Conservation Fund Act, which does not authorize LCC awards. 33 of 38 awards reviewed had incorrect authorities cited. An OIG audit of the Klamath Basin Water Use Mitigation Program found that the Bureau of Reclamation did not use proper legal authorities to enter into the agreement and "wasted" $32.2 million.

31 U.S.C. §6301-6308 | 505 DM 2.8-2.9

Substantial Involvement

Substantial Involvement occurs when the recipient and the Service participate together in the management and/or performance of the activity/project. Substantial involvement is programmatic in nature and may provide benefits that otherwise would be unavailable to the recipient.

Substantial Involvement is **NOT**:

- ✘ Pre-award plan approval
- ✘ Site visits
- ✘ Reporting requirements
- ✘ Compliance oversight
- ✘ OMB administrative requirements

OMB requires that Federal awarding agencies provide detailed Substantial Involvement statements in financial assistance agreements to non-federal entity recipients.

*"Each cooperative agreement should include an **explicit** statement of the nature, character, and extent of anticipated Federal involvement. These statements must be developed with care **to avoid unnecessarily increasing Federal liability** under the assistance instrument."*

-FGCAA Implementation Guidance (OMB, 1978)

Substantial Involvement is not the same as the Service's standard Federal stewardship responsibilities and should not be used solely as a means of exercising greater control over the recipient.

Instructor notes: Substantial involvement always occurs during the award period of performance.

FOR DISCUSSION: Improperly awarding a Cooperative Agreement

The Service awarded a cooperative agreement for an adaptive management project on tribal land in the Southwest. During a sample of notice of award letters, auditors reviewed this award and discovered it lacked substantial Federal involvement terms in the statement of work. It was determined that because of this the agreement would have been more appropriately funded as a grant.

What would be the correct action going forward for future awards?

Discussion notes: Include substantial involvement details in the Notice of Award. The OIG allowed the Service to close the award according to its established end date stating that closing and reissuing the proper award instrument was not in the government's best interest. A best practice would be to amend the award from a cooperative agreement to a grant agreement.

FOR DISCUSSION: Selecting the appropriate funding tool

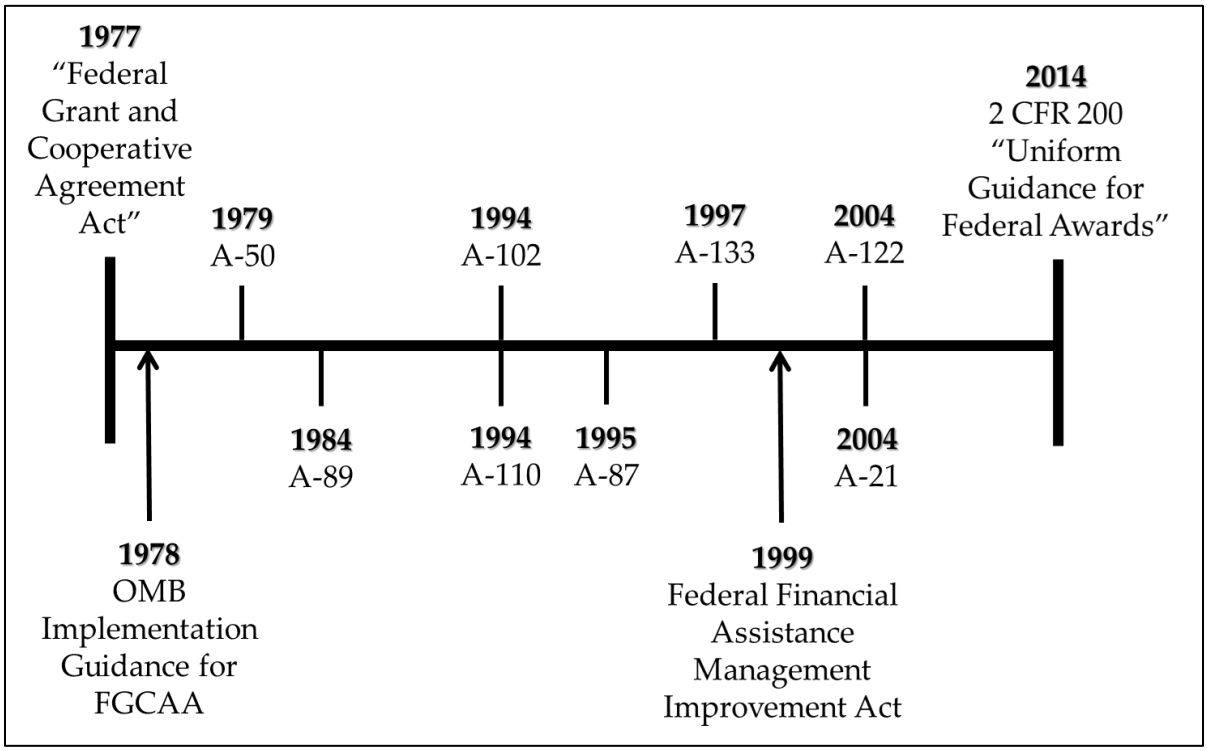
The Service awarded a cooperative agreement to a private company to develop a public awareness campaign. During an audit of the award, it was determined that the Service was not substantially involved and the program failed to provide auditors with sufficient documentation to support its decision to award a cooperative agreement. Therefore, auditors determined the Service did not select the correct agreement type to accomplish its goals. A contract would have been more appropriate. Auditors questioned all award costs and recommended terminating the award.

What actions must programs take and what documentation must be kept in the official award file when the funding tool determination is, or may appear to be, unclear?

Discussion notes: Consult with Service acquisition and/or financial assistance policy staff to inform a funding instrument determination. In the related award file, the program must maintain: 1) name/position of each person consulted; 2) consultation date(s); 3) recommendation(s) received. (NAG Step 1A)

2 CFR 200 – Building a Better Regulation

2 CFR 200, finalized on December 26, 2014, is the Federal government's common (or, 'cross-cutting') regulation for Federal financial assistance awards. Commonly called the **Uniform Guidance**, this rule incorporates eight superseded OMB Circulars (A-50, A-89, A-102, A-110, A-87, A-21, A-122, and A-133) which individually addressed administration, cost principles, and audit requirements for Federal awarding agencies and their non-federal award recipients.



The Uniform Guidance represents the Federal government's most comprehensive effort to-date in establishing a more consistent regulation for all participants (Federal and non-federal) of Federal financial assistance programs.

Instructor notes: Prior to 2 CFR 200, FWS administrative regulations for Financial assistance were located at 43 CFR 12, known as the "Common Rule". The cost principles were located in regulation at 2 CFR 220, 2 CFR 225, and 2 CFR 230. The Federal Financial Assistance Management Improvement Act was the first attempt at standardization and consistency. The 2 CFR 200 goal is to ease burden and reduce fraud, waste, and abuse.

Structure of the Uniform Guidance

Fill in the section headings below as we discuss the Uniform Guidance structure.

Title 2: Grants and Agreements

Part 200: Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards

Part	Subpart	Subheading	Sections
Administrative	A	Acronyms and Definitions	0-99
	B	General Provisions (the legalese)	100-113
	C	Pre-Federal Award Requirements and Contents of Federal Awards	200-213
	D	Post Federal Award Requirements	300-345
Cost Principles	E	Cost Principles (basic considerations and selected items)	400-475
Audit	F	Audit Requirements	500-521

How many appendices are there?

Answer: 12

The following sections are discussed more thoroughly during the presentation:

Subpart A – sections

Subpart B – sections

Subpart C – sections

Subpart D – sections

Subpart E – sections

Subpart F - sections

EXERCISE: Financial Assistance Regulations

Using **2 CFR 200**, please answer questions 1 through 5. Cite your references.

1. Where is the definition for 'federal financial assistance'? What types of assistance are included?

   Answer: §200.40 - Grants, cooperative agreements, non-cash contributions, donations of property (exp donated surplus property), direct appropriations, food commodities; also, loans, loan guarantees, interest subsidies, insurance.

2. According to §200.100, can Federal awarding agencies impose upon recipients any requirements beyond the Uniform Guidance? If so, under what circumstances?

   Answer: §100(a)(1) – Federal agencies must not impose additional or inconsistent requirements. The exceptional allowance is when it is approved by OMB or by the authority of law, regulation or Executive Order.

3. What sections detail the information that must be included in the Notice of Funding Opportunity? What about information contained in a Federal award?

   Answer: Notice of funding opportunity - §200.203 and Appendix I. Notice of award - §200.210. §200.331 contains the requirement for pass-through entities to pass award information down to subrecipients.

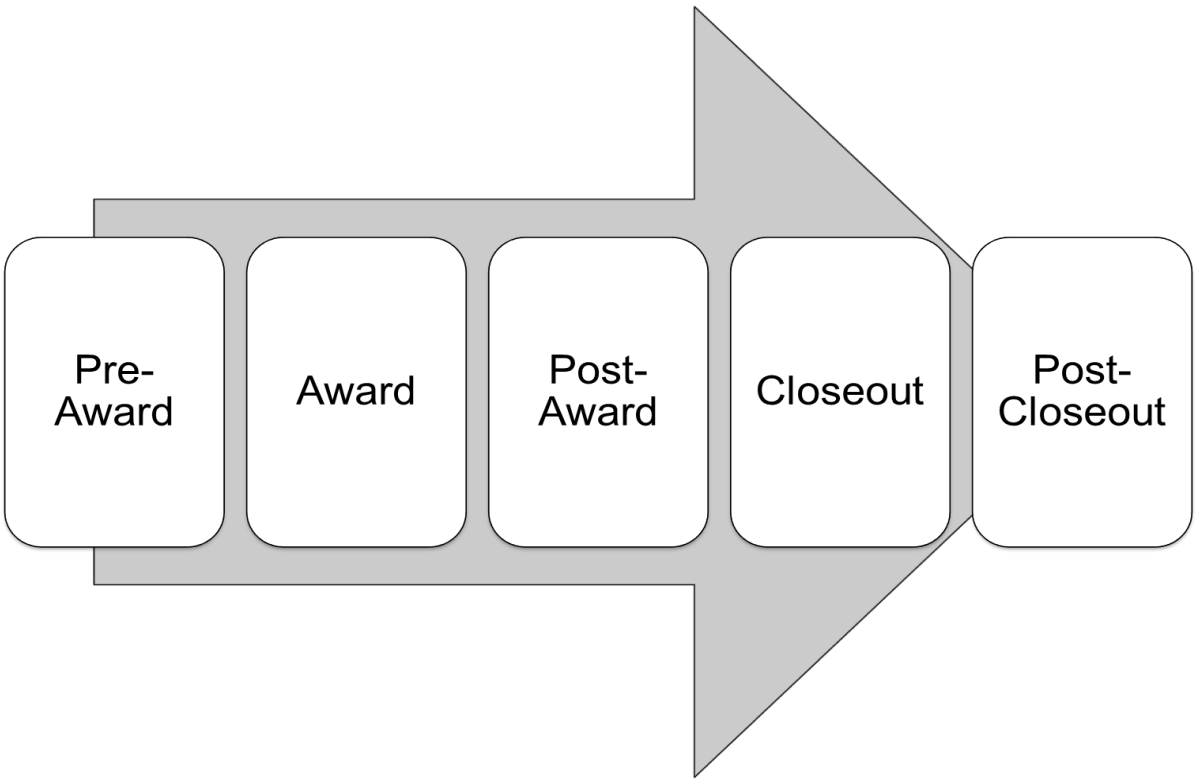
4. Which section informs state recipients of how to procure goods and services under Federal awards? Which sections apply to all other non-Federal entities for procurement?

   Answer: §200.317 states must follow their own policies and procedures. All other non-Fed entities, including subrecipients, must follow §200.318-326.

5. Which section details the circumstance for a non-Federal entity to have an audit conducted?

   Answer: §200.501 Audit requirements
   A non-Fed entity expending $750,000 or more during their fiscal year must have a single or program-specific audit conducted for that year.

The Grant Lifecycle



The grant management process follows the linear lifecycle of a financial assistance award. Various activities are performed during each phase of the process. Consider your roles and responsibilities in managing federal financial assistance awards throughout their lifecycle. In addition, consider the people that you will interact and communicate with to effectively manage the award.

Instructor notes: Programs and their award administration offices are responsible for determining which office has primary responsibility for completing all of the major actions/tasks required to manage a financial assistance award through its lifecycle. Programs can use the Financial Assistance Tasks List Template (Attachment 1) to ensure all required tasks are being performed.

Grant Lifecycle Phases

2 CFR 200 follows the Grant Lifecycle process in its content layout.

Pre-Award: The Program Office completes required prerequisites for the new funding opportunity. The applicant develops and submits an application package and addresses compliance requirements. The Program Office reviews the application package and communicates with the applicant to approve an award.

Award: Once an award is approved, the Program Office obligates the funds and sends the official award letter to the recipient. Included in the letter are the authorized award amount, terms and conditions, and start and end dates of the award.

Post-Award: The recipient begins work and charges allowable costs, submits payment requests, and manages and monitors activities. Award revisions are made if needed. Interim reporting requirements will vary depending on program/award period/recipient type. Compliance concerns may arise (e.g. species found not previously known to be present or artifacts/remains are discovered). The Program Office monitors the recipient's progress via performance and financial reporting. If a cooperative agreement is used, the Program Office conducts joint programmatic duties as outlined in the award letter.

Closeout: The recipient has finished work, submits the final payment request, and prepares and submits the final performance and financial reports. The Program Office receives and approves final reports; determines the status of undisbursed funds, real property, equipment and inventory; and completes the award file.

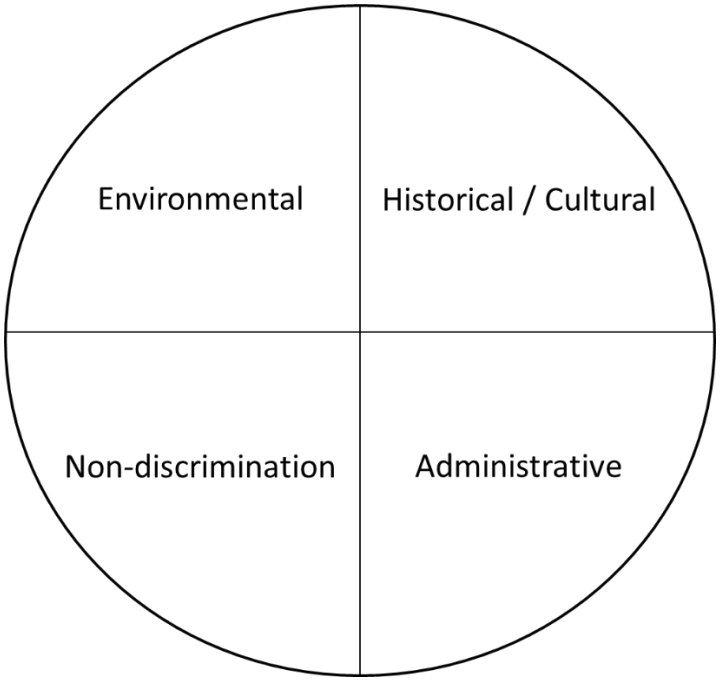
Post-Closeout: The Program Office and recipient will conduct continued monitoring for real property, equipment, subrecipients, etc., if applicable. Records are maintained and audits may be conducted.

Instructor notes: This is a high-level overview of the award process. Each module that follows in this course will delve into these roles and in greater responsibilities in greater detail.

Compliance

The Service must manage and administer awards to ensure Federal funds are expended and programs are implemented in full accordance with U.S. statutory and public policy requirements. These compliance requirements are found in every phase of the grant lifecycle. It is therefore critical that all aspects of compliance related to financial assistance are properly addressed.

The USFWS divides financial assistance compliance into four broad categories:



Program Offices **initially** address each of these categories in the Pre-Award phase. Applicants acknowledge Federal statutory and public policy compliance requirements through assurances and certifications submitted with the application package. Award recipients are notified through the grant award terms and conditions.

Instructor notes: This course delves into the administrative compliance requirements for financial assistance found in the Uniform Guidance, for both the Service and our recipients. Failure of our recipients to comply may result in disallowed costs or other consequences (§200.338 – 200.342)

2 CFR 200.300

Key Learning Points

- ✓ Program Offices are responsible for determining and implementing the proper award instrument for their program's funding activities.
- ✓ Federal Agencies must have statutory authority to award money using financial assistance.
- ✓ Only Substantial Involvement differentiates grant agreements from cooperative agreements.
- ✓ All grants and cooperative agreements awarded after December 26, 2014 will adhere to 2 CFR 200, referred to as the Uniform Guidance.
- ✓ The Uniform Guidance streamlines regulations to ease administrative burden and strengthens oversight of federal awards to reduce the risk of fraud, waste, and abuse.
- ✓ The Grant Lifecycle is an organized set of procedures to collect, evaluate, and document specific information for the award.
- ✓ The primary role/responsibility of the recipient is to initiate and implement the award.
- ✓ The Federal agency's role/responsibility is to review, approve, and monitor the award.
- ✓ The grant management process requires communication and cooperation to effectively and efficiently manage awards.
- ✓ Compliance requirements are categorized into administrative, environmental, historical, cultural and non-discrimination. Noncompliance has consequences.

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U.S. Fish and Wildlife Service

SELECTION OF FUNDING INSTRUMENT DECISION DIAGRAM

For more information, see the Service's **Issuing a New Financial Assistance Award Guidance** posted on InsideFWS at **https://inside.fws.gov/go/post/FASOPOL-NewAwards**

What is the purpose of the action?

Is the award to:
1. Obtain goods or services from a vendor for the direct benefit or use by the Service?
OR
2. Transfer funds, services, or property from the Service to an eligible, non-Federal recipient to carry out a public purpose of support or stimulation as authorized by a law of the United States?

1. → **Use a Procurement Contract**

Examples of services that generally would be acquired through a **procurement contract**:

- Obtaining supplies, expendable materials or equipment from a vendor (i.e., dealer, distributor, business, or merchant) for Service use
- Service property maintenance and repairs
- Leasing space for Service personnel
- Production or printing of publications primarily for Service use and distribution
- Service document translation
- Studies focused on management of Service resources
- Construction on Service lands

2. → **Use a Financial Assistance Award**

NOTE: An MOU, MOA, or Letter of Intent Is not a mechanism to receive or provide financial assistance. See the Service's **Issuing a New Financial Assistance Award Guidance** for more information.

NOTE: Federal entities, including other Service programs, may be eligible to compete for awards under some Service programs. When a Federal entity receives a financial assistance award, the award is not issued as a grant or cooperative agreement. Instead, financial assistance awards to Federal entities are issued following the standard business processes for:

- Program-to-program funds transfers, for awards to other Service programs
- Intra-agency awards, for awards to other Bureaus within DOI
- Inter-agency awards, for awards to all other (non-DOI) Federal entities

Will Service staff be substantially involved in and/or responsible for the management, control, direction, or performance of the project?

YES → **Use a Cooperative Agreement**

Under a **cooperative agreement**, there is a participatory relationship between the Service and the recipient during the award, with shared performance responsibilities. Examples of activities qualifying as *substantial Service involvement*:

- Participate and collaborate jointly with the recipient in carrying out the scope of work, including training recipient personnel or detailing Federal personnel to work on the project effort
- Review and approve one stage of work before the next stage can begin
- Prior to award, review and approve proposed modifications or sub-awards
- Help select project staff or trainees
- Direct or redirect the work because of interrelationships with other projects
- Reserve the right to immediately halt an activity if detailed performance specifications are not met
- Limit recipient discretion with respect to scope of work, organizational structure, staffing, mode of operations and other management processes, coupled with close monitoring or operational involvement during performance under the award

*Substantial Service involvemen*t does **NOT** include: awarding funds, assigning a project officer, reviewing and approving reports, processing payments, monitoring to ensure project is completed on time, or performing any other routine administrative or monitoring activities.

NO → **Use a Grant**

Under a **grant**, the recipient is responsible for determining the method and manner of performance and direction of the sponsored activity. The Service is essentially a "patron" of, i.e., financial contributor to, the recipient's project. The use of a grant award does NOT remove the Service's responsibility to perform routine administrative and monitoring activities, such as:

- Approve recipient project proposal and revisions
- Set reporting schedules
- Conduct desk audits/site visits
- Review and approve required reports
- Manage performance deficiencies or non-compliance issues
- Implement applicable OMB and program regulations
- Assess performance after project completion

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MODULE 3

PRE-AWARD: FINANCIAL ASSISTANCE PROGRAMS AND ANNOUNCEMENTS

Learning Objectives

1. Explain the purposes and general requirements for providing public notification of financial assistance programs.
2. Understand the differences in announcement requirements and documentation for competitive and noncompetitive funding opportunities.
3. Identify and explain the purpose of the components in the application package.
4. Explain the purposes and general requirements of the Statement of Assurances.

Handouts

- BFA 3-A – CFDA FAQs
- BFA 3-B – FWS “Information Collection – Paperwork Reduction Act of 1995”
- BFA 3-C – 516 FW 6 Single Source Awards
- BFA 3-D – Single Source Award Form FWS 3-2452
- BFA 3-E – Notice of Funding Opportunity Template (Attachment 3)
- BFA 3-F – OMB SF 424B Assurances (non-construction)
- BFA 3-G – OMB SF 424D Assurances (construction)
- BFA 3-H – SAM.gov Representations and Certifications

The Pre-Award Phase

2 CFR 200 – Subpart C prescribes requirements for Federal awarding agency management of Federal grant programs before Federal awards can be made. The Service complies with these requirements during the pre-award phase by:

- Identifying financial assistance programs,
- Obtaining OMB approval for information collection,
- Notifying the public of funding availability, and
- Reviewing applications and selecting award recipients.

Entities interested in applying for Federal funds use information published about Federal programs and funding opportunities to determine their ability to compete for Federal funds and comply with program requirements. They will prepare and submit an application package in accordance with those requirements.

Identifying the CFDA Number / Assistance Listings

The Service must notify the public of Federal financial and nonfinancial assistance programs through the SAM.gov Assistance Listings, formerly known as the Catalog of Federal Domestic Assistance (CFDA).

Each Assistance Listing contains:

- Program description, purpose, goals and measurement;
- Identification of a discretionary or mandatory funding basis;
- Projected total amount of funds available for the program;
- Statutory authority for the program, issuing office and funding identifier;
- General eligibility requirements; and
- Applicability of Single Audit requirements (2 CFR 200 - Subpart F)

The Program Office must identify the appropriate Catalog of Federal Domestic Assistance (CFDA) number(s) under which an award is being funded. Use of non-Service numbers is prohibited.

If the proposed funding activity **does not** have a CFDA number, consider if it falls within the activities of the FWS' general CFDA number: *15.664 - Fish and Wildlife Coordination and Assistance*.

How is the CFDA used?

- Single Audit
- Grants.gov
- USASpending.gov
- Recovery.gov

CFDA program may change annually through the update process. New programs may be created; others deactivated or archived.

Still unsure which CFDA number is applicable?

It may be necessary for a Program Office to reevaluate a proposed funding activity if no CFDA number can be identified.

Two questions to ask are:

- Will the proposed activity accomplish a public purpose of support or stimulation authorized by federal statute?
- Will the primary beneficiary be the public, as opposed to the Federal Government?

If still unsure, ask the FASO Policy & Compliance Branch for assistance.

If the answer to these questions is 'no', the Program Office should reconsider financial assistance as the intended award instrument. A procurement contract may be more appropriate.

https://beta.SAM.gov | 2 CFR 200.202(a) | 507 DM 1 | NAG Step 8

OMB Information Collection Clearance

The **Paperwork Reduction Act (PRA) (5 CFR 1320)** requires that when a Federal agency collects information, those collections minimize duplication and burden on the public, have practical utility, and support the proper performance of the agency's mission. OMB reviews and approves agency information collection requests (ICRs) for the collection of the following types of information from applicants and recipients:

- Application project and budget narratives and any other required documentation other than OMB-approved Government-wide application forms (SF 424 “Family”);
- Program-specific application forms;
- Recipient technical, progress, and performance reporting information;
- Other program or project-specific reporting required other than the information requested on OMB approved forms such as the SF 425 (Federal Financial Report), SF 270 (Request for Advance or Reimbursement), and SF 271 (Outlay Report and Request for Reimbursement for Construction Programs); and
- Revisions to project and budget narratives and written requests required prior to award amendment other than the information requested on OMB approved Government-wide application forms (SF 424 Family).

All FWS CFDA programs are approved to collect applications and reports using OMB Control Number **1018-0100**, expiration date 7/31/2021.

Instructor notes: See handout BFA 3-B for the FWS FAQ on the PRA and OMB Information Collection Clearance. An 8-digit control number is found on OMB forms and the FWS Notice of Funding Opportunity template. Numbers expire after three years and must be reapproved. Program-specific information collections are not included under the Servicewide control number.

5 CFR 1320 | 2 CFR 200.206 | www.reginfo.gov | www.fws.gov/pdm/infocol

Posting the Funding Opportunity

The Program Office must post a funding opportunity on Grants.gov for all discretionary programs regardless of the funding amount.

This posting must include:

- a synopsis (summary)
- a full text Notice of Funding Opportunity (NOFO), and
- an application package (to include instructions).

Mandatory programs are not required to post funding opportunities, but may do so if desired.

Instructor notes: Mandatory programs may use Grants.gov to receive applications as well to interface with FBMS (PRISM).

Funding Opportunity Posting Exemptions

The following exemptions exist for posting a NOFO to Grants.gov.

- Award is under $25,000 and 100-percent of eligible applicants reside outside of the US.
- Single source awards.
- Awards made under the Indian Self Determination and Education Assistance Act.
- An award for which there is insufficient time available (due to compelling and unusual urgency, or substantial danger to health and safety) for adequate competitive procedures to be followed.

DOI requires its Bureaus to post new funding opportunities for a minimum of 60 calendar days (unless exempted).

Instructor notes: FWS was granted a temporary waiver of the single source Posting requirements in 505 DM 2.14A(1) by DOI PGM on 10/24/19.

2 CFR 200.203 | 505 DM 2.12 | New Award Guidance Step 3

Single Source Awards

A *single source award* is a funding opportunity specifically awarded to an appropriate partner based on one or more demonstrable criteria:

- Unsolicited proposal
- Continuation of activity
- Legislative intent
- Unique qualifications
- Emergencies

Documentation of single source decisions must be included in the award file. Use **FWS Form 3-2452**.

Single Source award documentation applies only to discretionary awards; this requirement is not applicable to mandatory formula awards.

Instructor notes: Every effort should be made to encourage competition.

Single source should be used sparingly.

Considerations when making Single Source Award determinations:

- Does it withstand scrutiny?
- Does it protect the public interest?
- Is it consistent with
  - Management priorities?
  - Agency objectives?
  - Statutory requirements?

Programs **must** justify issuing an award without competition (i.e. via single source), regardless of award amount.

505 DM 2.14 | 516 FW 6 | New Award Guidance Step 2

FOR DISCUSSION: Conflicts of interest in single source awards

Audit Finding

A FWS program awarded grants to four state natural resource agencies without proper competition, and without single source justification.

Auditors discovered these four state agencies regularly partner with this FWS program and hold positions on the program's steering committee. Members of this steering committee also have responsibility for recommending awards. This creates the appearance of a conflict of interest since the agencies represented by these steering committee members received Federal grant funds without competition and without public posting of a single-source justification. Auditor interviews indicated that the grants officer was unaware that the four agreements had been awarded without competition. These awards to State agencies, which support the agencies' participation with the Service, should have been appropriately justified and documented as single-source awards.

FWS Response

The FWS indicated that in some instances, single-source awards are the only option for recipients in this program (e.g., awards to States). Therefore, FWS does not concur with the portion of the recommendation to limit the use of single-source awards.

OIG Follow-up Comment

OIG's recommendation stood as written since they believed the recommendation did allow FWS discretion in the use of single-source awards: "We recognize that circumstances exist when the use of sole-source agreements is necessary; therefore we consider this recommendation resolved but not implemented."

Discussion notes: Report No. ER-IN-MOA-0015-2011, June 2013

The deficiencies in this program have been resolved. Auditors can issue a finding simply for "the appearance" of an impropriety. Programs must recognize and mitigate for potential conflicts of interest.

The Application Package

Applicants are responsible for (1) preparing and submitting application packages in accordance with the program's Notice of Funding Opportunity (NOFO), and (2) providing assurances of their intent to comply with all applicable Federal laws, regulations, and policies.

Included in the application package are proposal documents outlining in sufficient detail the need, objectives, approach, estimated costs, and other required information for the proposed project(s).

The FWS 'Notice of Funding Opportunity Template' (Handout BFA 3-E) provides guidance on the required elements for financial assistance applications.

Applicants submit:

- Standard application forms (SF 424 family, or OMB-cleared alternate)
- Project Narrative and Budget Narrative
- Program-specific requirements (per NOFO)
- When applicable to the applicant:
  - SF-LLL, Disclosure of Lobbying Activity
  - Indirect cost statement and supporting documentation
  - Single Audit reporting statement
  - Mandatory disclosures – conflicts of interest and outstanding unresolved matters with GAO or OIG
  - Overlap or duplication of effort statement

Instructor notes: SF-LLL is required when applicant intends to use non-Fed funds to lobby on behalf of an award ≥ $100,000. Applicant must provide copy of their Federally-negotiated indirect cost rate agreement (NICRA) if requesting to charge indirect, or can request to use 10% de minimis if eligible. Single audit reporting statement must be provided when entity is subject to the Single Audit Act (and expends ≥ $750,000 in Fed funds during their FY). Applicants must disclose conflicts of interest and any unresolved matters with the GAO or OIG (no CAP in place) if known at time of application.

2 CFR 1402 | 2 CFR 200.112-113, 200.203 | NAG Step 4.A

Certifications and Representations (and the Statement of Assurances)

As of February 2019, SAM.gov registrants seeking financial assistance awards must review and certify their intent to comply with certain standard assurances and statutory and public policy requirements. Beginning in February 2020, this will replace the use of the SF 424B (Assurances – Non-Construction Programs). Non-Federal entities exempt from SAM.gov registration requirements will continue to use the SF 424B. The SF 424D (Assurances – Construction Programs) will also continue to be used. By signing these forms, applicants certify their willingness to follow all applicable federal laws, regulations, and policies.

Instructor notes: Awards involving real property or construction should use the SF-424D Construction Assurances. Refer to your program's regulation or policies for a definition of construction activities for your program.

FOR DISCUSSION: Understanding the Statement of Assurances

Work as a group to review the Statement of Assurances. Use the Statement of Assurances form **SF 424D** (Handout BFA 3-G).

1. Read the Statement of Assurance that is assigned to your group and be prepared to give a one sentence summary.

   Discussion notes: Use the SF 424D "Construction" to discuss assurances numbers 1, 2, 5, 6, 10, 15, 17, 18, and 19

2. What is the OMB Information Clearance number for this form? Expiration date? Estimated burden for applicants?

   Answer: OMB #4040-0009; Expiration Date 2/28/2022; Estimated burden is 15 minutes.

3. Are all of these assurances applicable to FA applicants?

   Answer: Not necessarily. The "Note" at the top of the form says that the assurances may or may not apply to the award. The Notice of Award will convey the specific compliance requirements.

2 CFR 200.208, 200.300

Key Learning Points

- ✓ The Federal awarding agency may not award Federal financial assistance without assigning it to a CFDA program that has been included in the SAM Assistance Listings.
- ✓ All Service financial assistance programs must submit to the OMB for review and clearance information collected from applicants and recipients other than that found on OMB-approved government-wide forms.
- ✓ Unless exempt, funding opportunities must be posted to Grants.gov.
- ✓ Single source awards should be issued sparingly and only when the criteria detailed in 516 FW 6 are met.
- ✓ Awards cannot be approved without submission of appropriate documents per the Notice of Funding Opportunity.
- ✓ The Statement of Assurances documents the recipient's certification of the compliance requirements listed on the assurance form.

Catalog of Federal Domestic Assistance
Frequently Asked Questions

1. **What is the Catalog of Federal Domestic Assistance (CFDA)?**
   The Catalog of Federal Domestic Assistance is a government-wide compendium of Federal programs, projects, services, and activities that provide assistance or benefits to the American public. The CFDA contains financial and non-financial assistance programs administered by departments and establishments of the Federal government. The primary purpose of the CFDA is to help the public obtain general information about Federal assistance programs. As required by 2 CFR 200.202 and Department of the Interior policy 507 DM 1, the U.S. Fish and Wildlife Service (Service) must list our financial assistance programs in the CFDA and update them annually. Each program has an Assistance Listing posted on https://beta.SAM.gov.

2. **What is a CFDA Number?**
   A CFDA Number is a unique 5-digit identifier used to reference a specific program's Assistance Listing. The first two digits identify the Federal department or agency that administers the program, and the last three numbers are assigned in numerical sequence. All Service assistance listings have a CFDA number in the format 15.6XX. Having a unique identifier for each Assistance Listing promotes transparency to the public of program data and funds tracking through the Federal assistance lifecycle. It is also a required data element in a variety of government-wide financial assistance management and transparency reporting systems such as Grants.gov, USASpending.gov, and the Federal Funding Accountability and Transparency Act (FFATA) Subaward Reporting System (FSRS.gov).

3. **How do I find my assistance program's CFDA Number and Assistance Listing?**
   Many assistance programs are established based on their authorizing legislation. Other programs are established based on their unique purpose, goals, and objectives. To find your program's CFDA Number, start by reviewing the Service CFDA Programs List. The first column of this document contains the CFDA Number for each of the Service's active Assistance Listings. To view the full public-facing Assistance Listing, go to https://beta.sam.gov/and select "Search Assistance Listings" to search by the CFDA Number. If you have questions about an Assistance Listing, contact your servicing office, the program point(s) of contact identified in the last column of the Service CFDA Programs List, or the Service's CFDA Coordinator.

4. **What if I am having trouble identifying my assistance program's CFDA Number?**
   If you are having difficulty identifying your program's CFDA Number, please contact your servicing office or the Service's CFDA Coordinator for assistance. It is important that you do not randomly assign a CFDA Number to a Grants.gov Funding Opportunity or to a financial assistance award.

5. **What if my assistance program is new and does not have a CFDA Number?**
   All Service assistance programs that have existed for longer than one year must request a unique CFDA Number. To request a new CFDA Number, complete the New Financial Assistance Program Description Template posted on InsideFWS at https://inside.fws.gov/go/post/CFDA and submit it to the Service's CFDA Coordinator. New/ emergent financial assistance programs may use the Service's generic CFDA Number until the program's unique CFDA Number is assigned. The CFDA Number and title for the Service's generic assistance program is: **15.664 Fish and Wildlife Coordination and Assistance.** Before using the Service's generic CFDA, you must ensure that your Funding Opportunity and/or award meets the criteria included in the Assistance Listing.

6. **Once my assistance program obtains a CFDA Number, how do we keep the information on the Assistance Listing current?**
   All Assistance Listings must be updated annually. Each year the Service's CFDA Coordinator will issue a data call for Assistance Listing updates. The request will be accompanied by an update template and detailed instructions on how to complete the template. Contact the Service's CFDA Coordinator with any questions on annual updates.

7. **What if my assistance program is not expected to receive any new funding?**
   Assistance programs that do not receive any new funding should be archived (deactivated) once all open awards associated with the program's CFDA Number are closed. Please contact the Service's CFDA Coordinator if your program's number needs to be archived.

8. **Can an archived assistance program be reactivated?**
   Yes. Archived assistance programs can be reactivated at the program's request anytime. To request the reactivation of an archived program, complete the New Financial Assistance Program Description Template posted on InsideFWS at https://inside.fws.gov/go/post/CFDA and submit it to the Service's CFDA Coordinator along with a justification on why the program needs to be reactivated. Assistance programs that are reactivated will be identified by their original CFDA Number.

9. **What if my office does not have a formal financial assistance program but does occasionally award non-competitive (single source) grants and/or cooperative agreements?**
   Programs issuing non-competitive (single source) awards should use the Service's generic assistance program and CFDA Number - **15.664 Fish and Wildlife Coordination and Assistance.** Before using the Service's generic CFDA, make sure that your Funding Opportunity and/or award meets the criteria included in the Assistance Listing. If the Assistance Listing information does not address your non-competitive (single source) award, please contact the Service's CFDA Coordinator.

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U.S. Fish & Wildlife Service

Information Collection - Paperwork Reduction Act of 1995

Division of Policy, Performance, and Management Programs

Search

What does the *Paperwork Reduction Act* ***require?*** In response to public complaints about the burden of Federal paperwork, the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations (5 CFR 1320) were established. The PRA requires that every Federal agency obtain approval from the Office of Management and Budget (OMB) for any planned information collections. You need approval/clearance for voluntary collections as well as for mandatory ones and for collections required to obtain a Federal benefit (e.g., a job, a grant, a permit).

What needs OMB approval/clearance? An information collection needs clearance if you:

- Obtain facts or opinions from 10 or more persons by the use of standard questions or reporting requirements presented in forms, telephone or personal interviews, surveys, questionnaires, and World-Wide-Web pages; requests for narrative responses to questions; requests for identical information, or almost any other means.
- Require members of the public to provide information to the general public or to some third party.
- Impose any requirements to label or mark items or vessels.
- Require any use of technological methods to monitor public compliance with Government requirements, as well as to automated collection techniques.
- Require compilation or maintenance of records, either along or in conjunction with, the reporting of information.

Examples of information collected that needs OMB approval/clearance:

- Grant applications and reports if you collect any information other than by use of, or in addition to, Standard Forms (e.g., narrative proposals, supporting documentation, performance reports etc.).
- Permit applications and reports (e.g., special use, migratory birds, etc.)
- Surveys—in person, online, or telephone (e.g, visitor surveys, migratory bird surveys, etc.)
- Forms – (e.g., reports of sightings of animals, visitor use reports).

What doesn't need OMB clearance?

- "Information" does not include "affidavits, oaths, affirmations, certification, receipts, changes of address, consents, or acknowledgments, provided that they entail no burden other than that necessary to identify the respondent, the date, the respondent's address, and the nature of the instrument."
- *A collection of information aimed at Federal agencies, employees, or Federal contractors in their Federal capacity.*
- *See* 5 CFR 1320.3(h) *for additional exclusions.*

Who are "persons" under the PRA? In the PRA, the term "persons" includes not only individual people, but also entities such as:

- Corporations
- Universities
- State, tribal, and local governments
- Associations and partnerships
- Foreign citizens, governments, and companies

Who requests OMB approval? If you conduct or sponsor a collection of information, you are responsible for obtaining OMB approval. We (Fish and Wildlife Service, Service):

- "Conduct" an information collection if we collect the information using Service staff and resources.

- "Sponsor" a collection if we cause another agency to collect information, contract or enter into a cooperative agreement with another person to collect information, or require a person to provide information to another person, or otherwise causes another person to obtain, retain, solicit, or require the disclosure to third parties or the public of information by or for an agency.

When is the Service a sponsor of a privately conducted survey? Public endorsement of a survey to be carried out by private party in order to serve our needs may cause us to appear to "sponsor" a survey. Sponsorship of a privately conducted survey has two aspects, the existence of either of which obligates us to seek and obtain OMB approval before the private party implements the survey. The first aspect is the reality of sponsorship. If we review and comment on the text of the privately developed survey to the extent that we exercise control over and tacitly approve it, we are sponsoring it. The second aspect arises from the appearance of sponsorship; for example, our public endorsement of the survey by the use of the service seal in the survey, or statements in the instructions of the survey indicating that the survey is being conducted to meet our needs.

BFA 3-B

Does a grant program require OMB approval? You must get OMB approval for your grant program before you announce the funding opportunity, if you collect information in addition to the information required in the Standard Forms (which already have OMB approval for the information collected). Your Notice of Funding Ability must display the OMB control number and expiration date, as well as a PRA statement explaining why we are collecting the information and burden estimates. Collecting the following types of information requires OMB approval:

- Narrative proposals
- Budget narratives.
- Supporting documentation (maps, photographs, etc.)
- Performance or technical reports
- Project- or program specific forms/formats.

If a grantee collects the information, does it need OMB approval? In general, collections of information conducted by grant recipients do not require OMB approval. On the other hand, the Fish and Wildlife Service would be the sponsor of a collection of information undertaken by a grant recipient if the collection meets one or both of the following conditions:

- Grant recipient is collecting information at the specific request of the Service (i.e., the grant is awarded to collect information or conduct a survey), or

- Terms and conditions of the grant require that the Service specifically approve the collection of information or the collection procedures.

If either of the above conditions is met, you must seek and obtain OMB approval, and the grantee must display the OMB control number and expiration date on the collection instrument.

How long does it take to get OMB approval? It takes approximately 6 to 9 months to get OMB approval/clearance, which includes 3 months for public comment periods. There are different processes for Information Collection Requests that are not associated with rulemakings and those that are associated with rulemakings.

What happens if I do not get OMB approval to collect information? If you fail to comply with the PRA, you are breaking the law and you:

- Cannot require a person to respond to a collection that does not have OMB approval.
- Leave us open to lawsuits.
- May affect the Service's relationship with OMB.

Where can I find OMB approved information collections? OMB's website, www.reginfo.gov, contains information on approved information collections, both current and historical. You can get copies of all supporting documents for Information Collection Requests submitted to OMB since 2007.

Where can I find out more about PRA requirements? The Information Collection Clearance Officer in the Division of Policy and Directives Management:

- Serves as liaison between the Service and the Department of the Interior and works with the OMB Desk Officer as needed.
- Provides assistance and policy guidance.
- Reviews regulations, records of compliance, rules, or other documents that prescribe information collection.
- Advises program offices of impending renewal requirements. Provides training on information collection.

Additional sources of information:

- 5 CFR 1320.
- 281 FW 4 and 281 FW 5 (currently being revised)
- http://www.whitehouse.gov/omb/inforeg_infocoll
- Information Collection under the Paperwork Reduction Act
- Social Media, Web-Based Interactive Technologies, and the Paperwork Reduction Act
- OMB Frequently Asked PRA Questions related to Challenges and Prizes
- Standards and Guidelines for Statistical Surveys
- Guidance on Agency Survey and Statistical Information Collections

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PPM Contacts: Madonna Baucum, 703-358-2503, Madonna_Baucum@fws.gov

Last updated: February 24, 2017

6.1 What is the purpose of this chapter? This policy provides the information necessary for employees working with grant and cooperative agreement awards to justify and document issuing discretionary awards without engaging in competition (i.e., single source awards) in accordance with Department of the Interior (Department) policy.

6.2 What are the objective and scope of this chapter?

A. Objective: Our objective is for employees who administer and manage grant and cooperative agreement awards to be aware of and follow the documentation and public notice requirements for issuing discretionary awards without engaging in competition (i.e., single source awards).

B. Scope: This chapter:

(1) Covers all Service programs that administer and manage discretionary grant and cooperative agreement awards. A discretionary award is a grant or cooperative agreement for which we may:

(a) Select the award recipient from among all eligible applicants,

(b) Decide to make or not to make an award based on the content of an application, and

(c) Decide the amount of funding to be awarded.

(2) Does not apply to awards made under mandatory programs. Under a mandatory program, the authorizing statute requires us to make an award to each eligible entity under the conditions and in the amount or based on the formula specified in the statute. Table 6-1 lists the Service's mandatory programs by Catalog of Federal Domestic Assistance (CFDA) number.

Table 6-1: The Service's Mandatory Financial Assistance Programs

CFDA Number	Program Title	Award Type
15.605	Sport Fish Restoration Program	Formula Grants
15.611	Wildlife Restoration and Basic Hunter Education	Formula Grants
15.625	Wildlife Conservation and Restoration	Formula Grants
15.626	Enhanced Hunter Education and Safety Program	Formula Grants
15.634	State Wildlife Grants (this program also has a discretionary portion, to which this policy applies)	Formula Grants
15.659	National Wildlife Refuge Fund (Refuge Revenue Sharing)	Direct Payments with Unrestricted Use
15.663	National Fish and Wildlife Foundation	Project Grants
15.668	Coastal Impact Assistance Program	Formula Grants

6.3 What is a single source award? A single source award is a discretionary award we give to a known entity without engaging in competition because it is appropriate based on the entity or the project meeting at least one of the criteria in Table 6-3.

6.4 What is the Service's policy on single source awards? In general, we must give members of the public who meet the eligibility requirements the opportunity to compete for discretionary awards. We may issue single source awards only when at least one of the criteria in Table 6-3 is met.

6.5 What are the authorities for this chapter?

A. 505 Departmental Manual (DM) 2, Procurement Contracts, Grant and Cooperative Agreements.

B. Privacy Act of 1974 (5 U.S.C .552a).

6.6 Who is responsible for decisions related to issuing single source awards? See Table 6-2.

Table 6-2: Responsibilities for Single Source Awards	
These employees . . .	**Are responsible for . . .**
A. The **Director**	Making sure the Service has effective policy in place for issuing discretionary grants and cooperative agreements without competition.
B. The **Assistant Director – Wildlife and Sport Fish Restoration Program (AD - WSFR),** through the **Division of Administration and Information Management, Branch of Financial Assistance Policy and Oversight (FAPO)**	**(1)** Developing policy to maximize transparency when issuing discretionary grants and cooperative agreements without competition, and **(2)** Overseeing Service implementation of the policy.
C. Directorate members in Headquarters and the Regions	**(1)** Making sure the programs for which they are responsible consistently follow the requirements in this policy, and **(2)** Requesting a Solicitor's review when necessary because of complexity, novelty, intellectual property issues, potential conflicts of interest, or other such concerns.

6.7 What criteria must programs use to determine if they can make a single source award?

A. We must encourage competition when making grant and cooperative agreement awards, but we may issue single source awards when at least one of the criteria in Table 6-3 is met (also see 505 DM 2):

Table 6-3: Criteria for Issuing a Single Source Award (from 505 DM 2)	
Criterion	**Description**
Unsolicited proposal	The proposed award is the result of an unsolicited assistance application that represents a unique or innovative idea, method, or approach that is not the subject of a current or planned contract or assistance award, but is found to be advantageous to the program objectives.
Continuation	The activity to be funded is necessary for the satisfactory completion of, or is a continuation of, an activity presently being funded, and holding a competition would have a significant adverse effect on continuing or completing the activity.
Legislative intent	The language in the applicable authorizing legislation or legislative history clearly indicates the intent of Congress to restrict award to a particular recipient or purpose.
Unique qualifications	The applicant is uniquely qualified to perform the activity based on a variety of demonstrable factors such as location; property ownership; voluntary support capacity; cost-sharing ability, if applicable; technical expertise; or other such unique qualifications.

Table 6-3: Criteria for Issuing a Single Source Award (from 505 DM 2)	
Criterion	**Description**
Emergencies	Because of a compelling and unusual urgency, or substantial danger to health or safety, there is not enough time to follow adequate competitive procedures.

B. Decisions to award discretionary funds to a single source without engaging in competition:

(1) Must withstand scrutiny,

(2) Should protect the public interest, and

(3) Should be in line with management priorities, objectives, and statutory requirements.

6.8 What are the requirements when the Service issues a single source award? For every single source award, regardless of the amount, we must:

A. Complete FWS Form 3-2452, *Determination for Issuing a Single Source Financial Assistance Award*. The form must be signed by both a program representative and the employee with signature authority for the award to be issued (see 516 FW 3, *Signature Authority for Grant and Cooperative Agreement Awards* to determine if you have signature authority); and

B. Maintain the signed form in the official award file.

6.9 Do programs have to post information about single source awards on Grants.gov?

A. Yes, depending on the amount of the award. If a single source award is for $25,000 or more, we must post a funding opportunity on Grants.gov. The posting must be on Grants.gov for at least 5 business days before we issue the award.

B. The funding opportunity notification must include:

(1) A synopsis,

(2) The full text of the announcement in the form of a “Notice of Funding Availability” document attached to the synopsis (see the Office of Management and Budget (OMB)’s Policy Directive on Financial Assistance Program Announcements, Vol. 68, No. 120, June 23, 2003), and

(3) An application package containing the required and optional Governmentwide standard application forms that the program requires the applicant to complete.

C. In the Contract/Financial Assistance Management System Funding Opportunity “Program Description” field, include, in addition to a description of the program or project to be funded, brief but descriptive text that:

(1) Identifies the intended recipient,

(2) Indicates the intent to award to that recipient without competition,

(3) Cites one or more of the criteria the recipient met for the program to justify issuing a single source award (see Table 6-3 or 505 DM 2), and

(4) Explains why competition for the award is not practical.

D. The funding opportunity posting must not contain any Personally Identifiable Information (PII). PII is information that directly identifies an individual (e.g., full name, phone number, social security number, email address, fingerprints). PII may also consist of a combination of indirect data elements, such as gender, race, birth date, geographic location (e.g., zip code), that someone could use to identify specific individuals. Putting PII on a public Web site is a violation of the Privacy Act of 1974.

6.10 What must programs do if they receive an application in response to a single source funding opportunity from an entity that is not the intended single source recipient? It is possible that we would receive an application from other applicants qualified to perform the anticipated project. We must:

A. Evaluate all applications received, and

B. For each application not selected for funding, send the applicant a written response explaining why the application was not selected.

/sgd/ Stephen Guertin
DEPUTY DIRECTOR

Date: January 16, 2014

U.S. Fish and Wildlife Service

Determination for Issuing a Single Source Financial Assistance Award

Instructions: In accordance with Service policy 516 FW 6, *Issuing Discretionary Grant and Cooperative Agreement Awards without Competition*, complete this form to document the justification for issuing a single source grant or cooperative agreement award. This form must be signed by both a program representative and the employee with signature authority for the award to be issued (see 516 FW 3, *Signature Authority for Grant and Cooperative Agreement Awards*). The completed and signed form must be maintained in the official award file.

Recipient Name: _____

Project Title: _____

Program Contact: _____

Select all criteria that apply (from 505 DM 2):

	(1) Unsolicited Proposal: The proposed award is the result of an unsolicited application that represents a unique or innovative idea, method, or approach that is not the subject of a current or planned award, but is found to be advantageous to program objectives.
	(2) Continuation: The activity to be funded is necessary for the satisfactory completion of, or is a continuation of, an activity we are funding and holding a competition would have a significant adverse effect on continuing or completing the activity.
	(3) Legislative Intent: The language in the applicable authorizing legislation or legislative history clearly indicates the intent of Congress to restrict the award to a particular recipient or purpose.
	(4) Unique Qualifications: The applicant is uniquely qualified to perform the activity based on a variety of demonstrable factors such as location; property ownership; voluntary support capacity; cost-sharing ability, if applicable; technical expertise; or other such unique qualifications.
	(5) Emergencies: Because of a compelling and unusual urgency, or substantial danger to health or safety, there is not enough time to follow adequate competitive procedures.

Explain below why competition for this award is not practical. As applicable, summarize the program legislative history, unique capabilities of the proposed recipient, and any cost-sharing contribution offered by the proposed recipient. Be brief and specific:

I have determined that this project meets the requirements for a single source award and recommend that it be awarded to the recipient named above.

I, as the Service employee with signature authority for this award under 516 FW 3, have reviewed this program recommendation and find that it meets the requirements for a single source award.

_____
Program Representative Sign and Date

_____
Authorized Signator Sign and Date

_____
Printed Name of Program Representative

_____
Printed Name of Signator

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U.S. Fish and Wildlife Service

Financial Assistance Business Process

Notice of Funding Opportunity Template

Point of Contact

Send any questions about this document by email to the Chief, Policy Branch, Financial Assistance Support and Oversight (FASO) Division, Wildlife and Sport Fish Restoration (WSFR). See the Policy Branch "Contact Us" Intranet page contact information. See Table 1 below for document change history.

Table 1: Document Change Log

Changed On	Change Description
03-27-19	Incorporated requirements per Feb 26, 2019 DOI memo "Strengthening Terms and Conditions for Financial Assistance Awards and Implementation of Secretary's Order 3369, "Promoting Open Science"" and other minor edits to this Instructions page Updated text in Section IV, B, 8 and VII, B and VII D, 5 and inserted new Attachment A.
10-05-18	Parallel 2 CFR 200, Appendix I; options for foreign entities; 508 compliance; new OMB ICC.
03-21-18	COI & application review updates required by DOI.
01-06-17	SAM.gov; 501(c)3; IC statements, including new one; duplication of effort; reporting section
02-01-16	Moved PRA statement and OMB ICC #. FAPIIS requirements.
09-30-15	Non-profit certs; cost-share/matching details; IC statements; lobbying certs.
02-20-15	New 2 CFR 200; DIG 2011-03, Amend 1; DOI-AAAP-0008; and DOI-AAAP-0009.

Instructions

Use this template to develop the full text of your Notice of Funding Opportunity (NOFO). NOFOs must address all 2 CFR 200, Appendix I-Full Text of Funding Opportunity requirements. The template begins on page 2 of this document. Do not include this first page in your NOFO. See Table 2 below for a key to using the highlighted text found throughout the template. See also the WSFR/FASO/Systems Branch User Guide "How to Create and Post a Funding Opportunity and Synopsis". Use the Microsoft Word View>Navigation Pane feature to view embedded template headings and use those to go directly to a specific section. Programs are responsible for making sure Funding Opportunity documents posted for the public on Grants.gov are accessible, as required under Section 508 of the Rehabilitation Act of 1973.

Table 2: Template Text Highlighting Key

Text Characteristic	Meaning/Use
Text with gray highlighting	Instructions for completing required elements. Replace with program-specific text and remove gray highlighting.
Text with yellow highlighting	Optional content that programs may use, revise, or remove, as appropriate. Generally preceded by use instructions.
Text with blue highlighting	Notes and additional instructions for using optional content. Remove all of these notes and instructions.
Plain text, no highlighting	Required text. Do not edit or remove required text, including text in Attachment A, "DOI Award Provisions".

[Insert Funding Opportunity Title]

Notice of Funding Opportunity Number: [insert number auto-generated from PRISM]

Federal Program: Department of the Interior, United States (U.S.) Fish and Wildlife Service, [Insert responsible organizational unit or program information]

Catalog of Federal Domestic Assistance (CFDA) Number: [insert program CFDA. Include multiple program numbers as applicable]

Authorizing Legislation: [Insert complete legislative authority citation(s) for the statute(s) that authorize the Service to issue financial assistance awards for the purpose and activities described in this Funding Opportunity. The statues listed here must also appear in the program's SAM.gov Assistance Listing (CFDA) profile (currently at beta.SAM.gov). If your program has a new authorizing statute that does not appear in the SAM.gov Assistance Listing (CFDA) profile, please contact the Service's CFDA Coordinator.]

NOTE: We have inserted average burden estimates in the paragraph below, highlighted in grey. If these estimates are significantly different from the estimated completion time for your program or award, please update them as needed. In either case, remove the grey highlighting. Remove this note.
Paperwork Reduction Act Statement: We are collecting this information in accordance with the authorizing legislation identified above. Your response is required to obtain or retain a benefit. We will use the information you provide to conduct a competitive review and select projects for funding and, if awarded, to evaluate performance. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. We estimate that it will take you on average about 40 hours to complete an initial application, about 3 hours to revise the terms of an award, and about 8 hours per report to prepare and submit financial and performance reports, including time to maintain records and gather information. Actual time for these activities will vary depending on program-specific requirements. You may send comments on the burden estimate or any other aspect of this information collection to the Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS BPHC, 5275 Leesburg Pike, Falls Church, VA 22041-3803.

OMB Control Number: 1018-0100 (Expiration Date: 7/31/2021)

I. Program Description

[Provide a full programmatic description of the Funding Opportunity. Make it as long as needed. Describe the program's funding priorities and any technical or focus areas in which the program intends to provide assistance. As appropriate, include any program history (e.g., whether this is a new program or a new or changed area of program emphasis), communicate indicators of successful projects (e.g., if the program encourages collaborative efforts), or include examples of projects that have been funded previously. All funding opportunities must specifically identify the Department of the Interior financial assistance priorities addressed by the program or opportunity, and a brief description of how the program or opportunity meets each priority. The Department does not expect programs to meet *all* of the Department's FA priorities; list only those clearly supported by the program or opportunity.].

II. Federal Award Information

[Provide sufficient information to help an applicant make an informed decision about whether to submit an application. Relevant information could include the total amount of funding the program expects to

award through the announcement; the anticipated number of awards; the expected amounts of individual awards (which may be a range); the amount of funding per award, on average, experienced in previous years; and the anticipated start dates and project periods for new awards. This section should also address whether applications for renewal or supplementation of existing projects are eligible to compete with applications for new awards. Further, this section must indicate the type(s) of assistance instruments (i.e., grants, cooperative agreements, and/or other instruments) to be awarded. If you are awarding cooperative agreements, this section must describe the substantial involvement the Service expects to have in the performance of such agreements or reference where the potential applicant can find that information elsewhere in this document (e.g., in section I. Program Description above). For cooperative agreement awards, we must include a clear statement about the Service's anticipated substantial involvement in those projects. Here is suggested text to use for that purpose: "The U.S. Fish and Wildlife Service (Service) will be substantially involved in projects under this funding opportunity. In particular, the Service will be responsible for the following: [insert list the specific project-related activities to be performed by Service staff]." If the program will also award procurement contracts under this program, provide details on all related contract procedures and/or announcement(s) here]. If the program will award both competitive and single source awards under the same CFDA, the program has the option to include details on both aspects of the program in a single NOFO rather than posting separate NOFO(s) for the single source award(s). If the program chooses to include details on both aspects of the program, insert those details here. All single source NOFOs must include all of the elements required in Section 6.9 of Service policy 516 FW 6, Issuing Discretionary Grant and Cooperative Agreement Awards without Competition].

III. Eligibility Information

A. Eligible Applicants

[Clearly identify the types of entities that are eligible to apply. If there are no restrictions on eligibility, this section may simply indicate that all potential applicants are eligible. If there are restrictions on eligibility, we must be clear about the specific types of recipients that are eligible, not just the types that are ineligible. Eligible recipients must also appear in the program's SAM.gov Assistance Listing (CFDA) profile. You may also express eligibility by exception (e.g., open to all types of domestic applicants other than individuals). This section should include a section reference to any other requirements identified in later sections in this document to submit documentation to support an eligibility determination (e.g., proof of 501(c)(3) status* as determined by the Internal Revenue Service, or an authorizing tribal resolution). To the extent that any funding restriction identified in the Application Instructions section below could affect the eligibility of an applicant or project, restate that restriction here, or insert a cross-reference to the description of the restriction in the Application Information section below. All eligibility restrictions and documentation requirements identified here must parallel the eligibility information detailed on the program's SAM.gov Assistance Listing (CFDA) profile and any related language in the program authorizing legislation. *PLEASE NOTE: Some entities are incorporated as non-profits but have not requested Internal Revenue Status (IRS) tax exemption status; programs with authorizing legislation that limits applicant eligibility to only those non-profits with a specific tax exemption status must make that restriction clear in this section and describe any related evidentiary documentation requirements].

B. Cost Sharing or Matching

[State if the program has a cost sharing or matching requirement without which an application would be ineligible. If cost sharing is not required, the application must explicitly state it. Required cost sharing or match may be a certain percentage or ratio as compared to the total Federal share, or may be in the form of contributions of specified items or activities (e.g., provision of equipment).

It is important to be clear about any restrictions on the types of costs that are acceptable as cost sharing or match (e.g., indirect costs). Cost sharing as an eligibility criterion includes requirements based in statute or regulation as described in 2 CFR 200.306 or those imposed by administrative decision of the Service. This section should refer to any section(s) of the Application and Submission section of this document that includes details any pre-award requirements to submit letters or other documentation to verify commitments to meet cost-share requirements. Include any restrictions on the types of costs (e.g., in-kind contributions) that are acceptable as cost sharing. Cost sharing as an eligibility criterion includes the requirements based in statute or regulation, as well as those imposed by administrative decision of the Service. Indicate if there are any pre-award requirements for submission of letters or other documentation to verify commitments to meet cost-sharing requirements. The announcement must explicitly state if cost sharing is not required.].

C. Other Eligibility Criteria

[Insert a description of any other criteria that have the effect of making an application or project ineligible for Federal awards, as applicable (e.g., restricted activities, "responsiveness" criteria, "go-no go" criteria, "threshold" criteria, or others). State any limit on the number of applications an applicant may submit under the announcement and make clear if the limitation is on the organization, the individual investigator/program director, or both. Include any eligibility criteria for beneficiaries or for program participants other than Federal award recipients.]

NOTE: The yellow-highlighted text below contain suggested text for use by programs funding projects in foreign countries. Edit the suggested text as appropriate and remove yellow highlighting. If not applicable, remove yellow-highlighted text below. Remove this note.

State Sponsors of Terrorism: This program will not fund projects in in countries determined by the U.S. Department of State to have repeatedly provided support for acts of international terrorism and therefore are subject to sanctions restricting receipt of U.S. foreign assistance and other financial transactions.

Office of Foreign Assets Control Sanctions: This program will not fund projects in countries subject to comprehensive sanction programs administered by the U.S. Department of Treasury, Office of Foreign Asset Control without proper licenses.

In-Country Licenses, Permits, or Approvals: Entities conducting activities outside the U.S. are responsible for coordinating with appropriate U.S. and foreign government authorities as necessary to obtain all required licenses, permits, or approvals before undertaking project activities. The Service does not assume responsibility for recipient compliance with the laws, regulations, policies, or procedures of the foreign country in which they are conducting work.

Unique Entity Identifier and System for Award Management (SAM.gov) Registration: This requirement does not apply to individuals applying for funds as a private citizen (i.e., unrelated to any business or nonprofit organization you may own or operate in your name) or any entity with an exception approved by the Service under 2 CFR 25.110(d). All other applicants are required to obtain a Data Universal Numbering System (DUNS) number from Dun & Bradstreet and then register in SAM.gov prior to submitting a Federal award application. Federal award recipients must continue to maintain an active SAM.gov registration with current information through the life of their Federal award(s). See the "Submission Requirements" section of this document below for more information on SAM.gov registration. The Service may not make a Federal award to an applicant that has not completed the SAM.gov registration. If an applicant selected for funding has not completed their

SAM.gov registration by the time the Service is ready to make an award, the program may determine that the applicant is not qualified to receive an award. The program can use that determination as a basis for making an award to another applicant.

Prohibition on Issuing Awards to Entities that Require Certain Internal Confidentiality Agreements: Domestic (U.S.) non-Federal entities requiring their employees or contractors to sign internal confidentiality agreements or statements that prohibit, or otherwise restrict, such employees or contractors from lawfully reporting waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information are not eligible to compete for or receive a Federal award. See Pub. L. 113-235, Title VII, Division E, Section 743 for more information.

Excluded Parties: The Service conducts a review of the SAM.gov Exclusions database for all applicant entities and their key project personnel prior to award. The Service cannot award funds to entities or their key project personnel identified in the SAM.gov Exclusions database as ineligible, prohibited/restricted or otherwise excluded from receiving Federal contracts, certain subcontracts, and certain Federal assistance and benefits, as their ineligibility condition applies to this Federal program.

IV. Application Requirements

A. Requesting Paper Application Package

[Insert information for potential applicants on how to get application forms, kits or other materials needed to apply. You may provide an Internet address where materials are available. However, high-speed Internet access is not yet universally available and applicants may have additional accessibility requirements; you should consider providing a way for potential applicants to request paper copies of materials, such as a U.S. Postal Service mailing address, telephone number, Telephone Device for the Deaf (TDD), Text Telephone (TTY) number, and/or Federal Information Relay Service (FIRS) number.]

B. Application Form and Content Requirements

[The "Application Form and Content Requirements" section must identify the required content of an application and the forms or formats that an applicant must use to submit it. This section should specifically address content and form or format requirements, as applicable. This includes pre-applications; letters of intent; white papers; all application components; limitations of the total number of pages; font size, typeface, margins and paper size requirements; number of copies; sequence or assembly instructions; special requirements for digital signatures; and any information that successful applicants must submit after notification of intent to make an award but prior to award. At a minimum, all Service programs must require submission of the Standard Form (SF)-424, Application for Federal Assistance, the appropriate SF-424 Assurances form and the appropriate SF-424 Budget form. Programs must include all of the SF-424 forms needed for your applicant types in the Grants.gov "Application Package" attached to the Funding Opportunity on Grants.gov, which means the program may need to add more than one "Application Package" to the Funding Opportunity to provide all the forms needed for every eligible applicant type and project type. All attached application packages will appear on the Grants.gov Funding Opportunity posting under the "Packages" tab. See the FWS FA Systems User Guide "How to Create and Post a Funding Opportunity and Synopsis" for more information.] Applicants must submit the following:

1. SF-424, Application for Federal Assistance

Applicants must submit the appropriate Standard Form (SF)-424, Application for Federal Assistance. Individuals applying as a private citizen (i.e., unrelated to any business or nonprofit organization you may own or operate in your name), must complete the SF-424, Application for Federal Assistance-Individual form. All other applicants must complete the standard SF-424, Application for Federal Assistance. All of the required application forms are available on the "Packages" tab of this Funding Opportunity on Grants.gov. The SF-424, Application for Federal Assistance must be complete, and signed and dated. Please note: Enter only the amount requested from this Federal program in the "Federal" funding box on the SF-424 Application form. Include any other Federal sources of funding in the "Other" box, and provide details on those Federal source(s) and funding amount(s) in the required Budget Narrative (see the "Budget Narrative" section below).

2. **SF 424, Assurances**

Applicants must submit the appropriate signed and dated Assurances form. Complete either the SF-424B, Assurances for Non-Construction Programs or the SF-424D, Assurances for Construction Programs, as applicable to your project. All of the required application forms are available on the "Packages" tab of this Funding Opportunity on Grants.gov. The SF-424 Assurances forms include a statement that some of the assurances may not be applicable to your organization and/or your project or program. Signing the required SF-424 Assurances form does not make you or your organization subject to laws that are otherwise not applicable to you or your organization. Changing, crossing out, or making notations on the form before signing has no impact on the applicability of law.

3. **Project Narrative**

[Insert description of the program-specific requirements for project narrative statements. Application narrative requirements may include:

- Project title;
- Description of entity(ies) undertaking the project;
- Statement of need;
- Goals and objectives;
- Activities;
- Methods;
- Timetable or milestones;
- Information to support environmental compliance review requirements. Note: For projects on the high seas, the narrative should provide enough detail so that reviewers are able to determine project compliance with Section 7 of the Endangered Species Act. For projects outside the U.S. on any property on the UNESCO World Heritage List or the in-country equivalent of the U.S. National Register of Historic Places, the narrative should provide enough detail so that reviewers are able to determine project compliance with Section 106 of the National Historic Preservation Act;
- Description of stakeholder coordination or involvement;
- Required project monitoring and evaluation plan, including description of assessment tools to be used;
- Information on key project personnel;
- Anticipated future funding needs;
- Details and supporting documentation on the project location; and

- Other program- or project-specific narrative requirements].

4. **SF-424, Budget Information**
   Applicants must submit the appropriate SF-424 Budget Information form. Complete either the SF-424A, Budget Information for Non-Construction Programs or the SF-424C, Budget Information for Construction Programs, as applicable to your project. All of the required application forms are available on the "Packages" tab of this Funding Opportunity on Grants.gov. Federal award recipients and subrecipients are subject to Federal award cost principles as detailed in the Service's "Financial Assistance Award Terms and Conditions". Please note: Show funds requested from this Federal program separately from any other Federal sources of funding. In the "Budget Summary" section, use the first row for funding requested from this Federal program. Use subsequent row(s) for other Federal funding. Enter each Federal program's CFDA number(s) in the corresponding fields on the form. The CFDA number(s) for this Federal program appears on the first page of this Funding Opportunity.

NOTE: The yellow-highlighted text below contain suggested text for requesting required budget narrative information. Edit the suggested text as needed and remove yellow highlighting. Remove this note.

5. **Budget Narrative**
   Describe and justify requested budget items and costs. Detail how the SF-424 Budget Information, Object Class Category totals were determined. For personnel salary costs, include the baseline salary figures and the estimates of time. Describe any item of cost that requires prior approval under the Federal cost principles. See 2 CFR 200.407 "Prior written approval (prior approval)" for more information. If equipment purchased previously with Federal funds is available for the project, provide a list of that equipment and identify the Federal funding source. [Insert any other program-specific information for applicants to detail in their budget justifications].

6. **Indirect Costs: Individuals**
   Individuals applying for and receiving funds separate from a business or non-profit organization he/she may operate are not eligible to charge indirect costs to their award. If you are an individual applying for funding, do not include any indirect costs in your proposed budget and skip the next section.

7. **Indirect Costs: Organizations**
   The Federal awarding agency that provides the largest amount of direct funding to your organization is your cognizant agency for indirect costs, unless otherwise assigned by the White House Office of Management and Budget (OMB). If the Department of the Interior is your organization's cognizant agency, the Interior Business Center will negotiate your indirect cost rate. Contact the Interior Business Center by phone 916-930-3803 or using the IBC Email Submission Form. See the IBC Website for more information.

   Organizations must have an active Federal award before they can submit an indirect cost rate proposal to their cognizant agency. Failure to establish an approved rate during the award period renders all costs otherwise allocable as indirect costs unallowable under the award. Recipients must have prior written approval from the Service to use amounts budgeted for direct costs to satisfy cost-share or match requirements or to cover unallowable indirect costs. Recipients shall not shift unallowable indirect costs to another Federal award unless specifically authorized to do so by legislation.

Required Indirect Cost Statement
All organizations must include the applicable statement from the following list in their application to the Service, and attach to their application any documentation identified in the applicable statement:

We are:

☐ A U.S. state or local government entity receiving more than $35 million in direct Federal funding each year with an indirect cost rate of [insert rate]. We submit our indirect cost rate proposals to our cognizant agency. Attached is a copy of our most recently approved rate agreement/certification.

☐ A U.S. state or local government entity receiving less than $35 million in direct Federal funding with an indirect cost rate of [insert rate]. We have prepared and will retain for audit an indirect cost rate proposal and related documentation.

☐ A [insert your organization type; U.S. states and local governments, please use one of the statements above or below] that has previously negotiated or currently has an approved indirect cost rate with our cognizant agency. Our indirect cost rate is [insert rate]. [Insert either: "Attached is a copy of our most recently approved but expired rate agreement. In the event an award is made, we will submit an indirect cost rate proposal to our cognizant agency within 90 calendar days after the award is made." *or* "Attached is a copy of our current negotiated indirect cost rate agreement."]

☐ A [insert your organization type] that has never submitted an indirect cost rate proposal to our cognizant agency. Our indirect cost rate is [insert rate]. If we receive an award, we will submit an indirect cost rate proposal to our cognizant agency within 90 calendar days after the award date.

☐ A [insert your organization type] that has never submitted an indirect cost rate proposal to our cognizant agency and has an indirect cost rate that is lower than 10%. Our indirect cost rate is [insert rate; must be lower than 10%]. However, if we receive an award we will not be able to meet the requirement to submit an indirect cost rate proposal to our cognizant agency within 90 calendar days after award. We request as a condition of award to charge a flat indirect cost rate of [insert rate; must be lower than 10%] against [insert a clear description of the direct cost base against which your rate is charged (e.g., salaries; salaries and fringe benefits; or modified total direct costs). However, please note that your organization cannot charge indirect costs in excess of the indirect costs that would be recovered if applied against modified total direct costs as defined in 2 CFR 200.68]. We understand that we must notify the Service in writing if we establish an approved rate with our cognizant agency at any point during the award period.

☐ A [insert your organization type] that has never submitted an indirect cost rate proposal to our cognizant agency and has an indirect cost rate that is 10% or higher. Our indirect cost rate is [insert your organization's indirect rate; must be 10% or higher]. However, if we receive an award we will not be able to meet the requirement to submit an indirect cost rate proposal to our cognizant agency within 90 calendar days after award. We request as a condition of award to charge a flat *de minimis* indirect cost rate of 10% to be charged against modified total direct project costs as defined in 2 CFR 200.68. We understand that we must notify the Service in writing if we establish a negotiated rate with our cognizant

agency at any point during the award period. We understand that additional Federal funds may not be available to support an unexpected increase in indirect costs during the project period and that such changes are subject to review, negotiation, and prior approval by the Service.

☐ A [insert your organization type] that is submitting this proposal for consideration under the [insert either "Cooperative Fish and Wildlife Research Unit Program" or "Cooperative Ecosystem Studies Unit Network"], which has a Department of the Interior-approved indirect cost rate cap of [insert program rate]. If we have an approved indirect cost rate with our cognizant agency, we understand that we must apply this reduced rate against the same direct cost base as identified in our approved indirect cost rate agreement. If we do not have an approved indirect cost rate with our cognizant agency, we understand that we must charge indirect costs against the modified total direct cost base defined in 2 CFR 200.68 "Modified Total Direct Cost (MTDC)". We understand that we must request prior approval from the Service to use the 2 CFR 200 MTDC base instead of the base identified in our approved indirect cost rate agreement. We understand that Service approval of such a request will be based on: 1) a determination that our approved base is only a subset of the MTDC (such as salaries and wages); and 2) that use of the MTDC base will still result in a reduction of the total indirect costs to be charged to the award. In accordance with 2 CFR 200.405, we understand that indirect costs not recovered due to a voluntary reduction to our federally negotiated rate are not allowable for recovery via any other means.

☐ A [insert your organization type] that will charge all costs directly.

8. Conflict of Interest Disclosure

Applicants must state in their application if any actual or potential conflict of interest exists at the time of submission. Conflicts of interest include any relationship or matter that might place the recipient, including their employees and subrecipients, in a position of conflict, real or apparent, between their responsibilities under the award and any other outside interests. Conflicts of interest include direct or indirect financial interests; close personal relationships; positions of trust in outside organizations; consideration of future employment arrangements with a different organization; and decision-making authority related to the proposed project. Conflicts of interest are those circumstances real or perceived that would cause a reasonable person with knowledge of the relevant facts to question the impartiality of the applicant, or the applicant's employees or subrecipients, in matters pertaining to the proposed project. Applicants may not solicit, obtain, or use non-public information that may be of competitive interest to the entity, including information regarding the funding opportunity, evaluation, award, or administration of an award to the entity. Applicants must notify the Service in writing in their application if any employees, including subrecipient and contractor personnel, are related to, married to, or have a close personal relationship with any Federal employee in the Federal program receiving this application or who otherwise may be involved in the review and selection of their proposal. The term employee means any individual to be engaged in the performance of work pursuant to the Federal award application. Applicants may not have a former Federal employee as a key project official, or in any other substantial role for the proposed project, whose participation puts them out of compliance with the legal authorities addressing post-Government employment restrictions. See the U.S. Office of Government Ethic's website at https://oge.gov/ for more information on these restrictions. The Service will examine each conflict of interest disclosure based on its particular facts and the nature of the

proposed project and will determine whether a significant potential conflict exists. If it does, the Service may work with the applicant determine an appropriate resolution. Failure to disclose and resolve conflicts of interest in a manner that satisfies the Service may result in the rejection or disqualification of the application.

9. **Single Audit Reporting Statement**
   All U.S. states, local governments, federally recognized Indian tribal governments, and non-profit organizations expending $750,000 USD or more in Federal award funds in the applicant's fiscal year must submit a Single Audit report for that year through the Federal Audit Clearinghouse's Internet Data Entry System. U.S. state, local government, federally recognized Indian tribal government, and non-profit applicants must state if your organization was or was not required to submit a Single Audit report for the most recently closed fiscal year. If your organization was required to submit a Single Audit report for the most recently closed fiscal year, provide the EIN associated with that report and state if it is available through the Federal Audit Clearinghouse website.

10. **Certification Regarding Lobbying**
    Applicants requesting more than $100,000 in Federal funding must certify to the statements in 43 CFR Part 18, Appendix A-Certification Regarding Lobbying. If this application requests more than $100,000 in Federal funds, the Authorized Official's signature on the appropriate SF-424, Application for Federal Assistance form also represents the entity's certification of the statements in 43 CFR Part 18, Appendix A.

11. **Disclosure of Lobbying Activities**
    Applicants and recipients must not use any federally appropriated funds (annually appropriated or continuing appropriations) or matching funds under a Federal award to pay any person for lobbying in connection with the award. Lobbying is influencing or attempting to influence an officer or employee of any U.S. agency, a Member of the U.S. Congress, an officer or employee of the U.S. Congress, or an employee of a Member of the U.S. Congress connection with the award. Applicants and recipients must complete and submit the SF-LLL, Disclosure of Lobbying Activities if the Federal share of the proposal or award is more than $100,000 and the applicant or recipient has made or has agreed to make any payment using non-appropriated funds for lobbying in connection with the application or award. The SF-LLL form is available on the "Packages" tab of this Funding Opportunity on Grants.gov. See 43 CFR, Subpart 18.100 for more information on when additional submission of this form is required.

NOTE: The "Overlap or Duplication of Effort Statement" below is not required for mandatory programs. All discretionary funding opportunities, both competitive and single source, must include the section. Mandatory programs, please delete the section. All programs, remove this note.

12. **Overlap or Duplication of Effort Statement**
    Applicants must provide a statement indicating if there is any overlap between this Federal application and any other Federal application, or funded project, in regards to activities, costs, or time commitment of key personnel. If no such overlap or duplication exists, state, "*There are no overlaps or duplication between this application and any of our other Federal applications or funded projects, including in regards to activities, costs, or time commitment of key personnel*". If any such overlap exists, provide a complete description of overlaps or duplications between this proposal and any other federally funded project or application in regards to activities, costs, and time commitment of key personnel, as applicable. Provide a copy of any overlapping or

duplicative proposal submitted to any other potential funding entity and identify when that proposal was submitted, to whom (entity name and program), and when you anticipate being notified of their funding decision. When overlap exists, your statement must end with "*We understand that if at any time we receive funding from another source that is duplicative of the funding we are requesting from the U.S. Fish and Wildlife Service in this application, we will immediately notify the U.S. Fish and Wildlife Service point of contact identified in this Funding Opportunity in writing.*"

NOTE: Revise the application checklist below to match your program's application requirements, as needed. Be sure to insert new list items in order as they appear in the Funding Opportunity. Remove any text highlighting. Remove this note.

13. **APPLICATION CHECKLIST**

- ☐ **SF-424, Application for Federal Assistance or Application for Federal Assistance-Individual**
- ☐ **SF-424B or D, Assurances**
- ☐ **Project Narrative**
- ☐ **SF-424A or C, Budget Information**
- ☐ **Budget Narrative**
- ☐ **Indirect Cost Statement and related documentation (when applicable)**
- ☐ **Conflict of Interest Disclosure (when applicable)**
- ☐ **Single Audit Reporting Statement (when applicable)**
- ☐ **SF-LLL, Disclosure of Lobbying Activities (when applicable)**
- ☐ **Overlap or Duplication of Effort Statement**
- ☐ **Foreign Government Letter of Endorsement**

Failure to provide complete information may cause delays, postponement, or rejection of the application.

V. Submission Requirements

A. Unique Entity Identifier and System for Award Management (SAM.gov) Registration

These requirements do not apply to any individual applying for funds as a private citizen or any entity with an exception approved by the Federal awarding agency under 2 CFR 25.110(d). All other applicants are required to obtain a Data Universal Numbering System (DUNS) number from Dun & Bradstreet and provide that number in the application; complete SAM.gov registration before submitting an application; and continue to maintain an active SAM.gov registration with current information at all times when the entity has an active Federal award or application under consideration. **There is NO COST to register with Dun & Bradstreet or SAM.gov**. There are third-party vendors who will charge a fee in exchange for registering entities with Dun & Bradstreet and SAM.gov; **please be aware you can register and request help for free**.

1. **Obtain a DUNS Number**

Request a DUNS Number through the Dun & Bradstreet website. The official website address is http://fedgov.dnb.com/webform. For technical difficulties, send an email to the D&B SAM Help Desk. Please ensure that you are able to receive emails from SAMHelp@dnb.com. The Grants.gov "Obtain a DUNS Number" webpage also provides detailed instructions. Once

assigned a DUNS number, your organization must maintain up-to-date information with Dun & Bradstreet. Applicants must enter their DUNS number in the "Organizational DUNS" field on the SF-424, Application for Federal Assistance form.

2. **Register with SAM**
   Register on the SAM.gov website. The official website address is http://www.sam.gov. The "Help" tab on the website contains User Guides and other information to assist you with registration. The Grants.gov Register with SAM" webpage also provides detailed instructions. You can also contact the supporting Federal Service Desk for help registering in SAM. Once registered in SAM, entities must renew and revalidate their SAM registration at least once every 12 months from the date previously registered. Entities are strongly encouraged to revalidate their registration as often as needed to ensure their information is up to date and reflects changes that may have been to the entity's DUNS or IRS information. Foreign entities who want to receive payment directly to a U.S. bank account must enter and maintain valid, current banking information in SAM.

B. Submission Dates and Times

[Enter submission deadline date(s) or open period start and end dates and any other related information following the instructions for this section in 2 CFR 200, Appendix I, section D (4). Review and address all of the 2 CFR 200-Appendix I requirements for this section. These include clearly stating deadlines in terms of date and local time (Please Note: Grants.gov uses Eastern Time); what the deadline means and if submission method affects it; and the effect of missing a deadline. Format the information in this section so that it is easy to understand and use. A tabular format or checklist may be more helpful than narrative paragraphs.]

NOTE: If U.S. state and local governments are never eligible to apply for funding under the program, remove the Intergovernmental Review section below. If they are, retain the section. Remove yellow highlighting on retained text. Remove this note.

C. Intergovernmental Review

Prior to application submission, U.S. state and local government applicants should visit the OMB Office of Federal Financial Management website and view the "State Point of Contact (SPOC) List" to determine whether their application is subject to the state intergovernmental review process under Executive Order (E.O.) 12372 "Intergovernmental Review of Federal Programs." States not on the list do not participate in the intergovernmental review process, and therefore do not have a SPOC. If you are located within a State that does not have a SPOC, you may send application materials directly to a Federal awarding agency. If your state is on the list, contact the designated entity for more information on the state's prior review requirements for Federal assistance applications.

D. Funding Restrictions

[Provide information on any program funding restrictions in order to allow an applicant to develop an application and budget consistent with program requirements. Examples include whether construction is an allowable activity, if there are any limitations on direct costs such as foreign travel or equipment purchases, and if there are any legislatively authorized limits on indirect costs (or facilities and administrative costs). We also must advise applicants if we will not allow reimbursement of pre-Federal award costs.]

NOTE: Provide application submission instructions below to reflect the application options and procedures for your program. Use the yellow highlighted text to provide instructions for Grants.gov applicants. Remove yellow highlighting on retained text. Remove this note.

E. Submission Instructions

[Provide detailed submission instructions, including the format of submission (i.e., paper or electronic), for each type of required submission. Do not require applicants to submit in more than one format. Indicate if applicants have more than one choice for how to submit an application and provide detailed instructions for each option, including where to send the application. For postal mail submissions, provide a complete mailing address. For electronic submissions, include the website URL or email address and detail if a password is required, if particular software or other capabilities are required, what to do in the event of system problems, and a point of contact in the event of technical difficulties. Describe how the receiving program determines timely submission, and whether, when, and in what form applicants will be sent acknowledgment of receipt.]

This program [encourages or requires] applicants to submit their applications online through Grants.gov. Follow these steps to apply through Grants.gov.

1. Register with Grants.gov

Applicants must first register an account with Grants.gov and complete all steps of the registration process before they can apply through Grants.gov. Grants.gov registration requires the entity to create an account, create an account profile, and establish authorized profile roles, including the applicant's authorized representative. Registration can take three to five business days or longer, if you do not complete the required steps in a timely manner.

2. Grants.gov Workspace Application

Grants.gov applicants apply online using Workspace. Workspace is a shared, online environment where members of a grant team may simultaneously access and edit different webforms within an application. For each funding opportunity announcement, you can create individual instances of a workspace. To apply, the applicant will create, complete, and submit a Workspace application package for this Funding Opportunity directly on Grants.gov. Grants.gov recommends submitting your application package at least 24-48 hours prior to the close date to allow time to correct any potential technical issues that may disrupt the application submission. When attaching files to the Grants.gov application, please do not assign file names longer than 20 characters, including spaces. File names longer than 20 characters will prevent your application received by Grants.gov from automatically downloading into the Service's financial assistance management system. Applicants using slow internet, such as dial-up connections, should be aware that the transmission of the application to Grants.gov takes time. Grants.gov sends either an error message or a "successfully received" message by email to the applicant's authorized representative once the transmission is complete. Please do not end the transmission process before receiving that message.

3. Proof of Timely Submission

Grants.gov automatically generates an electronic date and time stamp in the system upon application receipt. Grants.gov sends an acknowledgement of receipt with the date and time stamp and a unique Grants.gov application tracking number to the authorized representative by email. This email from Grants.gov serves as your proof of timely submission.

NOTE: All Competitive programs must design formal application evaluation and selection procedures before posting Notices of Funding Opportunity on Grants.gov. Programs must document these procedures in writing and either describe them in full, or incorporate them by reference, in all Notices of Funding Opportunity. See the Service's "Establishing a Written Review and Selection Process" guidance for more information. Any program issuing a discretionary single source award must describe the criteria used to justify selecting that particular application for funding following the requirements in Service policy 516 FW 6. Remove this note.

VI. Application Review Information

A. Criteria

[Describe all criteria and sub-criteria used to evaluate applications, including merit and other criteria used to judge applications. Include any statutory, regulatory, or other preferences applicable to the process and provide a detailed explanation of those and their effect (e.g., result in additional points). These criteria are different from eligibility criteria addressed before accepting an application for review and any program policy applied during selection after the review process is complete. The intent is to be transparent about the process so all applicants have a fair opportunity to address those in their applications. If cost sharing will be considered in the review (as opposed to being treated as an eligibility criterion), specifically address how it will be considered (e.g., results in additional points, or to break ties between applicants with equivalent scores after evaluation of all other factors). Clearly state any restrictions on the types of costs that are acceptable as cost sharing].

B. Review and Selection Process

[List any program policy or other factors or elements other than merit criteria that the selecting official may use in selecting applications for Federal award (e.g., geographical dispersion, program balance, or diversity). Include other details about the program's review and selection process, as appropriate. For example, you may indicate who is responsible for evaluation against the merit criteria (e.g., peers external to the Federal awarding agency or Federal awarding agency personnel), or who makes the final award selections. If there is a multi-phase review process (e.g., an external panel advising internal Federal awarding agency personnel who make final recommendations to the deciding official), the announcement may describe the phases. It also may detail the number of individuals on evaluation panels, how the panel operates, the way the program qualifies and selects reviewers, and if the program permits applicants to nominate or suggest reviewers for their applications. Detail if, due to limited funding or for other reasons, the program routinely negotiates selected project scopes of work and budgets prior to award. If this is the case, make it clear here that those applicants will have to submit revised SF-424 forms and narratives prior to award. Service programs must make awards based on final, approved applications that parallel their awards in scope and funding amount. Describe the timing, form, and content of notifications to unsuccessful applicants.

Prior to award, the Service will review any applicant statement regarding potential overlap or duplication between the project to be funded and any other funded or proposed project in terms of activities, funding, or time commitment of key personnel. Depending on the circumstances, the Service may request modification to the application, other pending applications, or an active award, as needed to eliminate any duplication of effort, or the Service may choose not to fund the selected project.

The Service may not make a Federal award to an applicant that has not completed the SAM.gov registration. If an applicant selected for funding has not completed their SAM.gov registration by

the time the Service is ready to make an award, the program may determine that the applicant is not qualified to receive an award. The program can use that determination as a basis for making an award to another applicant.

Prior to award, the Service will evaluate the risk posed by applicants as required in 2 CFR 200.205. Service programs document applicant risk evaluations using the Service's "Financial Assistance Recipient Risk Assessment" form. Prior to approving awards for Federal funding in excess of the simplified acquisition threshold (currently $250,000), the Service is required to review and consider any information about or from the applicant found in the Federal Awardee Performance and Integrity Information System. The Service will consider this information when completing the risk review. The Service uses the results of the risk evaluation to establish monitoring plans, recipient reporting frequency requirements, and to determine if one or more of the specific award conditions in 2 CFR 200.207 should be applied the award.

VII. Federal Award Administration

A. Federal Award Notices

[Detail what a successful applicant can expect to receive following selection. If the program will provide a selection notice to the entity before actually issuing the Federal award, this is the place to indicate that the letter is not an authorization to begin project performance (to the extent that the program allows charging of pre-award costs to the award at the entity's own risk). This section should indicate that the signed notice of Federal award is the authorizing document and how the program delivers notices of award to recipients (e.g., postal mail, electronic means)]. Awards are based on the application submitted to and approved by the Service and are subject to the terms and conditions incorporated into the Notice of Award either by direct citation or by reference to the following: Federal regulations; program legislation or regulation; and special award terms and conditions. Recipient acceptance of a Federal award from the Service carries with it the responsibility to be aware of and comply with all terms and conditions applicable to the award. Recipients indicate their acceptance of the Federal award by starting work, drawing down funds, or accepting the award via electronic means.

B. Award Terms and Conditions

See the Service's "Financial Assistance Award Terms and Conditions" for the administrative and national policy requirements applicable to Service awards. The "Department of the Interior (DOI) Award Provisions" attached to this Funding Opportunity also apply to Service awards (Attachment A). [Insert any program- or project-specific terms or conditions that will apply to recipients under the program. See the Service's "Sample Financial Assistance Award Special Terms and Conditions" guidance for more information.]

C. Payments

Domestic recipients are required to register in and receive payment through the U.S. Treasury's Automated Standard Application for Payments (ASAP), unless approved for a waiver by the Service program. Foreign recipients receiving funds to a final destination bank outside the U.S. are required to receive payment through the U.S. Treasury's International Treasury Services (ITS) System. Foreign recipients receiving funds to a final destination bank in the U.S. are required to enter and maintain current banking details in their SAM.gov entity profile and receive payment through the Automated Clearing House network by electronic funds transfer (EFT). The Service will include recipient-specific instructions on how to request payment, including identification of any additional information required and where to submit payment requests, as applicable, in all Notices of Award.

D. Reporting Requirements

The Service will include recipient-specific reporting requirements, including the required reports, reporting frequency, and report due dates in all Notices of Award, as applicable.

NOTE: Revise the yellow highlighted text below as needed to reflect the program's financial reporting requirements. Remove yellow highlighting. We may only waive interim financial reporting on awards to ASAP-waived entities using the SF-270/271 and requesting payment at least once annually throughout the entire award period of performance. See 516 FW 1, section 1.14 for more information. Remove this note.

1. Financial Reports

All recipients must use the SF-425, Federal Financial Report form for financial reporting. At a minimum, all recipients must submit a **final** financial report. Final reports are due no later than 90 calendar days after the award period of performance end date or termination date. For awards with periods of performance longer than 12 months, recipients are required to submit **interim** financial reports on the frequency established in the Notice of Award. See Service policy 516 FW 1, Monitoring Financial and Performance Reporting for Financial Assistance for more information.

NOTE: Revise the yellow highlighted text below to reflect the program's performance reporting requirements. For awards that include construction, onsite technical inspections and certified percentage of completion data may be relied on to monitor progress for construction. Additional performance reports for construction activities may be required only when considered necessary. Awards that include both construction and non-construction activities should require performance reporting for the non-construction activities. See 2 CFR 200.328 for more information. Remove yellow highlighting. We may only waive performance reporting for awards to individuals for which we have another way of assessing and documenting recipient performance at least annually. See 516 FW 1, section 1.14 for more information. Remove this note.

2. Performance Reports

Performance reports must contain a comparison of actual accomplishments with the established goals and objectives of the award; a description of reasons why established goals were not met, if appropriate; and any other pertinent information relevant to the project results. At a minimum, all recipients must submit a **final** performance report. Final reports are due no later than 90 calendar days after the award period of performance end date or termination date. For awards with periods of performance longer than 12 months, recipients are required to submit **interim** financial reports on the frequency established in the Notice of Award. See Service policy 516 FW 1, Monitoring Financial and Performance Reporting for Financial Assistance for more information.

3. Significant Developments Reports

Events may occur between the scheduled performance reporting dates that have significant impact upon the supported activity. In such cases, recipients are required to notify the Service in writing as soon as the recipient becomes aware of any problems, delays, or adverse conditions that will materially impair the ability to meet the objective of the Federal award. This disclosure must include a statement of any corrective action(s) taken or contemplated, and any assistance needed to resolve the situation. The recipient should also notify the Service in writing of any favorable developments that enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more or different beneficial results than originally planned.

4. **Real Property Reports**
   Recipients and subrecipients are required to submit status reports on the status of real property in which the Federal government retains an interest. The required frequency of these reports will depend on the anticipated length of the Federal interest period. The Service will include recipient-specific real property reporting requirements, including the required data elements, reporting frequency, and report due dates, as applicable.

5. **Conflict of Interest Disclosures**
   Recipients must notify the Service immediately in writing of any conflict of interest that arise during the life of their Federal award, including those reported to them by any subrecipient under the award. Recipients must notify the Service in writing if any employees, including subrecipient and contractor personnel, are related to, married to, or have a close personal relationship with any Federal employee in the Federal funding program or who otherwise may have been involved in the review and selection of the award. The term employee means any individual engaged in the performance of work pursuant to the Federal award. Recipients may not have a former Federal employee as a key project official, or in any other substantial role related to their award, whose participation put them out of compliance with the legal authorities addressing post-Government employment restrictions. See the U.S. Office of Government Ethics website at https://oge.gov/ for more information on these restrictions. The Service will examine each conflict of interest disclosure based on its particular facts and the nature of the project and will determine if a significant potential conflict exists. If it does, the Service will work with the recipient to determine an appropriate resolution. Failure to disclose and resolve conflicts of interest in a manner that satisfies the Service may result in any of the remedies described in 2 CFR 200.338 Remedies for Noncompliance, including termination of the award.

6. **Other Mandatory Disclosures**
   The non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that receive a Federal award including the term and condition outlined in 2 CFR 200, Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters are required to report certain civil, criminal, or administrative proceedings to SAM. Failure to make required disclosures can result in any of the remedies described in 2 CFR 200.338 Remedies for Noncompliance, including suspension or debarment.

VIII. Federal Awarding Agency Contact(s)

[Provide point(s) of contact for answering technical questions or helping with problems while the funding opportunity is open. The intent is to be as helpful as possible to the public, so give points of contacts that can be reached in multiple ways or provide a fax or email address that multiple people monitor so that someone will respond even if others are absent during critical periods. If needed, provide different points of contact for distinct types of help, such as a contact for programmatic or technical questions and a second contact for administrative questions.]

Attachment A: DOI Award Provisions

I. Conflicts of Interest

(a) Applicability.

(1) This section intends to ensure that non-Federal entities and their employees take appropriate steps to avoid conflicts of interest in their responsibilities under or with respect to Federal financial assistance agreements.

(2) In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in 2 CFR 200.318 apply.

(b) Requirements.

(1) Non-Federal entities must avoid prohibited conflicts of interest, including any significant financial interests that could cause a reasonable person to question the recipient's ability to provide impartial, technically sound, and objective performance under or with respect to a Federal financial assistance agreement.

(2) In addition to any other prohibitions that may apply with respect to conflicts of interest, no key official of an actual or proposed recipient or subrecipient, who is substantially involved in the proposal or project, may have been a former Federal employee who, within the last one (1) year, participated personally and substantially in the evaluation, award, or administration of an award with respect to that recipient or subrecipient or in development of the requirement leading to the funding announcement.

(3) No actual or prospective recipient or subrecipient may solicit, obtain, or use non-public information regarding the evaluation, award, or administration of an award to that recipient or subrecipient or the development of a Federal financial assistance opportunity that may be of competitive interest to that recipient or subrecipient.

(c) Notification.

(1) Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the DOI awarding agency or pass-through entity in accordance with 2 CFR 200.112, Conflicts of Interest.

(2) Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The recipient is responsible for notifying the Financial Assistance Officer in writing of any conflicts of interest that may arise during the life of the award, including those that have been reported by subrecipients.

(d) Restrictions on Lobbying. Non-Federal entities are strictly prohibited from using funds under this grant or cooperative agreement for lobbying activities and must provide the required certifications and disclosures pursuant to 4 3 CFR Part 18 and 31 USC 13 52.

(e) Review Procedures. The Financial Assistance Officer will examine each conflict of interest disclosure on the basis of its particular facts and the nature of the proposed grant or cooperative agreement, and will determine whether a significant potential conflict exists and, if it does, develop an appropriate means for resolving it.

(f) Enforcement. Failure to resolve conflicts of interest in a manner that satisfies the Government may be cause for termination of the award. Failure to make required disclosures may result in any of the remedies described in 2 CFR 200.338, Remedies for Noncompliance, including suspension or debarment (see also 2 CFR Part 180).

II. Data Availability

(a) Applicability. The Department of the Interior is committed to basing its decisions on the best available science and providing the American people with enough information to thoughtfully and substantively evaluate the data, methodology, and analysis used by the Department to inform its decisions.

(b) Use of Data. The regulations at 2 CFR 200.315 apply to data produced under a Federal award, including the provision that the Federal Government has the right to obtain, reproduce, publish, or otherwise use the data produced under a Federal award as well as authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

(c) Availability of Data. The recipient shall make the data produced under this award and any subaward(s) available to the Government for public release, consistent with applicable law, to allow meaningful third party evaluation and reproduction of the following:

(1) The scientific data relied upon;

(2) The analysis relied upon; and

(3) The methodology, including models, used to gather and analyze data.

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OMB Number: 4040-0007
Expiration Date: 02/28/2022

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C.§§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U. S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee- 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

19. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

ASSURANCES - CONSTRUCTION PROGRAMS

OMB Number: 4040-0009
Expiration Date: 02/28/2022

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant:, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29) U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statue(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statue(s) which may apply to the application.

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.

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15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq).

18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

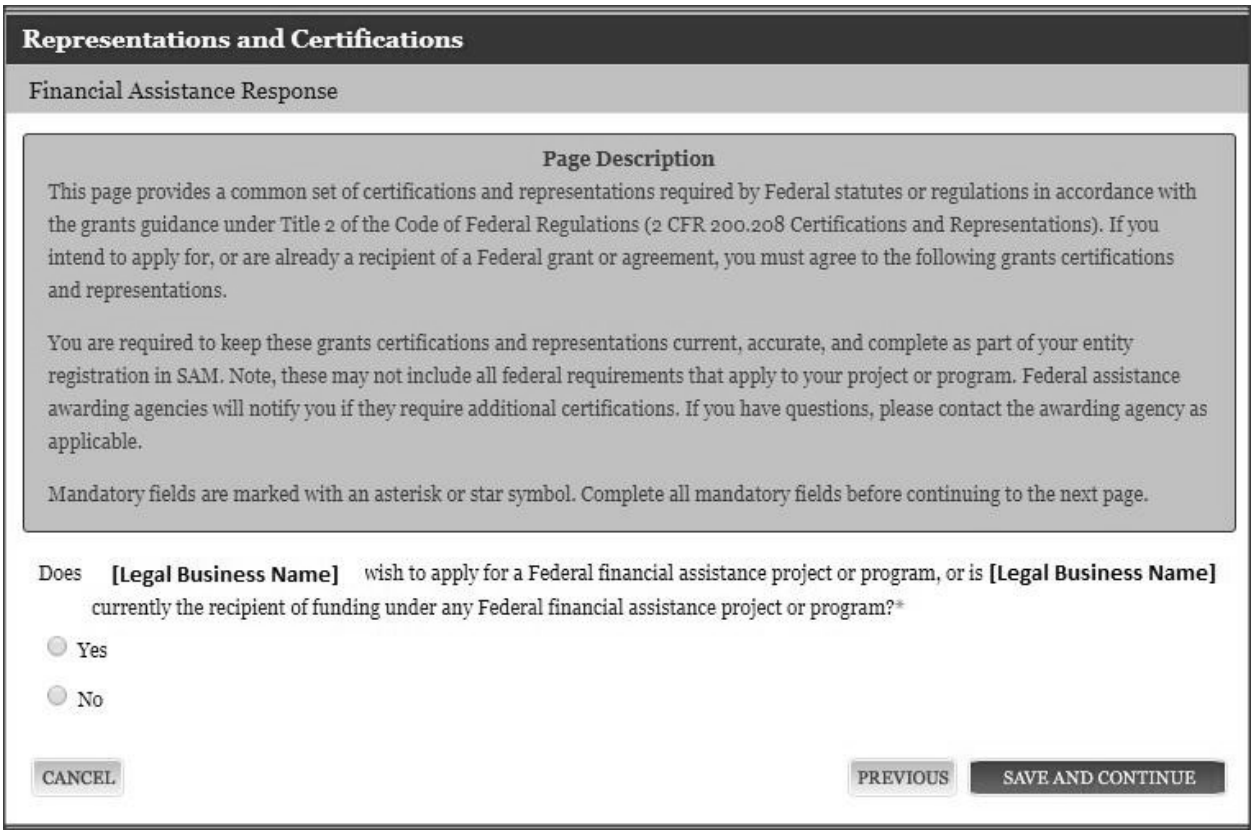
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

20. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

Representations and Certifications

As of February 02, 2019 all registrants of non-federal entities will be required to review the Financial Assistance Representations and Certifications. These are a common set of certifications and representations required by Federal statutes or regulations in accordance with grants guidance under Title 2 of the Code of Federal Regulations (CFR). If you select Federal Assistance Only as your entity's Purpose of Registration, you will now see an additional section, Representations and Certifications, in the sub-navigation menu. Please note that you may be subject to penalties if you misrepresent your entity in any of their representations or certifications to the government.



You must select Yes or No to the following question:

Does [Legal Business Name] wish to apply for a Federal financial assistance project or program, or is [Legal Business Name] currently the recipient of funding under any Federal financial assistance project or program?

If you select No, then you may select Save and Continue to proceed to the POC Details page.

If you select Yes, then you will see the corresponding Financial Assistance General Certifications and Representations text. Once you review the grants certifications and representations, you will need to attest to the accuracy.

Financial Assistance General Certifications and Representations

As the duly authorized representative of the **[Legal Business Name]** , I certify that **[Legal Business Name]** :

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost when applicable) to ensure proper planning, management and completion of any financial assistance project covered by this Certifications and Representations document (See 2 CFR §200.113 Mandatory disclosures, 2 CFR §200.213 Suspension and debarment, OMB Guidance A-129, "Policies for Federal Credit Programs and Non-Tax Receivables").
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives (See 2 CFR §200.302 Financial Management and 2 CFR §200.303 Internal controls).
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain (see 2 CFR §200.112 Conflict of interest).
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency and provide financial and performance information consistent with program requirements (See 2 CFR §200.301 Performance measurement). Note: This does not apply to awards that support research that use the Research Performance Progress Report.
5. Will comply with Post-Federal Award Requirements related to payments (See 2 CFR §200.305 Payment).
6. Will comply with required financial and compliance audit requirements as applicable (See 2 CFR 200 Subpart F-Audit Requirements).
7. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing financial assistance awards and any financial assistance project covered by this certification document.
8. Will comply with U.S. statutory and public policy requirements, as applicable, including but not limited to:
   a. National Defense Authorization Act for Fiscal Year 2014, PL 113-66, Division A, Title VIII, subtitle D, section 831.;
   b. Trafficking Victims Protection Act (TVPA) of 2000, as amended, 22 U.S.C. 7104(g).
   c. Drug Free Workplace, 41 U.S.C. 8103.
   d. Protection from Reprisal of Disclosure of Certain Information, 41 U.S.C. 4712.
   e. National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq
   f. 2 CFR Part 25 - Universal Identifier and System for Award Management
   g. 2 CFR Part 170 Reporting Subaward and Executive Compensation
   h. 2 CFR Part 180 OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)
   i. Civil False Claims Act, 31 U.S.C. 3730
   j. Criminal False Claims Act, 31 U.S.C. 3729, 18 U.S.C. 287 and 1001

Once you review certifications and representations, you will need to select the checkbox to attest to the accuracy of your entity registration. The checkbox is mandatory if you select Yes to the initial question.

4

MODULE 4

PRE-AWARD: APPLICATION REVIEW AND SELECTION

Learning Objectives

1. Determine applicant eligibility, technical merit, cost efficiency, and risk potential.
2. Identify and discuss specific application package review documentation requirements.
3. Describe the communication / personnel involved in reviewing and approving the application package.

Handouts

- BFA 4-A – 516 FW 5 DUNS and SAM Registration Requirements
- BFA 4-B – FWS Establishing Written Evaluation and Selection Procedures for Competitive Financial Assistance Programs (Attachment 2)
- BFA 4-C – FWS Budget Review Guidance (Attachment 7)
- BFA 4-D – Indirect Costs and Negotiated Indirect Cost Rate Agreements (Attachment 8)
- BFA 4-E – FWS FA Recipient Risk Assessment Guidance (Attachment 10)
- BFA 4-F – FWS FA Recipient Risk Assessment Form FWS 3-2462

EXERCISE: Reviewing the Application Package

Use the following policy and guidance documents to answer the questions below. Cite your references.

- 516 FW 5 (Handout BFA 4-A),
- New Award Guidance (NAG) (Tab 10),
- Budget Review Guidance (Handout BFA 4-C)
- Notice of Funding Opportunity Template (Handout BFA 3-E),
- Indirect Cost Guidance (Handout BFA 4-D), and
- 2 CFR 200 (FA Toolkit)

1. Which FA applicants are exempt from DUNS and SAM registration? (516 FW 5)

   Answer: 516 FW 5.3B Private individual citizens, applying separately from a business they may own and operate are exempt.

2. Must competitive programs establish a written application review and selection process? When? Where must the merit review criteria and review and selection process used to evaluate applications be detailed? (NAG)

   Answer: NAG Prerequisites. Yes. The review and selection process must be established BEFORE posting a NOFO on Grants.gov. The criteria and process, including relative weights or points assigned, and how the criteria will be applied, must be detailed in the NOFO.

3. What must program staff be familiar with and consider when conducting a budget review? (Budget Review Guidance)

   Answer: NAG Step 4D and Budget Review Guidance section A. Employees reviewing proposed budgets must be familiar with and consider the Federal cost principles applicable to the applicant entity type. For for-profit entities, 48 CFR 31, Subpart 31.2; for hospitals, 45 CFR 75, Subpart E; and for all other entities, 2 CFR 200, Subpart E.

4. What are pre-award costs? How does an applicant qualify for pre-award costs? (NAG and 2 CFR 200)

   Answer: NAG Step 4D2 Generally, any award-associated costs incurred prior to the award period start date." Applicants demonstrate in the application that some pre-award activities were necessary and reasonable for accomplishing the overall program objectives and would have been approved had they occurred during the period of performance. See also 2 CFR 200.458.

5. Are NEPA, Section 7, and Section 106 documents required to be submitted with an application? (NOFO Template)

   Answer: No; however, the project narrative should provide enough detail so that the reviewers are able to determine the project's compliance. It is context dependent. See also 2 CFR 200, Appendix I section D(2)(iv).

6. Must we honor a recipient's federally-negotiated indirect cost rate? If a recipient voluntarily reduces their indirect rate to be charged against an award, what documentation must be submitted by the recipient and maintained in the official award file? (Indirect Cost Guidance)

   Answer: NAG Attachment 8, #12. YES. Applicants/recipients must submit a written statement, signed by the official having the authority to negotiate indirect cost rates for the organization, notifying the Service they will assess a reduced rate and to which award(s) it applies.

7. What section of 2 CFR 200 deals with risk assessment of financial assistance applicants? What should federal agencies consider when assessing the risk of applicants?

   Answer §200.205(c) lists the following: financial stability; quality of management systems; performance history; audit reports; and ability to implement federal statutes, regulations, etc.

Reviewing and Approving the Application Package

Program Offices are responsible for receiving, reviewing, and approving application packages. Included in the application package are proposal documents outlining in sufficient detail the need, objectives, approach, estimated costs, and other required information for the proposed project(s).

Program Offices review:

- Eligibility of the applicant
- Merit
- Budget
- Compliance
- Legal concerns
- Potential overlap/duplication of effort
- Risk assessment

The New Award Guidance Steps 4-6 and the New Award Checklist (FWS 3-2460) addresses each of these areas to assist Programs in the Pre-Award process.

Instructor notes: Several program office employees may assist to complete pre-award review tasks. Some reviews are conducted jointly with servicing offices.

Applicant Eligibility

Eligibility review consists of two components:

1. System for Award Management (SAM) review
    - Does the applicant have a current SAM registration, if applicable?
    - Does the applicant or key persons have any active exclusions?
2. Review of program requirements per the NOFO:
    - Is the application compliant with statutory and other requirements? Was it submitted by the deadline and is it complete?

GSA will replace DUNS with a new Unique Entity Identifier (UEI) in SAM starting in December 2020.

Instructor notes: SAM exclusions, including suspension and debarment, are reviewed first by the program, and again by the Financial Assistance Officer before funds are obligated and the award is made.

2 CFR 200.205, 200.213 | New Award Guidance Step 6

Merit Review

Competitive programs must establish, announce in the NOFO, and follow an Evaluation and Selection Plan to review the technical merit of the application. The Plan must include these five basic factors:

1. merit review factors and sub-factors,
2. the rating system (e.g. adjectival, color coding, numerical or ordinal),
3. evaluation standards for the assignment of rating system grades/scores,
4. program policy factors, and
5. the basis for selection.

Use the 'Establishing Written Evaluation and Selection Procedures' (Attachment 2 of the NAG) to establish a review and selection process.

NOTE: Upon receipt of a Memorandum of Appointment, each proposal evaluator and advisor must sign and return a 'Conflict of Interest Certificate' to the Financial Assistance Officer.

Instructor notes: The COI Certificate must be completed for each competitive review process in response to a NOFO. Actual/potential conflicts must be mitigated/resolved. Application copies must be returned to FWS or destroyed.

2 CFR 1402.204 | 2 CFR 200.204 | New Award Guidance Step 4B-C

Budget Review

Programs must review application budgets using the FWS 'Budget Review Guidance' (Attachment 7 of the New Award Guidance) and document this review. Competitive programs may conduct this review jointly with the merit review.

Broadly, Programs review for the following:

- Compliance with the Cost Principles.
- Program restrictions.
- Indirect costs, pre-award costs, and costs requiring prior approval.

Instructor notes: The extent of a budget review and related documentation will depend on the project's complexity and information required of the applicant.

DOI-AAAP-0062 | New Award Guidance Step 4D

Indirect Costs

Indirect costs are those incurred for a common or joint purpose benefiting more than one cost objective, and not readily assignable to the cost objectives specifically benefited without effort disproportionate to the results achieved.

An "indirect cost rate'' is a device for determining in a reasonable manner the proportion of indirect costs each program should bear. It is the ratio (expressed as a percentage) of the indirect costs to a direct cost base. The non-Federal entity negotiates this rate with their cognizant Federal agency, resulting in a negotiated indirect cost rate agreement (NICRA).

The FWS 'Indirect Cost Guidance' is Attachment 8 of the New Award Guidance.

Federal awarding agencies and pass-through entities MUST honor a recipient or subrecipient's federally-negotiated indirect cost rate. The only exceptions are:

- Statutory limitation
- DOI-approved rate limitation for program
  - Cooperative Ecosystem Studies Unit Network (CESUs)
  - Cooperative Fish and Wildlife Research Unit Program (CRUs)
- Recipient/subrecipient attributes some or all of their allowable indirect as voluntary committed cost share
- Recipient/subrecipient voluntarily charges less than their allowable indirect

In reviewing budgeted indirect costs, Program offices should consider:

1. the distribution base to be used (salaries/wages, salaries/wages and fringe benefits, or modified total direct costs),
2. the rate effective period, and
3. the location to which the rate applies.

Instructor notes: Budget reviewers should be able to recreate the total indirect costs estimated in an application based on the NICRA and budget narrative details.

2 CFR 1402.414 | 2 CFR 200.414 | New Award Guidance Attachment 8

Compliance Reviews

Due to the nature of the majority of work our programs fund, Program Offices must complete all legally required environmental and historical/cultural compliance reviews prior to award, OR before the recipient begins any potentially impactful activities under the approved award. ALL projects with activities being conducted within the United States, including U.S. embassies and military installations in foreign countries, must be reviewed.

Specifically, Programs must consider three Federal Laws related to these requirements:

- National Environmental Policy Act (NEPA)
- Section 7 of the Endangered Species Act (ESA)
- Section 106 of the National Historic Preservation Act (NHPA)

Programs must (1) note these considerations on the FWS Form 3-2460, and (2) include all relevant documentation in the official award file (or central file, as applicable).

FOR DISCUSSION: Compliance Documentation Requirements

What documentation is required for NEPA?

Discussion notes: Categorical exclusion (commonly on NEPA Checklist or Environmental Action Statement), Environmental Assessment/Finding of No Significant Impact, or Environmental Impact Statement. 43 CFR 46, 516 DM 8

What documentation is required for Section 7 of the ESA?

Discussion notes: Commonly on the Intra-Service Section 7 Biological Evaluation Form, following 50 CFR 402. Projects on the high seas must also be reviewed.

What documentation is required for Section 106 of the NHPA?

Discussion notes: FWS Form 3-2445 or by regional documentation process following 614 FW 3. Projects outside the U.S. on any property on the UNESCO World Heritage List or the in-country equivalent of the U.S. National Register of Historic Places (see also 54 U.S.C. 307101) must also be reviewed.

A few other award-dependent compliance considerations may include:

- Permits
- Engineering Diagrams
- Appraisals (in accordance with UASFLA, or 'Yellow Book', standards)
- Third party agreements
- E.O. 12372, Intergovernmental Review of Federal Programs (SPOC List)

Instructor notes: Applicants indicate in Box 19 of the SF-424 if their application is subject to review by the state under E.O. 12372. Appraisers must be licensed/certified by state; appraisal review report must meet AVSO standards

E.O. 12372 | 2 CFR 1402.329 | 519 FW 2 | NAG Step 4E

Legal Review

Legal reviews are generally optional. However, in cases of high complexity, intellectual property issues, potential conflicts of interest, etc., Programs may need to seek a legal review.

See 505 DM 2.8 D-E for Department guidance on legal reviews.

Potential Overlap/Duplication Review

Competitive programs must review the selected applicant's required statement and any other information provided regarding potential overlap or duplication between the proposal and other requests for funding.

Modification of the application, other pending applications, or an active award may be necessary.

Concerns about overlap/duplication in project activities, funding, or time commitment of key personnel with recommendations for resolution must be documented in writing in the official award file and Notice of Award, when appropriate.

Instructor notes: Research conducted through Science Applications programs is reviewed for duplication with USGS Climate Adaptation Science Centers.

New Award Guidance Steps 4F and 4G

Risk Assessment

Federal awarding agencies must review risk posed by applicants (2 CFR 200.205). Risk assessments fall broadly into two categories:

1. OMB-designated data repositories.
2. Risk assessment matrix (FWS Form 3-2462).

Federal awarding agencies use SAM to comply with the requirement to use OMB-designated data repositories when assessing applicant risk. Programs review the SAM Exclusions and Do Not Pay List. Federal funds cannot be awarded to a non-Federal entity that is suspended or debarred.

Programs use the Recipient Risk Assessment Guidance (NAG Attachment 10) to complete the risk assessment matrix and establish monitoring priorities of recipients.

Programs also review the Federal Awardee Performance and Integrity System (FAPIIS) for awards where the federal share is expected to exceed the simplified acquisition threshold ($250,000). Created through the 2009 Duncan Hunter Defense Authorization Act, FAPIIS tracks misconduct and performance issues by non-Federal entities.

A risk assessment matrix must be completed once per fiscal year for each recipient receiving one or more awards from the program that year. Recipients are rated Low, Medium or High in the following categories to determine their risk level:

1. Potential for implementation problems.
2. Financial management systems and funds management record.
3. Performance track record.
4. Staff level / key staff qualifications.
5. Delivery experience.
6. Award administration and reporting compliance.
7. Single audit reports review.
8. Review of any other audits required by legislation.

Instructor Notes: Based on the result of the risk assessment, incorporate the required monitoring activities applicable to the recipient in the NOA. This may include file reviews, desk reviews, virtual or on-site site visits, or on-site milestone progress assessment visits. Programs should prioritize their monitoring activities to high risk awards given limited resources. Review financial management §200.302.

Specific conditions may be applied to the award based on risk level (2 CFR 200.207).

An applicant's prior record of executing federal awards or integrity and business ethics issues that change our decision to make an award must be reported in FAPIIS, if the award would have been over $250,000. The "not qualified" applicant must be notified in accordance with 2 CFR 200.212(c).

Instructor Notes: For medium or high risk recipients, consider one or more specific conditions. Follow §200.207(c) for notification of conditions, and §200.207(d) for prompt removal of conditions once the recipient mitigates the risk factor.

2 CFR 1402.204(i) | 2 CFR 200.205, .212-.213 | DOI-AAAP-0068 | NAG Step 5

Final pre-award tasks

Once Programs have reviewed and selected the successful applicant(s), it's important to remember a few tasks prior to finishing the pre-award process.

1. Establish a payment method for the successful applicant(s).
2. Create a milestone plan in PRISM.
3. Compile required pre-award documentation and create an official award file.
4. Complete a Notice of Award (NOA) letter to be sent to the successful applicant.

New Award Guidance Steps 7, 9, 10, 13, 14

Key Learning Points

- ✓ Unless exempt, all applicants must have a valid DUNS number and an active registration in the System for Award Management (SAM).
- ✓ FWS must verify in SAM that applicants and key personnel are not excluded from receiving Federal awards.
- ✓ Competitive programs must establish a written application review and selection process prior to posting funding opportunities.
- ✓ All staff reviewers, peer reviewers, evaluators, panel members, and advisors must complete the DOI Conflict of Interest Certificate.
- ✓ Programs must document that an application's budget was reviewed in accordance with DOI policy and the NAG Budget Review Guidance.
- ✓ If charging indirect costs, the recipient must have an approved indirect cost rate from their cognizant Federal agency.
- ✓ Compliance requirements will vary depending upon the project type. Review documentation must be maintained.
- ✓ Potential overlap or duplication of effort between an applicant's proposal and other requests for funding must be reviewed with concerns and resolution recommendations documented.
- ✓ Risk assessments are used to determine the level of monitoring needed for the recipient and special conditions that may be incorporated into the award.
- ✓ Award file documentation must be housed in the appropriate file locations.

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5.1 What is the purpose of this chapter? This chapter provides the information employees working with grant and cooperative agreement awards need to:

A. Monitor recipients for compliance with the Data Universal Numbering System (DUNS) and System for Award Management (SAM) registration requirements, and

B. Implement the Department of the Interior's Guidance Release 2012-08: *DUNS and Central Contracting Registration (CCR) Requirements for Grants and Cooperative Agreements*.

5.2 What are the objectives of this chapter? Our objectives are to:

A. Ensure employees working with grants and cooperative agreements are aware of the DUNS and SAM registration requirements and of their responsibilities to communicate the requirements to applicants and recipients,

B. Establish and implement a process for waiving the DUNS and SAM registration requirements for qualified entities, and

C. Implement centralized Servicewide monitoring to ensure grant and cooperative agreement award recipients maintain active SAM registrations.

5.3 What is the scope of this chapter? This chapter:

A. Covers all programs that administer and manage grant and cooperative agreement awards, but

B. Does not apply to any individual applying for or receiving Federal funds under a grant or cooperative agreement award separate from a business or non-profit organization he/she may operate. The Office of Management and Budget (OMB) exempts these individuals from the DUNS and SAM registration requirements.

5.4 What are the authorities for this chapter?

A. Pre-Award Responsibilities, Universal Identifier and Central Contractor Registration (2 CFR Part 25).

B. U.S. Department of the Interior Guidance Release 2012-08:*DUNS and CCR Requirements for Grants and Cooperative Agreements*.

5.5 Who is responsible for ensuring recipient compliance with the DUNS and SAM registration requirements? See Table 5-1.

Table 5-1: Responsibilities for Ensuring Recipient Compliance with the DUNS and SAM Registration Requirements

These employees . . .	Are responsible for . . .
A. The **Director**	Making sure the Service has policy in place for programs that administer grant and cooperative agreement awards to ensure recipient compliance with the DUNS and SAM registration requirements.
B. The **Assistant Director – Wildlife and Sport Fish Restoration Program (AD - WSFR), through the Division of Administration and Information Management, Branch of Financial**	**(1)** Developing policy on the DUNS and SAM registration requirements, and **(2)** Overseeing Service implementation of the policy.

Table 5-1: Responsibilities for Ensuring Recipient Compliance with the DUNS and SAM Registration Requirements	
These employees . . .	**Are responsible for . . .**
Assistance Policy and Oversight (FAPO) and Financial Assistance Systems	
C. Directorate members in Headquarters and the Regions	Making sure employees who issue, administer, and manage grant and cooperative agreement awards are aware of and follow the requirements in this policy.

5.6 What is DUNS and its registration requirement?

A. DUNS is a system developed and regulated by Dun & Bradstreet (D&B) that assigns a unique nine-digit number, referred to as a "DUNS number," for each of an entity's physical locations. The number is associated with key business information, such as name and address.

B. Regulations require entities that either apply for or receive Federal funds under grant and cooperative agreement awards, or receive subawards directly from entities that receive grant and cooperative agreement awards, to obtain a valid DUNS number, unless the entity is exempt (see section 5.3B) or the Service waives the requirement (see section 5.8).

C. Entities that have to register to get Federal contracts, grants, and cooperative agreement awards can get a DUNS number for free. Information about how to obtain a DUNS number is available on the company's Web site.

5.7 What is SAM and its registration requirement?

A. SAM is a Federal procurement and financial assistance Web site that consolidates the functionality that was previously in such systems as the CCR, Federal Agency Registration (Fedreg), the Online Representations and Certifications Application (ORCA), and the Excluded Parties List System (EPLS).

B. Regulations require entities that apply for or receive Federal funds under grant and cooperative agreement awards to register and maintain current information in SAM unless the entity is exempt (see section 5.3B) or the Service waives the requirement (see section 5.8).

C. To maintain an active registration in SAM, recipients must review and update their SAM information at least annually after the initial registration, and more frequently when information changes.

5.8 May the Service waive the DUNS and SAM registration requirements for an entity?

A. Yes, but because we need to ensure transparency of Federal funding, we may only approve a waiver if one of the following criteria is met:

(1) We must protect information about the entity from disclosure to avoid compromising classified information or national security or jeopardizing the personal safety of the entity's clients, or

(2) A foreign entity is applying for or receiving an award for less than $25,000, the project will be conducted outside of the United States, and we find it impractical for the entity to comply with the requirement (see section 5.10 for information about what has to happen if the award reaches $25,000 or more).

B. If one of the criteria above is met:

(1) We can waive the requirement for both the DUNS and SAM registration, or

(2) If the recipient has a DUNS number but cannot register in SAM, we can waive just the SAM registration requirement.

5.9 What is the process to request a waiver?

A. To request a waiver, the program must:

(1) Obtain from the entity a written justification supporting the criterion/criteria (see section 5.8A).

(2) Complete FWS Form 3-2451, *Financial Assistance Recipient DUNS/SAM Registration Waiver*. The managing Directorate member must sign and date the waiver request form. Someone "Acting" for him/her may sign the form in his/her absence, but the signature cannot be delegated below the "Acting" level.

(3) Route the written justification and completed waiver request form in the Data Tracking System (DTS) to the AD-WSFR.

B. The AD-WSFR will send the request to the Branch Chief, FAPO. FAPO staff will:

(1) Recommend to the AD-WSFR whether or not to approve the waiver request based on the criteria in section 5.8A, and

(2) Maintain a list of all approved and denied waivers.

C. The AD-WSFR or his/her Acting must approve or deny the waiver request by signing and dating the waiver form.

D. After the program receives the waiver decision from the AD-WSFR, program staff must:

(1) Maintain the form in the official award file, and

(2) Send the entity a copy of the form.

5.10. What happens if a foreign entity receives a waiver, but the total Federal award amount is later increased to $25,000 or more? Once the cumulative total Federal award amount becomes equal to or greater than $25,000, the waiver is automatically revoked, and the foreign entity must register in SAM. To ensure compliance with the funding limit, FAPO monitors all financial assistance awards to foreign recipients with waivers to ensure they do not reach or exceed the $25,000 limit.

A. When such an award equals or exceeds the $25,000 limit, FAPO must:

(1) Notify the Grants Specialist or other managing officer that the recipient's waiver is revoked and that the recipient needs to register in SAM to continue receiving payments,

(2) In coordination with any other impacted Departmental bureau(s), request that the Financial and Business Management System (FBMS) Vendor Master Data Maintenance team place a payment block on the recipient's vendor record in FBMS, and

(3) After the recipient registers in SAM, work with the FBMS Vendor Master Data Maintenance team to make necessary updates to the recipient's FBMS vendor record and remove the payment blocks.

B. The program that initiated the waiver request must:

(1) Communicate with the recipient until their SAM registration is complete, and

(2) After the recipient registers in SAM, notify FAPO that the registration is complete and provide the recipient's DUNS number if the recipient was not previously registered in DUNS.

5.11 What must Service programs do to ensure applicant and recipient compliance with the DUNS and SAM registration requirements? We must:

A. Include the DUNS and SAM registration requirements in the full *Notice of Funding Availability and Application Instructions* document that is attached to the Grants.gov synopsis when we post a funding opportunity on Grants.gov,

B. Include reference to the 2 CFR Part 25, Appendix A award term in every grant and cooperative agreement award notice,

C. Unless the entity is exempt or receives a waiver (see sections 5.3B and 5.8), and before obligating funds for a new award:

(1) Confirm that the entity has an active registration in SAM. Search for the entity in SAM (typically by searching by the DUNS number the entity puts on their application),

(2) Make sure that the DUNS number associated with the entity's active SAM registration matches the DUNS number on the FBMS vendor record for the award, and

(3) Include the following statement in every notice of award:

> *Under the terms and conditions of this award, your organization must maintain an active SAM registration until the final financial report is submitted or final payment is received, whichever is later. If your organization's SAM registration expires during the required period, the U.S. Fish & Wildlife Service will suspend payment under this and all other Service awards to your organization until you update your organization's SAM registration.*

D. Before releasing an award revision, confirm that the recipient's SAM registration is still active. We must not provide additional funding or extend an award period of performance to a recipient with an inactive SAM registration.

E. Monitor SAM registration expiration dates and remind recipients with upcoming expiration dates of their responsibility to maintain an active SAM registration. We can use the FBMS Enterprise Management Information System (EMIS) reporting to monitor SAM registration expiration dates.

F. FAPO staff may test for compliance with the SAM registration requirements. If FAPO detects an expired SAM registration, they will notify the affected Grants Specialist(s) or other managing officer that the recipient is out of compliance.

5.12 What happens when a recipient's SAM registration expires? FBMS automatically places blocks that prevent the obligation of new funds to the recipient and the release of payments requested through the Interior Business Center (IBC).

5.13 What must the Service do when a recipient's SAM registration expires? We must:

A. Hold all payment requests that the IBC will process until the recipient updates their SAM registration.

B. For recipients receiving funds through the U.S. Treasury's Automated Standard Application for Payment (ASAP) system, block all payments to the recipient by placing their awards on "Agency Review" status until the recipient updates the SAM registration.

C. As soon as practical, but no later than 30 calendar days from the date that the inactive SAM registration was identified, issue a letter, fax, or email notice of noncompliance (with appropriate return receipt) to the recipient. The noncompliance notice must state that:

(1) The recipient is noncompliant with the conditions of their award (reference 2 CFR Part 25);

(2) All payments have been suspended under the award;

(3) The recipient is ineligible to receive any further obligations under existing or future Service awards until they come into compliance;

(4) We reserve the right, without further notice, to convert the suspension to a termination of the award if the recipient does not update their SAM registration or provide an acceptable explanation for the delay within 30 calendar days of receipt of the suspension notice;

(5) The recipient must notify us in writing as soon as they have updated their SAM registration; and

(6) We will lift the award suspension, and the recipient will again be eligible for current and future Federal funding, as soon as their SAM registration is active.

D. Reject in ASAP any payment requests the recipient submits while on "Agency Review" status (the recipient will have to resubmit the request(s) once the payment block is removed).

E. After the recipient has updated their SAM registration, verify that the recipient's FBMS vendor record is updated and that the ASAP payment blocks have been removed. FBMS payment blocks should be automatically removed once the vendor's updated SAM information is interfaced into FBMS.

F. If within 30 calendar days of receipt of the noncompliance notice the recipient does not notify us that their SAM registration has been updated or provide an acceptable explanation for the delay, we must:

(1) Convert the suspension or sanction(s) to a termination of award,

(2) Withhold any other pending awards that the affected Service program would make to the recipient, and

(3) Send a termination notice to the recipient of these actions.

5.14 Is the Service responsible for paying interest due because of a payment delay caused by an inactive SAM registration? No. To receive payment, the recipient is responsible for complying with the terms and conditions of the award.

5.15 May the Service reinstate a terminated award? No. Once we terminate an award, we may not reinstate it.

5.16 If, during a period of suspension or termination, a recipient incurs costs authorized under an award, are the costs allowable and eligible for reimbursement? We may reimburse the recipient for allowable and eligible costs during a suspension or termination, but only if:

A. The costs cannot be reasonably avoided;

B. The costs were from obligations the recipient made before the suspension or termination action and not in anticipation of either action. For terminations, the costs must be the type that the recipient could not cancel;

C. The costs would have been allowable if the award were not suspended or terminated; and

D. We notify the recipient (with appropriate return receipt) through mail, fax, or email that we authorize reimbursement of the costs.

/sgd/ Stephen Guertin
DEPUTY DIRECTOR

Date: September 30, 2013

December 21, 2017

U.S. Fish and Wildlife Service

Financial Assistance Business Process

Establishing Written Evaluation and Selection Procedures for Competitive Financial Assistance Programs

Point of Contact

Send any questions about this guidance by email to the Wildlife and Sport Fish Restoration Program (WSFR), Division of Financial Assistance Support and Oversight (FASO), Policy Branch Chief. See the Policy Branch 'Contact Us' Intranet page at https://inside.fws.gov/index.cfm/go/post/FASOPOL-ContactUs for contact information.

Document Change Log

The Policy Branch will update this document over time to incorporate changes resulting from any new government-wide regulations or new Department of the Interior or Service policy. We will post updated versions of this document on the Intranet at https://inside.fws.gov/go/post/FASOPOL-NewAwards and will log updates made to this guidance in the following table:

Date Changed	Description of Change Made

Scope

This guidance applies to all Service programs that administer and manage competitive grants and cooperative agreements (financial assistance).

Guidance

Competitive financial assistance programs must design and execute formal evaluation and selection procedures. Those procedures must be documented in writing, and described or incorporated by reference in the full text of all program notices of funding opportunities (see 2 CFR 200.203 and 200.204). Such procedures must meet the requirements of Department policy DOI-AAAP-0009, Financial Assistance Application and Merit Review Process, and address all related requirements in 2 CFR 200, Appendix I. Programs must keep their written review and selection procedures current. However, to maintain transparency and fairness, programs should avoid changing procedures or selection criteria in the middle of a competition cycle or year. This guidance was developed to help you consider the requirements in 2 CFR 200 and DOI policy DOI-AAAP-0009, and address them in your program's written review and selection procedures.

Program Priorities and Focus Areas

Detail the program's priorities and focus areas for financial assistance and how they align with Service and Department priorities. This should include any areas mandated by Congress (e.g., in the program's establishing or authorizing legislation). Include citations and links to related resources, such as authorizing statutes, regulations, or strategic plans.

I. Evaluation Plan

Programs must establish an evaluation plan comprised of five basic elements: 1) merit review factors and sub-factors; 2) a rating system for competitive applications (e.g., adjectival, color coding, numerical, or ordinal); 3) evaluation standards or descriptions which

explain the basis for assignment of the various rating system grades/scores; 4) program policy factors; and 5) the basis for selection.

While criteria will vary, they should primarily focus on the project's underlying merit-the ability to address program priorities with high success, and achieve program goals (i.e., significance, approach, and feasibility) and on the project's broader importance or potential impact. All criteria should be communicated in clear, plain language so they may be interpreted similarly by applicants and reviewers. Describe the program's evaluation plan, including:

1. What are the program's evaluation and selection criteria?
2. How are applications scored/ranked? What rating/ranking method is used? See DOI-AAAP-0009, Financial Assistance Application and Merit Review Process, Attachment Financial Assistance Merit Review Criteria.
3. Do you have a clear description for each score category?
4. Do you have an evaluation sheet that reviewers must use to review and evaluate applications? If so, how often is that document updated? If not, how are reviewer evaluations collected/documented?
5. Are any other factors considered in addition to reviewer scores/rankings prior to final selection? If so, how are those considerations documented?
6. Who has final approval responsibility?

II. Application Submission and Receipt

Describe the general procedures for receiving applications, including:

1. How may/must applicants submit their applications (e.g., email, Grants.gov)?
2. Does the program set specific application deadlines or are applications received on a rolling or unsolicited basis throughout the year?
3. Do you accept and consider applications received after the deadline? If so, under what situations or circumstances? Who makes that decision?
4. Does the program send notices of application receipt to applicants? If so, how are they notified?
5. How are applications tracked through the review and selection process? Are they assigned a unique ID? Where and how are applications maintained?

III. Initial Screening

Describe any initial application screening process, including:

1. Is an initial screening is conducted to ensure the application and/or applicant is eligible for consideration? If so, who conducts the eligibility screening - Grants Specialist, Project Technical Staff, Contract Specialist, or other staff?
2. If an applicant or an application is found ineligible, who notifies the applicant and how? How do you justify/document the decision?
3. Are incomplete applications rejected outright, or are applicants given the opportunity to submit missing or additional information? If rejected outright, how is the applicant

notified? **Note:** If incomplete applications are not eligible for consideration, this must be clearly stated in the NOFO.

IV. Review Committee

1. Does the program convene a review committee? If so, what type of committee? Refer to section C of the DOI-AAAP-0009 attachment for information on the conditions that would warrant establishing a specific type of committee. Standing committees may be required in program legislation and are generally subject to Federal Advisory Committee Act requirements, unless otherwise exempted in program legislation or regulation (see U.S. Code Title 5-Appendix).
2. Has the program established a minimum number of reviewers required to convene a review panel/committee meeting?
3. How are reviewers recruited? Are they always from within the program or are other Federal and/or non-Federal employees invited to participate?
4. What criteria are used to select reviewers? How do you verify their qualifications? How do you document the selection? Do you consider potential for conflicts of interest when recruiting reviewers?
5. What are the review committee responsibilities? Is the budget review conducted by the same committee? If so, are review committee members qualified to conduct the budget review in accordance with DOI-AAAP-0062 and the Service's Budget Review Guidance?

   Note: Competitive programs must determine whether to conduct the required merit review together or separately from the required budget review. A joint review can reveal inconsistencies between the proposed project plan and budget, or areas for potential cost savings that may not otherwise be identified. If not conducted together, programs must ensure that written results of both reviews are available before making approval decisions.
6. Do employees who will or may be assigned Agreements Technical Representative responsibilities for projects selected for funding participate in the review committee? If so, what limitations are placed on their role as reviewer? Do they score applications, provide information only (past performance details, for example) or make final funding recommendations?
7. What procedures have been established to identify potential reviewer conflicts of interest (e.g., reviewers are asked to review the list of applicants and applications for potential conflicts before review phase begins)? At what stage of the process are signed DOI Conflict of Interest Certifications collected from reviewers? Where are these documents maintained?
8. How and where are identified conflicts documented? What is the process used to address identified conflicts of interest and those that arise during the review? (e.g., reviewer recuses his/herself from commenting or scoring the application)?

V. Review and Selection Procedures

1. What instructions or other information are provided to reviewers before they begin reviewing applications?
2. How many reviewers evaluate each application?

3. How much time are reviewers generally given to review applications?
4. Are individual reviewer comments or scores collected in advance of review meetings? Are those comments or scores compiled and shared with all reviewers prior to or at the review meeting?
5. Is there a meeting chairperson or minute taker for review panels? If so, how are those roles assigned and what are their responsibilities?
6. Can reviewers suggest modifications to project scope or budget during the review? How are requested revisions to applications handled and documented? Does the review committee have to review revised applications?
7. How are final funding decisions made and by whom?
8. How are applicants notified of funding decisions? Is there a maximum timeframe for reviewing and notifying applicants of decisions? If so, how does the program track compliance with that requirement? What information is routinely provided to unsuccessful applicants?
9. Are annual funding decisions made available to the public? If so, when is that information generally made available and how (e.g., website, annual report)?
10. What documents are generated during the review and selection process and how are they maintained?

    Note: Record of decision documents must meet applicable record retention schedules per the Service's Records Schedule 283 FW 2, Appendix 1. This includes: a) individual reviewer's score and justifications; b) summary scores and justification captured during the panel discussion; c) merit review results; d) budget review summaries, d) signed reviewer conflict of interest certifications; e) committee/panel meeting minutes and decisions; f) signed approval memoranda.

Last Updated: October 5, 2018
WSFR/FASO/Policy Branch

U.S. Fish and Wildlife Service

Financial Assistance Business Process
Budget Review Guidance

Point of Contact

Email questions about this guidance to the Chief, Policy Branch, Financial Assistance Support and Oversight (FASO), Wildlife and Sport Fish Restoration Program (WSFR). For contact information, see the FASO-Policy Branch InsideFWS Contact Us page.

Document Change Log

The FASO-Policy Branch will update this document over time to incorporate changes resulting from any new government-wide regulations or new Department of the Interior or Service policy. We will post updated versions of this document on the FASO-Policy Branch Intranet page for New Awards and log updates made to this guidance in the following table:

Date Changed	Description of Change Made
10-01-2018	Updated subsection A under Guidance to reflect the cost principles applicable to each entity type; updated web links; made other minor edits/corrections throughout guidance.
01-06-2017	Updated to incorporate changes resulting from new DOI policy DOI-AAAP-0062, Financial Assistance Pre-Award Budget Review (opens in Google Chrome only for employees logged into network). Updated document and form links, as needed.

Scope

This guidance applies to all Service mandatory and discretionary financial assistance programs and awards.

Guidance

A. We must conduct a pre-award review of proposed project budgets following the requirements in the Department of the Interior Policy DOI-AAAP-0062, Financial Assistance Pre-Award Budget Review. The budget review may be conducted at the same time or separately from the required merit review (see Issuing a New Financial Assistance Award Guidance). Employees reviewing proposed budgets must be familiar with and consider the Federal cost principles applicable to financial assistance awards (For for-profit entities, see 48 CFR 1, Subpart 31.2. For hospitals, see 45 CFR Part 75, Subpart E. For all other entities, see 2 CFR 200, Subpart E).

B. We must document in writing the details of all budget reviews regardless of the extent or outcome. This documentation must include: the review date; the reviewer name(s); and reference the proposal being reviewed (e.g., applicant name and unique project title, or unique application number assigned by the program).

C. The extent of any budget review and related documentation will depend on the project complexity and the amount of budget-related information required from the applicant. At a minimum we must consider, and summarize in writing the results of our consideration of, the following:

1. Does the proposed budget comply with any program matching or cost-sharing requirements or any limitations, exclusions, or special conditions, as required in program authorizing legislation or regulation and detailed in the program's Notice of Funding Opportunity?

2. Are budget figures calculated correctly?

3. Do the proposed costs seem necessary and reasonable for the proposed project activities? Are they clearly linked to the proposed project?

4. Is the applicant requesting continuing support for a currently or previously funded project? If so, consider and document the impact that any incomplete or outstanding activities or remaining balance(s) of funds under previously funded projects might have on our approval of the proposed budget.

5. Does the budget or application identify any obviously unallowable costs, as defined in the applicable cost principles for the entity type or program legislation?

6. Will the project generate program income (see 2 CFR 200.307)? If so, does the applicant propose to use it in accordance with any program requirements or restrictions?

7. Has the applicant requested pre-award costs? If so, do they meet all conditions for approval (see 2 CFR 200.458)?

   Note: We must not fund an entire project retroactively. Applicants cannot request 100% of the total project costs as pre-award costs (i.e., the entire project was completed before the application receipt date), unless has allowed through authorizing legislation or program regulations.

   Note: Completing the "Pre-award costs" item on FWS Form 3-2460, Checklist for a New Financial Assistance Award only documents the circumstance applicable to a resulting award. It is not duplicative of, nor a replacement for, documenting the details of the pre-award cost area review.

8. Does the budget include any costs requiring prior written approval (see 2 CFR 200.407)? If so, what are those costs and do you approve them?

9. Does the budget include indirect costs? If so:

   a) Did the applicant clearly indicate the rate used to calculate proposed indirect costs?

   b) Is the applicant eligible to charge indirect costs at the rate proposed?

   c) Did the applicant provide supporting documentation, if required?

   d) Are proposed indirect costs applied/calculated against the correct direct cost base (in accordance with their approved NICRA or against MTDC as defined in 2 CFR 200.68, when opting for the 10% *de minimis* rate)? Note: Applicants proposing to charge a reduced indirect cost rate must apply the reduced rate against the same direct cost base as identified in their approved rate agreement, or against MTDC as defined in 2 CFR 200.68, if they have

never negotiated a rate agreement or if approved in advance by the Service (See the **Indirect Costs and NICRAs Guidance** posted on the Policy Branch InsideFWS page for New Awards.).

Note: Completing the "Indirect cost rate circumstance" item on FWS 3-2460 only documents the rate circumstance applicable to a resulting award. It is not duplicative of, nor a replacement for, documenting the details of the indirect cost area review.

10. Did you have to contact the applicant for corrections, more information, or negotiated revisions? If so, did you receive all information required from the applicant? Have you clearly identified the final approved budget?

Note: We may require the applicant to revise their proposed scope of work, project narrative, budget, and/or timeline following review, if necessary. In such cases, we must ensure that the final approved documents are clearly labeled and incorporated into awards, either as attachments or by reference, and maintained in the official award file.

D. Use the "Budget review" item on FWS 3-2460 to document compliance with the requirements in this guidance and DOI-AAAP-0062. For programs that conduct their own budget reviews and rely on servicing offices to process their awards, the servicing office may request a copy of the program office's budget review documentation. However, servicing offices should not require program office employees to complete/sign any other "Budget Certification" form.

E. Use the Notice of Award to address/document the following, as needed:

a. Approval of the final budget,

b. Recipient match requirements or any voluntary committed cost-sharing,

c. Approval or disapproval of any budget items or budget deviations that require prior approval,

d. Program income use instructions consistent with 2 CFR 200.307, or

e. Disposition instructions for equipment and assets purchased in part or completely with award funds, if such instructions are available at the time of award.

F. Recipients are responsible for administering Federal funds in a manner consistent with underlying agreements, program objectives, and the terms and conditions of the Federal award, including the applicable cost principles.

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U.S. Fish and Wildlife Service

Financial Assistance Business Process

Indirect Costs and Negotiated Indirect Cost Rate Agreements

Point of Contact

Email questions about this guidance to the Chief, Policy Branch, Financial Assistance Support and Oversight (FASO), Wildlife and Sport Fish Restoration Program (WSFR). For contact information, see the FASO-Policy Branch InsideFWS Contact Us page.

Document Change Log

The FASO-Policy Branch will update this document over time to incorporate changes resulting from any new government-wide regulations or new Department of the Interior or Service policy. We will post updated versions of this document on the FASO-Policy Branch InsideFWS page for New Awards and log updates made to this guidance in the following table:

Date Changed	Description of Change Made
10-01-2018	Added Wiki link on *10% de minimis* rate to Question 2B as a reference tool for users.
01-06-2017	Updated responses to Q1 and Q4 to clarify the purpose of establishing an indirect cost rate and to incorporate a new applicant statement option added to the NOFO Template.
9-30-2015	Added clarification to Question 4 response related to recipients requesting/charging less than their negotiated rate as allowed under DOI-AAAP-0007. Inserted new Q&A related to creating a form to collect indirect cost rate statements from applicants; updated DOI Indirect Cost Services contact information.
2-20-2015	Incorporate new 2 CFR 200 and DOI-AAAP-0007 definitions, allowances, restrictions, and requirements; Simplify the indirect cost statements to be submitted by applicants; Reorganize questions to improve document flow; and Revise some questions and answers to improve clarity.

Definitions

Term	Definition
Cognizant agency for indirect costs	See also 2 CFR 200.19. Cognizant agency for indirect costs means the Federal agency responsible for reviewing, negotiating, and approving cost allocation plans or indirect cost proposals developed under this part on behalf of all Federal agencies. For assignments of cognizant agencies see the following: • 2 CFR 200, Appendix III—Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHEs), paragraph C.11. • 2 CFR 200, Appendix IV—Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Nonprofit Organizations, paragraph C.12. • 2 CFR 200, Appendix V—State/Local Governmentwide Central

Term	Definition
	Service Cost Allocation Plans, paragraph F.1. • 2 CFR 200, Appendix VII—States and Local Government and Indian Tribe Indirect Cost Proposal, paragraph D.1. • 45 CFR Part 75, Appendix E—Principles for Determining Cost Applicable to Research and Development Under Grants and Contracts with Hospitals. • For-profits: Contact the National Interior Business Center (IBC), Indirect Cost Services at (916) 566-7111 or ics@ibc.doi.gov.
Direct costs	See also 2 CFR 200.413. Direct costs are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy. Costs incurred for the same purpose in like circumstances must be treated consistently as either direct or indirect (F&A) costs.
Indirect costs	See also 2 CFR 200.414. Indirect (facilities & administrative (F&A)) costs means those costs incurred for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefitted without effort disproportionate to the results achieved. To facilitate equitable distribution of indirect expenses to the cost objectives served, it may be necessary to establish a number of pools of indirect (F&A) costs. Indirect (F&A) cost pools must be distributed to benefitted cost objectives on bases that will produce an equitable result in consideration of relative benefits derived.

1. Can a grant or cooperative agreement award (award) recipient charge all costs directly?

Yes. A recipient with a single or a few external funding sources should be able to allocate costs to specific objectives and charge all costs directly. Recovery of costs through the establishment of an indirect cost rate is needed when an entity has multiple or numerous sources of funding and the effort to allocate costs to specific objectives becomes disproportionate to the results.

2. What requirements must a recipient meet before charging indirect costs to an award?

A recipient who receives an award as an individual, separate from a business or non-profit organization he/she may operate, is not eligible to charge indirect costs to their award. All other recipients must either:

A. Show that the indirect cost rate they seek to charge is proper by submitting to their cognizant agency an indirect cost rate proposal that includes financial documentation and analysis showing that the desired rate and the direct cost base against which it will be calculated are supported, accurate, and reasonable. Once the proposal is approved by the cognizant agency it is referred to as a negotiated indirect cost rate agreement; or

B. If eligible, accept as a condition of award a flat 10% *de minimis* indirect cost rate to be charged to modified total direct costs as defined in 2 CFR 200.68. This option is available only to recipients who have never negotiated a rate with their cognizant agency and have indicated on their application that, in the event an award is made, they will not be able to meet the requirement to submit an indirect cost rate proposal to their cognizant agency within 90 calendar days after award. The *de minimis* rate option is available to all entities that have never negotiated a rate with their cognizant agency except U.S. state and local governments receiving more than $35 million in direct Federal funding per year (see 2 CFR 200.414(f)). For more information about the *de minimis* rate, please read *10% De Minimis Indirect Cost Rate* on the Service's Wiki for Financial Assistance.

3. Is an applicant required to have a federally-negotiated indirect cost rate when they apply for funds?

No. Applicants must have an active Federal award before they can submit an indirect cost rate proposal to their cognizant agency. An applicant who has never received Federal funds, or an applicant whose previously negotiated rate has expired, will not have a federally-negotiated indirect cost rate when they apply for funding.

4. What indirect cost-related information must applicants submit to the Service?

All applicants, except individuals applying for funds separate from a business or non-profit organization he/she may operate, must include in their application one of the following statements, and attach to their application any required documentation identified in the applicable statement:

"We are:

- ☐ A U.S. state or local government entity receiving more than $35 million in direct Federal funding each year with an indirect cost rate of [insert rate]. We submit our indirect cost rate proposals to our cognizant agency. A copy of our most recently approved rate agreement/certification is attached.
- ☐ A U.S. state or local government entity receiving less than $35 million in direct Federal funding with an indirect cost rate of [insert rate]. We are required to prepare and retain for audit an indirect cost rate proposal and related documentation to support those costs.
- ☐ A [insert your organization type; U.S. states and local governments, please use one of the statements above or below] that has previously negotiated or currently has an approved indirect cost rate with our cognizant agency. Our indirect cost rate is [insert rate]. [Insert either: "A copy of our most recently approved but expired rate agreement is attached. In the event an award is made, we will submit an indirect cost rate proposal to our cognizant agency within 90 calendar days after the award is made" *OR* "A copy of our current, approved rate agreement is attached"].
- ☐ A [insert your organization type] that has never submitted an indirect cost rate proposal to our cognizant agency. Our indirect cost rate is [insert rate]. In the event an award is made, we will submit an indirect cost rate proposal to our cognizant agency within 90 calendar days after the award is made.

- ☐ A [insert your organization type] that has never submitted an indirect cost rate proposal to our cognizant agency and has an indirect cost rate that is lower than 10%. Our indirect cost rate is [insert rate; must be lower than 10%]. However, in the event an award is made, will not be able to meet the requirement to submit an indirect cost rate proposal to our cognizant agency within 90 calendar days after award. We request as a condition of award to charge a flat indirect cost rate of [insert rate; must be less than 10%] of [insert a clear description of the direct cost base against which your rate is charged (e.g., salaries; salaries and fringe benefits; or modified total direct costs). However, please note that your organization cannot charge indirect costs in excess of the indirect costs that would be recovered if applied against modified total direct costs as defined in 2 CFR 200.68]. We understand that we must notify the Service in writing immediately if we establish an approved rate with our cognizant agency at any point during the award period.
- ☐ A [insert your organization type] that has never submitted an indirect cost rate proposal to our cognizant agency and has an indirect cost rate that is 10% or higher. Our indirect cost rate is [insert your organization's indirect rate; must be 10% or higher]. However, in the event an award is made, we will not be able to meet the requirement to submit an indirect cost rate proposal to our cognizant agency within 90 calendar days after award. We request as a condition of award to charge a flat *de minimis* indirect cost rate of 10% of modified total direct costs as defined in Title 2 of the Code of Federal Regulations Part 200, section 200.68. We understand that we must notify the Service in writing immediately if we do establish an approved rate with our cognizant agency at any point during the award period. We understand that additional Federal funds may not be available to support an unexpected increase in indirect costs during the project period and such changes are subject to review, negotiation, and prior approval by the Service.
- ☐ A [insert your organization type] that is submitting this proposal for consideration under the [insert either "Cooperative Fish and Wildlife Research Unit Program" or "Cooperative Ecosystem Studies Unit Network"], which has a Department of the Interior-approved indirect cost rate cap of [insert program rate]. If we have an approved indirect cost rate with our cognizant agency, we understand that we must apply this reduced rate against the same direct cost base as identified in our approved indirect cost rate agreement. If we do not have an approved indirect cost rate with our cognizant agency, we understand that the basis for direct costs will be the modified total direct cost base defined in 2 CFR 200.68, "Modified Total Direct Cost (MTDC)". We understand that we must request prior approval from the Service to use the MTDC base instead of the base identified in our approved indirect cost rate agreement, and that Service approval of such a request will be based on: 1) a determination that our approved base is only a subset of the MTDC (such as salaries and wages); and 2) that use of the MTDC base will still result in a reduction of the total indirect costs to be charged to the award. In accordance with 2 CFR 200.405, we understand that indirect costs not recovered due to a voluntary reduction to our federally negotiated rate are not allowable for recovery via any other means.
- ☐ A [insert your organization type] that will charge all costs directly.

5. **Can we create a form that contains the indirect cost rate statements listed in the response to Question 4 above to collect the required information from our applicants?**
   You can use such a form only if your program has obtained approval for the form from the Office of Management and Budget (OMB). 5 CFR 1320, Controlling Paperwork Burdens on the Public, requires financial assistance programs to submit to the Office of Management and Budget (OMB) for review and clearance for the collection of the following types of information from applicants and recipients:

   - Application project and budget narratives and any other required documentation other than that found on OMB-approved Government-wide application forms (Standard Form (SF) 424 "Family");
   - Program-specific application forms;
   - Recipient technical/progress/performance reporting;
   - Any other program or project-specific reporting required other than the information requested on OMB approved Government-wide recipient forms such as, but not limited to, the SF 425 (Federal Financial Report), SF 270 (Request for Advance or Reimbursement), SF 271 (Outlay Report and Request for Reimbursement for Construction Programs) , SF 428 (Tangible Personal Property Report), or SF 429 (Real Property Status Report); and
   - Written requests for changes to project and budget narratives required prior to award amendment other than the information requested on OMB approved Government-wide application forms (SF 424 Family).

   For more information on OMB clearance, see the FASO-Policy Branch InsideFWS page for OMB Information Collection.

6. **How do we approve a proposed budget from an entity that does not have a federally-negotiated indirect cost rate, but has indicated in their application that they will submit an indirect cost rate proposal after the award is made?**
   For entities that do not have a federally-negotiated rate at the time of application, either because they never had one or their previously negotiated rate has expired, we can conditionally approve the organization's proposed budget for both direct and indirect costs. The program will obligate funds for all expected direct and indirect costs, but will include an award condition that prohibits the recipient from charging any indirect costs until they have established a rate. If the recipient does not establish a rate during the award period, all indirect costs will be unallowable and the program may either: 1) deobligate the Federal amount budgeted for indirect costs and, if not otherwise prohibited by legislation or regulation, allow the recipient to use costs otherwise allocable as indirect costs to satisfy cost-sharing or matching requirements; or 2) allow the recipient to transfer the amount otherwise allocable as indirect costs to direct costs. Service approval of such budget changes will depend on the particular award circumstance. The recipient may not shift the disallowed indirect costs to another Federal award, unless specifically authorized by legislation.

7. Can an applicant/recipient apply their indirect cost rate to the cost-sharing portion of the project budget?
   Yes, unless otherwise prohibited under program legislation or regulation.

8. When must recipients submit their indirect cost rate proposal?
   A recipient must submit an indirect cost rate proposal:

   A. Immediately after being advised in writing that a Federal award will be made, and no later than 90 calendar days of the date the award is made; and then

   B. Within six months of the end of the recipient's fiscal year on an annual basis for the life of the Federal award. For example, an organization receives an award with a three-year period of performance that begins August 1, 2013 and ends August 1, 2016. The organization's fiscal year ends on December 31st. The organization must submit rate proposals within six months of: Dec. 31, 2013; Dec. 31, 2014; Dec. 31, 2015; and Dec. 31, 2016.

9. **What if a recipient submitted their indirect cost rate proposal within the required timeframe but the cognizant agency delays approval of their proposal?**
   The recipient must provide to the Service a copy of their submitted proposal, the name of their cognizant agency, and evidence of the proposal submission date in the form of either a copy of an emailed submission or written confirmation of the proposal receipt date from the cognizant agency. The Service may, upon review of the documentation and consultation with the cognizant agency, give written approval to the recipient to charge indirect costs at their proposed rate until their proposal is approved. Service approval to charge indirect costs based on a proposed rate will depend on the circumstance; the Service will not approve a recipient to charge indirect costs based on a proposed rate if rate approval delays are due to the recipient having submitted a late, incomplete, or inaccurate proposal. The recipient must receive written prior approval from the Service before charging indirect costs based on a proposed rate. The award may be subject to further revision if the approved rate is higher or lower than the proposed rate.

10. **What information does an indirect cost rate proposal contain?**
    The proposal identifies all activities carried out within the organization, classifies those activities as either indirect or direct, and then subtracts from the indirect costs those costs that are ineligible based on OMB guidance and agency regulation. The proposal also identifies the type of rate being requested. A recipient must develop their indirect cost rate proposal in accordance with the applicable cost principles and rate identification and assignment/determination procedures identified in the Service's Financial Assistance Award Terms and Conditions.

11. **What information does an approved indirect cost rate agreement contain?**
    The document reflecting the cognizant agency's approval of a recipient's indirect cost rate will detail:

    A. The approved indirect cost rate(s), including the type of rate(s), the rate effective period, and distribution base to be used;

    B. Either an approved fringe benefit rate, or a determination that fringe benefits will be treated as direct and/or indirect costs;

C. General terms and conditions; and

D. Any special remarks (e.g., composition of the indirect cost pool).

12. Must we honor a recipient's federally-negotiated indirect cost rate?

Yes. The provisions of 2 CFR 200.414 and related Department policy DOI-AAAP-0007 require programs to accept federally-negotiated indirect cost rates (Note: recipient acceptance of the 10% *de minimis* rate is considered a federally-negotiated rate). The only exceptions are:

A. If the program is governed by legislation or regulation that otherwise prohibits or limits recipient indirect cost rates. In this case, when the amount otherwise allocable as indirect costs exceeds the amount allowable under the award, the excess amount may, if not otherwise prohibited by legislation or regulation, be used to satisfy cost-sharing or matching requirements. However, the difference may not be shifted to another Federal award unless specifically authorized by legislation.

B. If the program has received approval from the Department of the Interior to deviate from recipient negotiated rates for a program or class of awards. The only Department programs with rate deviation approval are: the Cooperative Fish and Wildlife Research Unit Program and the Cooperative Ecosystem Studies Unit Network. Only those projects funded under/in support of these two programs qualify for the approved indirect cost rate deviation. All other Service awards to the same recipients must honor the recipients' approved indirect cost rates.

C. If the recipient attributes some or all of their allowable indirect costs as voluntary cost-share or, when allowable, to satisfy cost-sharing or matching requirements.

D. If the recipient voluntarily charges less than the full amount of indirect costs allowed under the award. The election must be voluntary; Service employees must not require or otherwise solicit such a reduction. To document the voluntary nature of the lower rate, the applicant/recipient must submit to the Service a written statement, signed by the official having the authority to negotiate indirect cost rates for the recipient organization, notifying us that they will assess a reduced indirect cost rate. This statement must also specify to which award(s)/project(s) the reduced rate applies. The Service will not use the reduced rate on any award/project not specified by the recipient in writing. A copy of the recipient's statement must be maintained in the official award file for every award to which the rate is applied.

For all deviations to the Federal negotiated indirect cost rate, including statutory, regulatory, programmatic, and voluntary, the basis of direct costs against which the indirect cost rate is applied must be either:

1) The same base identified in the recipient's negotiated indirect cost rate agreement, if the recipient has a federally-negotiated indirect cost rate agreement; or

2) The Modified Total Direct Cost (MTDC) base, in cases where the recipient does not have a federally-negotiated indirect cost rate agreement or, with prior approval of the Awarding Agency, when the recipient's federally-negotiated indirect cost rate agreement base is only a subset of the MTDC (such as salaries and wages) and the use of the MTDC still results in an overall reduction in the

total indirect cost recovered. MTDC is the base defined by 2 CFR 200.68, "Modified Total Direct Cost (MTDC)."

In cases where the recipient does not have a federally-negotiated indirect cost rate agreement, under no circumstances will the Service use a modified rate based upon Total Direct Cost or other base not identified in the federally-negotiated indirect cost rate agreement or defined within 2 CFR 200.68 (Service employees, see DOI-AAAP-0007 for more information).

13. What if an applicant does not budget for or a recipient does not charge to the award some or all of their allowable indirect costs?

Applicants are responsible for submitting a complete proposed project budget. Applicants that inadvertently fail to include some or all of their allowable indirect costs on their proposed budget run the risk that the funding program may not have additional funds available at a later date to cover those costs. Further, under discretionary competitive programs, recipients that did not include some or all of their allowable indirect costs in their application in order to be more competitive may not be authorized, at the discretion of the funding program, to request reimbursement after an award is issued for any indirect costs not included on their approved application.

Recipients are responsible for requesting funds for allowable costs and submitting to the program a final financial report summarizing their expenditures under the award. The Service is not obligated to ensure that a recipient charges to the award all of their allowable indirect costs.

14. If the Department of the Interior is their cognizant agency, what office does a recipient contact for more information on indirect cost rate proposals?

An organization that has not previously established an indirect cost rate and has received, or expects to receive, the greatest amount of Federal funding in direct awards from the Department of the Interior, should contact the Interior Business Center at:

Indirect Cost Services
2180 Harvard Street, Suite 430, Sacramento, CA 95815
Phone: 916-566-7111
Email: ics@ibc.doi.gov
Indirect Cost Rate Services webpage

U.S. Fish and Wildlife Service

Financial Assistance Business Process

Recipient Risk Assessment Guidance

Point of Contact

Email questions about this guidance to the Chief, Policy Branch, Financial Assistance Support and Oversight (FASO), Wildlife and Sport Fish Restoration Program (WSFR). For contact information, see the FASO-Policy Branch InsideFWS Contact Us page.

Document Change Log

The FASO-Policy Branch will update this document over time to incorporate changes resulting from any new government-wide regulations or new Department of the Interior or Service policy. We will post updated versions of this document on the Policy Branch InsideFWS page for New Awards and log updates made to this guidance in Table 1 below.

Table 1: Document Change Log

Date Changed	Description of Change Made
10-05-2018	Updated links within document.
01-06-2017	Updated org names and links; added consideration of special award conditions in addition to required monitoring activities. Form 3-2462 was also updated to correct calculation error (OIG 2016-CG-011 recommendation 5 CAP resolution).
9-30-2015	Removed attached signed DTS#057030 memo; clarified Step 4 instructions; updated Service form 3-2462 to remove references to 43 CFR Part 12 and A-133 and replace with 2 CFR 200 and Single Audit.

Purpose

This guidance implements the recipient risk assessment required in DOI-AAAP-0068, Financial Assistance Recipient Risk Assessment and Award Monitoring.

Scope

This guidance applies to all Service programs that issue, administer, and manage grant and cooperative agreement awards.

Instructions

NOTE: To make sure all recipients within a program are assessed in a consistent manner, we suggest that programs develop a Standard Operating Procedure (SOP) for completing FWS Form 3-2462. If you need assistance in developing an SOP, please contact the FASO-Policy Branch.

1. Complete **FWS Form 3-2462**, **Financial Assistance Recipient Risk Assessment** once a Fiscal Year (FY) for each recipient who will be awarded one or more grant or cooperative agreement awards from the program in the open FY.

2. Refer to Table 2 for a description of recipient risk levels.

3. Refer to Table 3 for a description of award monitoring activities.

4. Based on the result of the risk assessment, incorporate the required monitoring activities detailed in Table 4 that are applicable to the recipient into all notices of award to the recipient in the open FY. For medium and high risk recipients, also consider incorporating one or more specific conditions in 2 CFR 200.207, as relevant to the identified risk condition(s), into the award. Follow 2 CFR 200.207(c) for notification of conditions, and 2 CFR 200.207(d) for prompt removal of conditions once the recipient completely mitigates the risk factor(s). This risk assessment will apply to all awards to the recipient in the open FY.

5. Maintain the completed FWS Form 3-2462 in either:
   A. The official award file, or
   B. A centralized subject-matter file, which may be more efficient for recipients who receive multiple awards in the FY.

Table 2: Risk Level Descriptions

Level	Description
Low	The minimum level of monitoring required. Assigned to awards with low inherent risk. Low inherent risk exists when the nature of the recipient or project is such that even if internal control weaknesses are/were to be identified, the risk of loss is minimal or, if loss were to occur, would have little to no impact on the recipient's financial condition or project implementation, the Federal funding program, or compliance with Federal financial assistance or statutory requirements.
Medium	Assigned to awards with a *slightly increased level of risk* as compared to those with low inherent risk. Moderate inherent risk exists when the nature of the recipient or project is such that there is an increased potential for loss that, if a loss were to occur, could be absorbed by the recipient and/or mitigated without a major failure in project implementation, would have moderate impact to the Federal funding program, or would have moderate impact on compliance with Federal financial assistance or statutory requirements.
High	Assigned to awards with a *significantly increased level of risk* as compared to those with Low or Medium inherent risk. High inherent risk exists when the nature of the recipient or project is such that it is particularly subject/exposed to loss that, if a loss were to occur, could result in a significant or harmful loss for the recipient and/or the Federal funding program or have significant impact on compliance with Federal financial assistance or statutory requirements.

Table 3: Award Monitoring Activities

Activity	Description
Milestone Plan Creation and Update	Follow Service policy 516 FW 1. Programs must require recipients to submit financial and performance reports and monitor recipient compliance with those requirements. Create and use a PRISM Milestone Plan to: monitor recipient reporting due dates, including due date extensions; make sure recipients submit all reports on time; and enter report receipt dates. Follow up with recipients on late or missing reports.
Payment Activity Review	Programs must regularly monitor recipient requests for payment and funds draw down activity to compare their frequency with the approved project activities and schedule. This monitoring activity provides a general picture of

Activity	Description
	project progress and allows programs to identify and follow up with the recipient on any potential funds management issues. The frequency for payment activity review and follow up will vary and will depend on each award circumstance. Programs can use the reporting features of FBMS and Treasury's ASAP reporting tools, for recipients using this payment method, to monitor recipient payment activity. On occasion, programs may also review recipient's source documentation (e.g., purchase orders, invoices, cancelled checks, payroll, and time and attendance records) for random transactions under each award to determine the nature of the expenditure and verify it is an allowable cost under the award terms and conditions.
Financial and Performance Report Review	Programs must review and approve performance reports, comparing reported progress and accomplishments against approved goals and objectives, scope of work, and schedule, and analyze reasons provided for why goals were not met, when applicable. Programs must review and approve financial reports, reconciling reported data with financial system payments and/or Treasury drawdown reports and analyzing payment request activity as compared to reported project progress to determine whether funds are being spent appropriately. Confirm file contains copy of recipient's approved NICRA covering the reporting period and matching the reported indirect cost rate. Note any unexpected unspent balance of funds received by the recipient. Follow up with recipient regarding incomplete or inaccurate reports, reported issues or delays, or questions that come up during review, when applicable. Provide technical assistance and take additional action, when applicable. Document all report approvals and follow up communications in the award file.
File Review	Review to make sure award file is up-to-date/complete and all documents properly executed. Document any issues and follow up with the recipient in writing, as needed. At a minimum, a file review is required for every award as part of the closeout process.
Desk Review	A desk review is conducted to develop an understanding of the recipient's progress and performance, and may be routine or initiated specifically to address a particular issue or concern. The routine desk review takes into account reports submitted by the recipient plus any other data available, including previous communications and financial/payment system reports. When conducted to address a particular issue or concern, the reviewer may need to contact the recipient in writing to request additional documentation or information regarding the identified issue, deficiency or area of concern. The reviewer may also schedule one or more conference calls with the recipient to thoroughly discuss and document the issue, deficiency or area of concern. Steps: • Conduct a file review; • Review and update Milestone Plan, as needed; • Compile a list of any programmatic, administrative or financial issues to investigate/discuss with the recipient; • Contact the recipient to request missing or additional information and/or to discuss any issue(s); • Document the analysis completed, issues and conclusions and any recommended next steps or required corrective actions;

Activity	Description
	• Follow up with the recipient in writing regarding recommended next steps or required corrective actions and negotiated completion dates, as necessary; • Monitor resolution of issues and notify the recipient in writing when process is complete and no further action is required from the recipient; and • Keep all related documentation in the official award file.
Site Visit (Virtual or On-Site)	Visit that typically lasts 1-2 days, conducted either as a scheduled activity or in direct response to serious issues or concerns to evaluate the current status of a project and the recipient's ability to comply with the award terms and conditions.
Milestone Progress Assessment Visit (On-Site)	For awards that have been conditioned to require Service review and/or approval of progress before the recipient can request funds or begin the next stage of the project, program will conduct a brief site visit to evaluate the current status of a project. Most often conducted as part of the Service's responsibilities under a cooperative agreement.

Table 4: Required Monitoring Activities

Activity	Final Risk Level=Low	Final Risk Level = Medium	Final Risk Level=High
Milestone Plan Creation and Update	✓	✓	✓
Payment Activity Review	✓	✓	✓
Financial and Performance Report Review	✓	✓	✓
File Review	At award close	At least annually for multi-year awards and at award close	At least annually for multi-year awards and at award close
Desk Review	Only in response to issues/concerns	At least annually for multi-year awards	At least annually for multi-year awards
Site Visit (Virtual or On-Site)	Only in response to issues/concerns	Only in response to issues/concerns	At least annually*
Milestone Progress Assessment Visit (On-Site)	Not required unless program determines that it should be a condition of the award	Not required unless program determines that it should be a condition of the award	Not required unless program determines that it should be a condition of the award

***** Limited program resources may require prioritization of high risk awards for scheduling annual site visits based on factors such as, but not limited to: high dollar projects, multi-year projects, continuation projects, recipients receiving multiple awards, or projects of high political or public interest.

U.S. FISH AND WILDLIFE SERVICE
Financial Assistance Recipient Risk Assessment

FWS Form 3-2462

Instructions:
Complete this form once a Fiscal Year (FY) for each recipient to be awarded one or more awards from the program in the open FY. Enter a numerical rating of “1” (Low), “2” (Medium), or “3” (High) in the “Rating” box for each risk category below. Use the information provided in the rating descriptions for each category to assist you in assigning a rating. Enter in the "Basis for Rating and Other Comments" boxes the factors that contributed to the rating entered for each category. Provide enough detail to give an independent reviewer a clear understanding of the rationale used to determine the rating. Identify any external document(s) that support the rating and specify the location of the document(s), when applicable. This form will calculate a “Risk Rating Score” and a “Risk Level”. Enter a description of any factors that require changing the risk level calculated by the form in the “Other Factors Impacting Risk Level”. Enter the changed risk level in the “Revised Risk Level” field, when applicable. See also the Service’s “Recipient Risk Assessment Guidance".

Review Details

Recipient Name:

Recipient Type:

Recipient DUNS:

Completed for Fiscal Year:

Date Completed:

Completed By-Name:

Completed By-Program:

Completed By-Region:

CATEGORY 1: Potential for Implementation Problems

Rating: ☐

Category 1 Rating Descriptions	Rating
Project has no identifiable challenges. No past implementation issues. Typical project period for the program or project type. Well-qualified recipient. Project not complex. No sub-recipients anticipated. Recipient has all equipment required for project.	1 (Low)
New project for recipient. One or more sub-recipients anticipated. Longer than typical project period. Unproven recipient. Has had some issues with implementation on other awards. Some challenges or potential challenges identified, such as recent staff turnover or reorganization that could affect implementation. Does not have all equipment required for the performance of the project but, as noted in its application package, has plans in place to obtain necessary equipment in advance of need.	2 (Medium)
Project has multiple sub-recipients. Complex project. Multiple partners. Large construction project. Has had significant issues with implementation on other awards. Significant challenges identified. Does not have all equipment required. Has not secured resources, which may delay activities.	3 (High)

Basis for Category 1 Rating

CATEGORY 2: Financial Management Capabilities

Rating: ☐

Category 2 Rating Descriptions	Rating
Has received an award in the past, has a financial system in place that meets 2 CFR 200 requirements, and has never had any funds management issues.	1 (Low)
Has received an award in the past, has a financial system in place that meets 2 CFR 200 requirements, but has had funds management issues. Was responsive to FWS communications on issues. Issues were resolved.	2 (Medium)
Recipient is a commercial organization or individual. Has never received a Federal award. Has received an award, but has had significant funds management issues, such as routinely submitting incorrect financial reports, requesting more than immediate cash needs, major variances between budget and actual expenditures, difficulty maintaining required matching funds, or disallowed costs. One or more reports of waste, fraud or abuse currently under investigation or determined to be valid. Was not responsive to FWS communications on issues. Issues not resolved.	3 (High)

Basis for Category 2 Rating

CATEGORY 3: Performance Track Record

Rating: ☐

Category 3 Rating Descriptions	Rating
Met all proposed objectives on past award(s). Any delays or non-performance were unavoidable; is on track to meet objectives on current award(s).	1 (Low)
Had some performance delays or other issues on past award(s) but was responsive to FWS communications on issues. Issues were resolved.	2 (Medium)
Has had no past or current award with the FWS. Has had a past award but failed to complete project objectives. Is significantly behind schedule on current award(s). Failures are within recipient's control to correct. Failed to comply with award terms and conditions. Was not responsive to FWS communications. Issues were never resolved.	3 (High)

Basis for Category 3 Rating

CATEGORY 4: Staffing

Rating: ☐

Category 4 Rating Descriptions	Rating
Recipient is an individual. Recipient provided details on experience and qualifications of key project personnel. All personnel appear qualified to meet the project objectives. No past issues with recipient in regards to key personnel qualification. No key project personnel missing.	1 (Low)
Recipient provided information detailing the experience and qualifications for some key project personnel. All of the identified personnel appear qualified to meet the project objectives, but missing some key project personnel.	2 (Medium)
Recipient has not yet identified/hired any key project personnel; one or more of the personnel identified do not appear qualified to meet the project objectives; or one or more key personnel left the project and replacement(s) have not been identified.	3 (High)

Basis for Category 4 Rating

CATEGORY 5: Delivery Experience

Rating:

Category 5 Rating Descriptions	Rating
Has delivered the same or similar project with Federal funds for at least five years.	1 (Low)
Has delivered the same or similar project with Federal funds for at least two years.	2 (Medium)
Has delivered the same or similar project with Federal funds for less than two years or has never had a Federal award.	3 (High)

Basis for Category 5 Rating

CATEGORY 6: Award Administration and Reporting Compliance

Rating:

Category 6 Rating Descriptions	Rating
Has never received an award from the program. Has had an award, and was timely in submission of revision and other prior approval requests, required reporting, and due date extension requests, when applicable	1 (Low)
Has had an award, and was generally timely in submission of revision and prior approval requests, required reporting, and due date extension requests. Was responsive to written notifications and requests from the FWS.	2 (Medium)
Has had an award, and was consistently late in in submission of revision and prior approval requests, required reporting, and due date extension requests. Was slow to respond to written notifications and requests from the FWS.	3 (High)

Basis for Category 6 Rating

CATEGORY 7: A-133 Single Audit Considerations

Rating:

Category 7 Rating Descriptions	Rating
A commercial organization, foreign entity, or individual exempt from A-133 single audit requirements. A government or non-profit entity that did not have any Qualified or Adverse/Disclaimer opinions, significant internal control deficiencies, or findings for noncompliance on their most report available on the Single Audit Clearinghouse (SAC).	1 (Low)
A government or non-profit entity that has not had any Adverse/Disclaimer opinions, more than two significant internal control deficiencies, or more than two findings for non-compliance on single audits conducted in the last five years as of the date of review and as available on the SAC.	2 (Medium)
A government or non-profit entity that has had an Adverse/Disclaimer opinion, more than two significant internal control deficiencies, or more than two findings for non-compliance on single audits conducted in the last five years as of the date of review and as available on the SAC.	3 (High)

Category 7 Rating Descriptions	Rating
Recipient is currently working on a corrective action plan related to a previous or current award funded by the program.	

Basis for Category 7 Rating

CATEGORY 8: Other Audits Required by Funding Program Legislation

Rating:

Category 8 Rating Descriptions	Rating
Has never received an award from the program. Pending award will be funded in full with Resource Management funds. Pending award will be funded by other funding source, but authorizing legislation for those funds does not impose additional audit requirements. Authorizing legislation requires audit but recipient has had no significant internal control deficiencies or findings for noncompliance.	1 (Low)
Authorizing legislation requires audit and recipient had less than two significant internal control deficiencies and less than two findings for noncompliance.	2 (Medium)
Authorizing legislation requires audit and recipient had more than two significant internal control deficiencies and more than two findings for noncompliance.	3 (High)

Basis for Category 8 Rating

RISK RATING SCORE:

RISK LEVEL:

Other Factors Impacting Risk Level

REVISED RISK LEVEL:

To save a locked or "flattened" version of a completed PDF form, click on the "Print Form" button above and select "Adobe PDF" as your Printer. Following these steps will remove all fillable features and will preserve the unique data entered on the form.

5

MODULE 5
AWARD

Learning Objectives

1. Identify and explain the purpose of the Notice of Award (NOA) and its elements.
2. Describe the NOA's terms of acceptance, provisions and special conditions.

Handouts

- BFA 5-A – Notice of Award Letter Template (Attachment 11)
- BFA 5-B – Setting Project Period Dates for Awards (Attachment 9)
- BFA 5-C – Service Financial Assistance Award Terms and Conditions
- BFA 5-D – Sample Financial Assistance Award Special Terms and Conditions (Attachment 12)

The Award Phase

Once a Program Office selects the successful applicant(s), there are important activities that must be performed during the award phase.

- Compile all required documents in the newly established award file.
- Generate the Notice of Award (NOA).
- Obligate funds by completing a Grants Purchase Request and new award in PRISM.
- Send NOA to recipient.

Instructor notes: How is the official award file kept in your region/program?

Who completes and sends the Notice of Award to the recipient?

Notice of Award

The Notice of Award (NOA), the central component of the grant life cycle, is a legal document authorizing the recipient to expend Federal funds. The NOA sets the award-specific terms and conditions, and provisions; and acts as the basis for all future monitoring and evaluation activities conducted by the program and the recipient.

If Program Offices elect to use the PRISM-generated Grant or Cooperative Agreement Cover Page form, they **MUST** follow the guidance in the New Award Guidance Step 11 and Attachment 13.

By accepting the award, the recipient agrees to comply with all the award terms and conditions. Acceptance is defined as the start of work, drawing down funds, or accepting the award via electronic means. Asking a recipient to co-sign the Notice of Award document adds an unnecessary burden and processing time to the grant or cooperative agreement award transaction. By sending a written notice to the Service project officr, a recipient may also initiate the termination of all or a portion of the award.

Instructor notes: Programs use the Notice of Award template (Attachment 11 of the New Award Guidance).

2 CFR 200.210 and 200.339 | New Award Guidance Steps 9-12

Key Elements of the Notice of Award Letter

The FWS NOA Template contains all elements required by 2 CFR 200.210 'Information Contained in a Federal Award'. By following the template instructions, Program Offices comply with Federal regulation for NOA letters to recipients.

The following are the key elements of the NOA:

(1) General Federal Award Information.

- Recipient name;
- Recipient's unique entity identifier (currently, DUNS);
- Unique Federal award identification number (FAIN);
- Federal award date;
- Period of performance start and end date;
- Amount of Federal funds obligated by this action;
- Total amount of Federal funds obligated;
- Total amount of the Federal award;
- Budget approved by the Federal awarding agency;
- Total approved cost sharing or matching, where applicable;
- Federal award project description, (to comply with statutory requirements (e.g. FFATA));
- Name of Federal awarding agency and contact information for awarding official;
- CFDA number and name, including statutory authorities;
- Identification of whether the award is for research and development; and
- Indirect cost rate for the Federal award.

(2) General Terms and Conditions.

- Administrative requirements
- National policy requirements (2 CFR 1402.300)

(3) Special Terms and Conditions.

(4) Federal Award Performance Goals.

(5) Any other information required by the Federal awarding agency.

Instructor notes: Statutory authorities listed are based on the CFDA program and project purpose. All applicable terms and conditions must be included. T&Cs flow down to subrecipients/contractors unless otherwise indicated.

2 CFR 200.210 | New Award Guidance Step 9

Prior Approvals

Programs may waive prior written approval requirements as allowed under **2 CFR 200.308(d)** or include an optional prior approval condition if inserted and described in the NOA.

Waiverable prior approval conditions

- Pre-award costs less than 90 days before award approval.
- Initiate a one-time extension of the period of performance by up to 12 months (with restrictions).
- Carry forward unobligated balances to subsequent periods of performance.

Optional prior approval conditions

- Budget transfer restrictions (10% Rule).

Instructor notes: The 10% rule may be applied to an award when the total Federal share meets or exceeds the simplified acquisition threshold ($250,000). Budget shifts exceeding 10% of the total award must then have prior approval. This does not apply to construction awards.

As the reasonableness and allocability of certain items of cost may be difficult to determine, the non-Federal entity may seek prior written approval in advance of the cost in order to avoid subsequent disallowance or dispute on unreasonableness or nonallocability.

2 CFR 200.407 lists selected costs where prior approval is specifically required for allowability as described under certain circumstances. When identified within the applicant's budget narrative, Programs should provide their written approval within the NOA. The Program may waive any of these prior approval requirements if identified and described in the NOA.

Instructor notes: Examples include real property, equipment, program income, participant support costs, insurance and indemnification, memberships and subscriptions, pre-award costs, travel costs, etc. See 2 CFR 200.407 for more.

2 CFR 200.308(d) | 2 CFR 200.407

Specific Award Conditions

As a result of the pre-award risk assessment, Programs should consider incorporating one or more specific conditions in **2 CFR 200.207** for 'Medium' and 'High' risk recipients, as relevant to the identified risk condition(s). These conditions may also be placed on an award when problems arise during the post-award phase. Pass-through entities may also apply these conditions to subawards.

These additional conditions may include:

- Requiring payments as reimbursements rather than advance payments;
- Withholding authority to proceed to the next phase until receipt of evidence of acceptable performance within a given period of performance;
- Requiring additional, more detailed financial reports;
- Requiring additional project monitoring;
- Requiring the non-Federal entity to obtain technical or management assistance; or
- Establishing additional prior approvals.

The Service must notify the recipient in the NOA of the nature and reason why additional requirements are being imposed; actions needed to remove the requirements and the amount of time in which to do so, if applicable; and the method for requesting reconsideration.

Specific conditions must be promptly removed once the conditions that prompted them have been corrected.

2 CFR 200.207

EXERCISE: Notice of Award

In addition to the New Award Guidance, use the following guidance documents to answer the questions below. Cite your references.

- 'Setting Performance Period Dates for FA Awards' (Handout BFA 5-B),
- Service Financial Assistance Award Terms and Conditions (Handout BFA 5-C),
- Notice of Award Template (Handout BFA 5-A), and
- 'Sample FA Award Special Terms and Conditions' (Handout BFA 5-D)

1. How is the award's period of performance start date established? (Handout 5-B)

   Answer: The guidance provides 4 options: 1) date requested by applicant if compliance is complete, 2) backdated to the requested date or date of complete application (whichever is later) if compliance is not complete until after requested date, 3) obligation date, or 4) future date if compliance needs to be completed and funds need to be obligated.

2. Allowable costs must occur during which period to be eligible for reimbursement? (Handout 5-B)

   Answer: Between the start and end dates of the award, also known as the period of performance, indicated on the notice of award. The exception is for approved pre-award costs. See NAG Attachment 9 and 2 CFR 200.77.

3. Where does the Notice of Award tell a recipient to find the FWS financial assistance award terms and conditions? According to these general terms and conditions, are the Administrative Requirements of 2 CFR 200 applicable to for-profit entities? To individuals? (Handouts 5-A and 5-C)

   Answer: The terms and conditions are found at fws.gov/grants or attached to the Notice of Award. The administrative requirements apply to for-profit entities only when incorporated into the notice of award (2 CFR 1402.206). 2 CFR 200 does not apply to individuals; all administrative requirements must be stated in the Notice of Award. See Handout BFA 5-C.

4. Select a special term and condition that you currently use or might consider using on an award and describe the circumstance for its use. How does or might your program modify the special award condition language for your NOA to meet program-specific requirements, if necessary? (Handout 5-D)

   Answer: Attachment 12 to the New Award Guidance provides examples of special terms and conditions (Handout BFA 5-D). Example: The award may require use of the Service logo if the program has obtained Director's approval or is excepted per 041 FW 2. The NOA must explicitly authorize its use, outlining specific uses, waiver of liability and consequences for violations of misuse.

5. True or False: The non-Federal entity's expected performance, as related to a program's intended outcomes, is detailed in the Notice of Award. (Handout 5-A)

   Answer: True. Notice of Award page 3 and 2 CFR 200.210(d). The notice of award should include specific performance goals, indicators, milestones or expected outcomes with an expected timeline for accomplishment. Program-specific requirements should align with agency strategic goals, objectives and performance goals relevant to the program. See also 2 CFR 200.301.

6. What is the New Award Guidance's requirement for housing official records related to financial assistance programs and awards? When may it be appropriate to keep centralized subject-matter files? (NAG)

   Answer: All files must be well marked, well maintained, accessible to appropriate staff, readily available upon request for review or audit. Centralized files can be kept to reduce excessive duplication. Some files must always be kept in the official award file according to documentation requirements. See Step 14 of the New Award Guidance.

Key Learning Points

- ✓ The Notice of Award is the legal awarding document for financial assistance.
- ✓ The Notice of Award: (1) states the terms and conditions of the grant, (2) obligates the Federal share of estimated project costs by program (if available); and (3) provides information to monitor use of funds.
- ✓ Only costs incurred during the performance period are eligible for reimbursement, unless pre-award costs have specifically been approved, as stated in the Notice of Award.
- ✓ Conditional statements clarify the terms and conditions of the award.
- ✓ Certain budgeted costs may require prior written approval. Certain prior approval requirements may also be waived.
- ✓ Specific award conditions may be placed on an award as a result of the pre-award risk assessment.

U.S. Fish and Wildlife Service

Financial Assistance Business Process

Notice of Award Letter Template

Point of Contact

Email questions about this guidance to the Chief, Policy Branch, Financial Assistance Support and Oversight (FASO), Wildlife and Sport Fish Restoration Program (WSFR). For contact information, see the FASO-Policy InsideFWS Contact Us page.

Document Change Log

FASO-Policy will update this document over time to incorporate changes resulting from any new government-wide regulations or new Department of the Interior or Service policy. We will post updated versions of this document on ourInsideFWS New Awards page and log updates made to this guidance in the following table:

Change Date	Change Description
03-27-19	Incorporated requirements per Feb 26, 2019 DOI memo "Strengthening Terms and Conditions for Financial Assistance Awards and Implementation of Secretary's Order 3369, "Promoting Open Science"" and other minor edits to this instruction page. Updated "Terms of Acceptance" and "Conflicts of Interest Disclosures" and inserted new Attachment A.
10-05-18	Reorganized content; 2 CFR 200.339; termination notices; program income clarifications; optional equipment language; clarified reporting language; revised COI language for DOI requirements; Wiki links for 425; other minor updates.
01-06-17	Updated org structure names; updated web links; minor edits.
02-01-16	New FAPIIS requirements and other minor edits
09-30-15	New "Prior Approvals" section; IC language updates; timely notice if not accepting award.
02-20-15	New 2 CFR 200; DIG 2011-03, Amend. DOI-AAAP-0007 and DOI-AAAP-0008.

Instructions

Use the Notice of Award Letter Template to develop program- and/or recipient-specific notice of award letters. The template begins after these instructions; do not print or file this instructions page with the notice of award. Programs must review this template at least annually to make sure any program-specific templates remain up-to-date with the current Policy Branch Notice of Award Template. For more information, see the Issuing a New Financial Assistance Award Guidance.

The table below provides editing instructions for completing an award-specific Notice of Award Letter. Contact the Policy Branch if you need assistance in determining which sections apply to your awards:

Text Characteristic	Represents
Text with gray highlighting	Instructions for completing required elements that must be replaced with program-specific text
Text with yellow highlighting	Instructions for customizing the letter with program-, project-, and/or recipient-specific content
Text with blue highlighting	Notes and additional instructions that must be removed
Plain text, not highlighted	Required text. Do not edit or remove required text unless, based on any yellow highlighted instructions above the text, the program determines the text does not apply to the award. Do not edit or remove the text in Attachment A, "DOI Award Provisions".

United States Department of the Interior

FISH AND WILDLIFE SERVICE
[Insert city, state and zip code]

In Reply Refer To:
FWS/[Insert program-specific acronyms/insert DTS number, when applicable]

[Recipient contact name and title]
[Recipient organization name]
[Recipient address]
DUNS: [insert recipient DUNS number, or, if recipient has more than one DUNS, enter their DUNS-Plus 4 and the corresponding CAGE code for the award. Remove text if award is to an individual.]

Subject: Notice of [enter Grant or Cooperative Agreement] Award [enter FBMS award number]

Dear Mr. /Ms. [recipient contact name]:
NOTE: Change the text highlighted in yellow in the paragraph below as needed to identify the proposal, or version of, in the event one or more revisions were submitted, on which this award is based. Remove yellow highlighting when highlighted text is retained. Remove this note.
Your organization's application for Federal financial assistance titled "[enter project title]" submitted to the U.S. Fish and Wildlife Service (Service)'s CFDA Program [enter program's CFDA number] is approved. This award is made under the authority of: [insert program's *primary* authorizing legislation]. For a complete list of this program's authorizing legislation, go to https://beta.sam.gov/and search by the CFDA Program number. This award is made based on approval of your organization's proposal signed on [insert date], hereby incorporated by reference into this award. Funds under this award are to be used to [Enter a BRIEF one to two sentence statement of the purpose and/or objectives of the award. Do not re-write the approved proposal already incorporated by reference, but rather provide a clear description of the funded project/activity. If deliverables/products OTHER than the standard financial and performance reports are expected, describe those deliverables/products here and detail when each of those deliverables/products are to be delivered to the Service. When appropriate, include any specific performance goals, indicators, milestones, or expected outcomes with an expected timeline for accomplishment (see 2 CFR 200.210 (d)). For awards issued under mandatory programs, if the award purpose/objectives cannot be summarized in one or two sentences, skip this section].

[If the award is for a cooperative agreement, include a detailed and project-specific description of the substantial activities to be performed by Service staff under the award ("The Service will…" and "the Recipient will…" statements). Do NOT include responsibilities inherent to every financial assistance award in your substantial involvement statement as justification for issuing a cooperative agreement. See the Selection of Funding Instrument Decision Diagram on the Policy Branch InsideFWS page for New Awards for information on what types of activities are/are not considered substantial involvement].

Terms of Acceptance:

Service grant and cooperative agreement awards are made based on the application submitted to and approved by the Service, and are subject to the terms and conditions incorporated into the Notice of Award either by direct citation or by reference to Federal regulations; program legislation or regulation; and special award terms and conditions. Recipients indicate their acceptance of an award by starting work, drawing down funds, or accepting the award via electronic means. Recipient acceptance of an award from the Service carries with it the responsibility to be aware of and comply with all terms and conditions applicable to the award. The Federal regulations applicable to Service recipients and their subrecipients and contractors are listed by recipient type in the Service's Financial Assistance Award Terms and Conditions. The "Department of the Interior (DOI) Award Provisions" attached to this Notice of Award also apply (Attachment A). If you do not have access to the Internet and require a printed copy of the award terms and conditions, contact the Service Project Officer identified in the Project Contacts section.

The recipient can initiate termination of award by sending written notice to the Service Project Officer stating the reasons for termination, the effective date, and in the case of partial termination, the portion to be terminated. For applicable award termination regulations and procedures, see 2 CFR 200.339.

NOTE: The Notice of Award must include the performance period start and end dates. Some awards may also require information on funding period(s) start and end date(s). **Do not set a funding line or award period of performance end date that exceeds the anticipated appropriation cancellation date**. Check with the appropriate program staff responsible for managing program budgets prior to setting these dates to verify funds cancellation dates. For more information on setting performance period start and end dates, see the Setting Performance Period Dates for Grant and Cooperative Agreement Awards on the Policy Branch InsideFWS page for New Awards, and also Appropriated Fund Time Limits and Financial Assistance on the Service's Financial Assistance Wiki.

Select one of the two options provided below for stating the project and funding periods for the award. Remove the yellow highlighted Option 1 and Option 2 section headers. Remove the text under the option that is not applicable to the award. Update the text for the option that is applicable to the award following the instructions provided. Remove yellow highlighting when highlighted text is retained. Remove this note.

Performance Period Option 1-Standard (not incrementally funded)

NOTE: the yellow highlighted text in the second to last sentence of the paragraph below is optional ONLY if program legislation specifically provides a different timeframe for the recipient to liquidate all obligations. Otherwise, do not change the text. Remove yellow highlighting when highlighted text is retained. Remove this note.

The performance period of this award [enter "is" or "begins on"] [enter start date or "the signature date on this letter"] through [enter end date]. Only allowable costs resulting from obligations incurred during the performance period [enter "and any authorized pre-award costs", if pre-award costs are approved] may be charged to this award. Liquidate all obligations incurred under the award no later than 90 calendar days after the end of the performance period, unless the Service approves a final financial reporting period extension (see Reporting Requirements section below). If you need more time to complete project activities, you must submit a written request to the Service Project Officer identified in the Project Contacts section below before the end of the stated performance period (See the Period of Performance Extensions section below).

Performance Period Option 2-Incrementally funded project
NOTE: The yellow highlighted text in the third paragraph below is optional ONLY if program legislation specifically provides a different period for the recipient to liquidate all obligations. Otherwise, do not change the text. Remove yellow highlighting when highlighted text is retained. Remove this note.
The performance period of this award [enter "is" or "begins on"] [enter start date or "the signature date on this letter"] through [enter end date]. This is the period of Federal sponsorship. This project will be funded incrementally over time [Insert detailed description of how the incremental funding will work (e.g., anticipated timing of subsequent increments? How much for each increment? How much total expected over the entire performance period? What documentation does the recipient have to provide to receive next increment- deliverables from previous segment, SF 424, budget, other?)].

The funding period for the first segment of this project is [enter "is" or "begins on"] [enter a specific start date or "the signature date on this letter"] through [enter end date]. The total amount of Service funding available for the first segment of this project is [enter total Service amount for first segment]. Only allowable costs resulting from obligations incurred during this funding period and [enter "and any authorized pre-award costs", if pre-award costs are approved] may be charged to this award.

The Service will revise this award over time to add new funding for each subsequent project segment. Each project segment will be assigned a specific funding period, during which only allowable costs resulting from obligations incurred during the specified funding period may be charged to this award. Liquidate all obligations incurred under the award no later than 90 calendar days after the end of the performance period, unless the Service approves a final financial reporting period extension (see Reporting Requirements section below). If you need more time to complete project activities, you must submit a written request to the Service Project Officer identified in the Project Contacts section below before the end of the stated performance period (See Period of Performance Extensions section below).

The Service's obligation to provide incremental funding up to the total anticipated award amount is contingent on: 1) satisfactory Recipient performance and 2) the availability of funds. No legal liability on the part of the Service exists unless and until the Service obligates funds and notifies the Recipient in writing that funds are available for the purposes of this award.
End option 2

NOTE: If the award includes post performance period real property retention and/or maintenance requirements, the retention/maintenance period (e.g., habitat retention period) must be identified SEPARATELY from the performance period and must NOT be referred to as a performance period, budget period, or funding period. Remove this note.

This [insert "award" or "project"] is funded as follows:
NOTE: Award funding details are below in a TABLE format. Update this table as needed to reflect any special circumstance. Change/add table column headers to convey recipient share, matching funds, other Federal sources, and/or Federal funding identifiers, as needed. Change row titles or insert new rows as needed to: 1) identify all future expected-to-be-funded periods and anticipated award total, for incrementally funded projects or, 2) identify obligations allocated for different purposes or programs, if recipient needs to maintain separation of funds across purposes or programs. "Recipient" column included for use when incorporating recipient mandatory matching funds or voluntary committed cost-share of funds as a binding

requirement of the award (see 2 CFR 200.99). Remove the "Recipient" column if recipient is not contributing mandatory/voluntary committed funds. Remove this note.

	SERVICE	RECIPIENT
THIS OBLIGATION:	$0.00	$0.00
AWARD TOTAL:	**$0.00**	**$0.00**

If you authorized the recipient to be reimbursed for some or all pre-award costs, or waived the prior approval requirement as allowed under 2 CFR 200.308(d)(1), include and update the following text and remove these yellow highlighted instructions. If pre-award costs are not authorized, remove the following text and these yellow highlighted instructions:
Pre-award Costs: [Enter either: "Your organization ["is" or "was"] authorized to be reimbursed for [insert description of expenses, e.g., all direct and indirect pre-award expenses] incurred [insert either "X calendar days prior to the award period of performance start date", "starting on [insert date]", or "incurred between [insert date] and the award period of performance start date"] of this award and necessary to comply with the proposed project schedule/period of performance." OR "Your organization ["is" or "was"] authorized to incur project costs 90 calendar days before this award was made without further prior approval."]

If the award is subject to mandated Federal share/recipient match or cost-share requirements, describe those requirements here and remove these yellow highlighted instructions. If the award is not subject to such requirements, remove the following text and these yellow highlighted instructions:
Federal Share/Match Requirements: [Insert description of the Federal share and/or recipient match requirements and/or restrictions here].

If the program wants to waive any prior written approval requirements in 2 CFR 200 (see 2 CFR 200.407), retain the section title and insert a description of those below. If the program wants to highlight any written prior approval requirements that may be applicable to the award, detail those below. If neither is applicable, remove these yellow highlighted instructions and below section title.
Prior Approvals:

NOTE: Review the four indirect cost-related conditions provided below and include/remove condition text as appropriate to the award. If more than one condition is included, remove the "Indirect Costs:" section identifier on all but the condition appearing first. If the recipient has an approved indirect cost rate agreement at the time of award and will charge costs at their approved rate, no special/condition statement is required. Remove this note.
Indirect Costs-Condition 1: For recipients other than individuals, if the funding program is governed by legislation or regulation that prohibits or limits recipient indirect cost rates AND the program does not have any legislative or regulatory restriction on using unallowable indirect costs to satisfy cost-sharing or matching under the award, include and update the following text and remove these yellow highlighted instructions. If this condition does not apply, remove the following text and these yellow highlighted instructions:
Indirect Costs: In accordance with [insert citation of legislation/regulation], indirect costs under this Federal program are [enter either "limited to [insert description of limit]" or "not allowed"]. The amount otherwise allowable as indirect costs based on your organization's approved indirect cost rate with the Federal government may be used to satisfy cost-sharing or matching requirements. Indirect costs otherwise allocable to this award may not be shifted to another Federal award unless specifically authorized by legislation.

Indirect Costs-Condition 2: For eligible recipients other than U.S. states and local governments receiving more than $35 million in Federal funding in a year, that have chosen to accept as a condition of award the flat *de minimis* indirect cost rate of 10% of modified total direct costs, include the following text and remove these yellow highlighted instructions. If this condition does not apply, remove the following text and these yellow highlighted instructions:
Indirect Costs: Recipient is authorized to charge only a flat indirect cost rate of 10% of the Modified Total Direct Costs (MTDC) for the life of this award, including any subsequent revisions and extensions for time, regardless of any indirect cost rate the Recipient may establish with the Federal government during the award period. MTDC is defined in 2 CFR 200.68.

Indirect Costs-Condition 3: If the recipient will submit an indirect cost rate proposal after the award is made, and the program has conditionally approved a budget that includes total estimated indirect costs, include the following text and remove these yellow highlighted instructions. If this condition does not apply, remove the following text and these yellow highlighted instructions:
Indirect Costs: Indirect costs under this award are approved on the condition that the Recipient will submit an indirect cost rate proposal to their cognizant agency immediately after the award is made and no later than 90 calendar days past the award performance period start date. The Recipient is not authorized to charge indirect costs under this award until the Recipient has received, and provided a copy to the Service Project Officer, an approved Negotiated Indirect Cost Rate Agreement (NICRA) from the Federal government. In the event the Recipient fails to establish an approved rate before the end of the award performance period, the Service may either: 1) deobligate the Federal amount budgeted for indirect costs and, if not otherwise prohibited by legislation or regulation, allow the Recipient to use costs otherwise allocable as indirect costs to satisfy cost-sharing or matching requirements; or 2) allow the Recipient to transfer the amount otherwise allocable as indirect costs to direct costs. Service approval of such budget changes will depend on the particular award circumstance. Recipients may not shift indirect costs otherwise allocable to this award to another Federal award unless specifically authorized by legislation.

If the Recipient has submitted an indirect cost rate proposal to the cognizant agency within the required timeframe but the cognizant agency has delayed approval of the proposal, the Recipient must provide to the Service Project Officer a copy of the submitted proposal, the name of the cognizant agency, and evidence of the proposal submission date in the form of either a copy of an emailed submission or written confirmation of the proposal receipt date from the cognizant agency. Upon review of the documentation and consultation with the cognizant agency, the Service may give written approval to the Recipient to charge indirect costs at their proposed rate until their proposal is approved. Service approval to charge indirect costs based on a proposed rate will depend on the circumstance; the Service will not approve a Recipient to charge indirect costs based on a proposed rate if rate approval delays are due to the Recipient having submitted a late, incomplete, or inaccurate proposal. The Recipient must receive written prior approval from the Service before charging indirect costs based on a proposed rate. The award may be subject to further revision if the approved rate is higher or lower than the proposed rate.

Indirect Costs-Condition 4: If the award is made under either the Cooperative Fish and Wildlife Research Unit Program or Cooperative Ecosystem Studies Unit Network, insert the below text and remove these yellow highlighted instructions. If this condition does not apply, remove the following text and these yellow highlighted instructions:
Indirect Costs:

This award is made under the [insert either "Cooperative Fish and Wildlife Research Unit Program" or "Cooperative Ecosystem Studies Unit Network"], which has a Department of the Interior-approved indirect cost rate cap of [insert program rate]%. Recipient must apply this rate against the same indirect cost rate base as identified in their Federally approved indirect cost rate agreement. If the Recipient does not have a Federally-approved indirect cost rate, the basis for direct costs is the modified total direct cost base defined in 2 CFR 200.68 "Modified Total Direct Cost (MTDC)". The Recipient must request prior approval from the Service Project Officer to use the MTDC base instead of the base identified in their Federally-approved indirect cost rate agreement. The Service's approval of such a request will be based on a determination that: 1) the Recipient's approved base is only a subset of the MTDC (such as salaries and wages), and 2) the use of the MTDC base will still result in a reduction of the total indirect costs to be charged to the award. In accordance with 2 CFR 200.405, we understand that indirect costs not recovered due to a voluntary reduction to our federally negotiated rate are not allowable for recovery via any other means.

NOTE: For Institutions of Higher Education and nonprofit research organizations, addition is the default method for program income disposal unless we specify in the award an alternate method. Deductive is the default method for program income disposal for all other entities, unless otherwise specified in the Program Income section below. Remove this note.
If Program income will be generated, update the Program Income section below accordingly and remove these yellow highlighted instructions. If Program Income does not apply, remove the Program Income section below and these yellow highlighted instructions.
Program Income: The approved project includes activities that will generate program income. Income earned during the period of performance shall be [insert instructions and a citation to the regulation section detailing how the Recipient must handle program income, including restrictions on drawing down new funds before disbursing program income funds]. Recipient must report program income generated through the performance of this project on the Standard Form (SF) 425, Federal Financial Report form (see Reporting Requirements section below).

System for Award Management (SAM) Registration: Under the terms and conditions of this award, your organization must maintain an active SAM registration at www.SAM.gov until the final financial report is submitted or final payment is received, whichever is later. If your organization's SAM registration expires during the required period, the Service will suspend payment under this and all other Service awards to your organization until you update your organization's SAM registration.

Equipment:
NOTE: The yellow highlighted text below contains suggested text for use by programs when recipients will purchase equipment under the award. If applicable, edit the suggested text as appropriate and remove yellow highlighting. If title will transfer to a third party, change the default text to describe the special award condition (Use or follow example #17 from the Service's Sample Special Award Terms and Conditions document). For WSFR awards to states, insert special condition #18 as provided in the Service's Sample Special Award Terms and Conditions document. If the purchase of equipment is not applicable to the award, remove yellow highlighted text below. Remove this note.
Equipment purchased under this Award vest with the Recipient as a conditional title subject to the conditions of 2 CFR 200.313. For more information on equipment requirements, see Equipment Acquisition, Use and Disposition on the Service's Financial Assistance Wiki. [Insert any other program-specific requirements here].

Special Conditions and Provisions:

NOTE: It is very important that for every award you always review the Sample Special Award Terms and Conditions document to determine which special conditions apply to the award. If one or more of the special award terms and conditions regularly apply to your awards, we strongly recommend you permanently re-insert the text for those items into a modified Notice of Award Letter Template for program use. When needed, insert special award terms and conditions here and remove the yellow highlighting on the section title above. Not all the sample special terms and conditions provided will apply to every award, nor is the sample list meant to address all possible special award terms and conditions. If the award does not require any special terms and conditions, remove the Special Conditions and Provisions section title highlighted in yellow above. Remove this note.

[Detail any special terms and conditions here. Do not include special terms/conditions that do not apply].

Payments:

NOTE: Select the applicable standard text regarding payments from the choices highlighted in yellow below. Retain and update the text below the selected section. Delete the yellow highlighted text above the applicable section and delete all of the other payment option sections. For more information on payments, see the Establishing a Recipient's Payment Method before Obligating Funds for a New Grant or Cooperative Agreement Award in FBMS guidance document posted on the Service's Financial Assistance Wiki. For additional resources on payments, see 2 CFR 200.305, Service policy 516 FW 4, and Payments under Federal Financial Assistance Awards. Remove this note.

For domestic recipient enrolled in ASAP:

Your organization has completed enrollment in U.S. Treasury's Automated Standard Application for Payment (ASAP) system. When requesting payment in ASAP, your Payment Requestor will be required to enter an Account ID. The number assigned to this award is the partial Account ID in ASAP. When entering the Account ID in ASAP, the Payment Requestor should enter the award number identified in the subject line on letter followed by a percent sign (%). Refer to the ASAP.gov Help menu for detailed instructions on requesting payments in ASAP. [If the recipient is required to manage funds across purposes or programs (i.e., funding accounts) insert any related information/instructions here].

For domestic recipient waived from ASAP or non-domestic paid EFT to U.S. bank:

Use the Standard Form (SF) [enter either: "270, Request for Advance or Reimbursement (Non-Construction)" or "271, Outlay Report and Request for Reimbursement (Construction)"] to request payments and advances. [Enter either "This form is available on the Internet at https://www.grants.gov/web/grants/forms/post-award-reporting-forms.html" or "This form is attached"]. Send all payment requests to the Service Project Officer.

For non-domestic recipient paid through ITS who submit requests directly to Service program (don't forget to send the Recipient the required ITS payment cover sheet as an attachment to the award!):

Use the Standard Form (SF) [enter either: "270, Request for Advance or Reimbursement (Non-Construction)" or "271, Outlay Report and Request for Reimbursement (Construction)"] to request payments and advances. [Enter either "This form is available on the Internet at https://www.grants.gov/web/grants/forms/post-award-reporting-forms.html" or "This form is attached"]. Payments to non-domestic Recipients to a bank outside the United States are transferred electronically through the U.S. Treasury's International Treasury Services (ITS) system. Your organization must also

complete the attached ITS Payment Cover Sheet and send it together with each signed payment request to the Service Project Officer. Payment information on the [enter SF-270 or SF-271] and ITS Payment Cover Sheet must be presented in U.S. dollars.

Recipients are responsible for ensuring any sensitive data sent to the Service is protected during its transmission/delivery. The Service strongly recommends Recipients use the most secure transmission/delivery method available. The Service recommends the following digital transmission methods: secure digital faxing; encrypted emails; emailing a password protected zipped/compressed file attachment in one email followed by the password in a second email; or emailing a zipped/compressed file attachment. The Service strongly encourages Recipients sending sensitive data in paper copy to use a courier mail service. Recipients may also contact the Service Project Officer and provide any sensitive data over the telephone.

For non-domestic recipients paid through ITS who submit requests directly to NBC (don't forget to send the recipient the required ITS payment cover sheet as an attachment to the notice of award!):
Your organization must use the Standard Form (SF) [enter either: "270, Request for Advance or Reimbursement (Non-Construction)" or "271, Outlay Report and Request for Reimbursement (Construction)"] to request payments and advances. [Enter either "This form is available on the Internet at https://www.grants.gov/web/grants/forms/post-award-reporting-forms.html" or "This form is attached"]. Payments to non-domestic Recipients receiving funds to a bank outside the United States are transferred electronically through the U.S. Treasury's International Treasury Services (ITS) system. Your organization must also complete the attached ITS Payment Cover Sheet and send it together with your signed payment request form to our Interior Business Center (IBC) by fax to 303-969-7281 or by email to fbmsfwspayments@nbc.gov. Payment information on the [enter SF-270 or SF-271] and ITS Payment Cover Sheet must be presented in U.S. dollars.

Recipients are responsible for ensuring any sensitive data sent to the IBC is protected during its transmission/delivery. The Service strongly recommends Recipients use the most secure transmission/delivery method available. The Service recommends the following digital transmission methods: secure digital faxing; encrypted emails; emailing a password protected zipped/compressed file attachment in one email followed by the password in a second email; or emailing a zipped/compressed file attachment.

Reporting Requirements:
NOTE: Select either Option 1 or Option 2 below. Delete yellow highlighted option section headers and text for option not selected. Refer to Service policy 516 FW 1, and the Service's Financial Assistance Recipient Risk Assessment Guidance to complete reporting period and due date tables. Add or delete table rows as needed. For construction projects, describe in detail any on-site technical inspections and certified percentage of completion data that will be used to assess performance in lieu of/in addition to performance reporting. If the award is a cooperative agreement to an individual, (this option is not allowed for any other recipient type) and the program will replace some or all of the required performance reports with site visit reports, replace the performance reporting schedule with an expected site visit schedule. Complete site visit reports at least annually, and follow the same schedule as the replaced performance reports. The "Significant Development Reports", "Conflict of Interest Disclosures", and "Other Mandatory Disclosures" sections following the end of Option 2 are required in all awards and must not be removed. Remove this note.

OPTION 1-If the recipient is waived from ASAP and the program wishes to waive interim SF 425, Federal financial reports, retain and update the following text:

Financial Reports: No interim Standard Form (SF) 425, *Federal Financial Reports* are required. Submission of payment requests using the SF 270 or SF 271 satisfies interim financial reporting requirements. A final SF 425, *Federal Financial Report* is required within 90 calendar days of the end date of the award. This form is available at online at https://www.grants.gov/web/grants/forms/post-award-reporting-forms.html. For assistance completing the SF-425, watch the instructional video Completing the Federal Financial Report (SF-425) available on the Service's Financial Assistance Wiki.

Performance Reports:

[Insert Quarterly, Semi-annual, or Annual] interim performance reports and a final performance report are required under this award. The performance report periods and report due dates are:

Report:	Report Period Start Date:	Report Period End Date	Report Due Date:
Interim Performance	[insert start date of reporting period	[insert end date of reporting period]	[insert corresponding due date]
Interim Performance	[insert start date of reporting period	[insert end date of reporting period]	[insert corresponding due date]
Final Performance	[insert start date of award]	[insert end date of award]	[insert corresponding due date]

Performance reports must contain: 1) a comparison of actual accomplishments with the goals and objectives of the award as detailed in the approved scope of work; 2) a description of reasons why established goals were not met, if appropriate; and 3) any other pertinent information relevant to the project results. [Enter any program- or project-specific performance reporting requirements here]. Please include the award number provided in the subject line of this letter on all reports.

Financial and performance reporting due dates may be extended upon receipt of a written request identifying the type of report to be extended, the requested revised due date, and a justification for the extension. The Service Project Officer may approve an additional extension if justified by a catastrophe that significantly impairs the award Recipient's operations. Request the reporting due date extensions in writing to the Service Project Officer before the original reporting due date.

For additional information regarding financial and performance reporting requirements and sanctions for noncompliance, see Service Policy 516 FW 1, Monitoring Financial and Performance Reporting for Financial Assistance.

End Option 1

OPTION 2-If the recipient is to be paid in ASAP, or the recipient is waived from ASAP but the program does not want to waive interim financial reports, retain and update the following text:

Financial and Performance Reporting Requirements:

[Insert Quarterly, Semi-annual, or Annual] interim financial and performance reports and final financial and performance reports are required under this award. The report periods and due dates are:

Report:	Report Period Start Date:	Report Period End Date:	Report Due Date:
Interim financial & performance	[insert start date of reporting period	[insert end date of reporting period]	[insert corresponding due date]

Report:	Report Period Start Date:	Report Period End Date:	Report Due Date:
Interim financial & performance	[insert start date of reporting period	[insert end date of reporting period]	[insert corresponding due date]
Final financial	[insert start date of award]	[insert end date of award]	[insert corresponding due date]
Final performance	[insert start date of award]	[insert end date of award]	[insert corresponding due date]

Recipients must use the Standard Form (SF) 425, *Federal Financial Report* form for all financial reporting. A final SF 425, *Federal Financial Report* is required within 90 calendar days of the end date of the award. This form is available at online at https://www.grants.gov/web/grants/forms/post-award-reporting-forms.html. For assistance completing the SF-425, watch the instructional video, Completing the Federal Financial Report (SF-425) available on the Service's Financial Assistance Wiki.

Performance reports must contain: 1) a comparison of actual accomplishments with the goals and objectives of the award as detailed in the approved scope of work; 2) a description of reasons why established goals were not met, if appropriate; and 3) any other pertinent information relevant to the project results. [Enter any program- or project-specific performance reporting requirements here]. Please include the award number provided in the subject line of this letter on all reports.

Financial and performance reporting due dates may be extended by upon receipt of a written request addressed to the Service Project Officer identifying the type of report to be extended, the requested revised due date, and a justification for the extension. The Service Project Officer may approve an additional extension if justified by a catastrophe that significantly impairs the Recipient's operations. Requests for reporting due date extensions must be received by the Service Project Officer before the original reporting due date.

For additional information regarding financial and performance reporting requirements and sanctions for noncompliance, see Service Policy 516 FW 1, Monitoring Financial and Performance Reporting for Financial Assistance.

End Option 2

Significant Developments Reports (see 2 CFR 200.328(d))**:**
Events may occur between the scheduled performance reporting dates that have significant impact upon the supported activity. In such cases, recipients are required to notify the Service in writing as soon as the recipient becomes aware of any problems, delays, or adverse conditions that will materially impair the ability to meet the objective of the Federal award. This disclosure must include a statement of any corrective action(s) taken or contemplated, and any assistance needed to resolve the situation. The recipient should also notify the Service in writing of any favorable developments that enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more or different beneficial results than originally planned.

Conflict of Interest Disclosures:
Recipients are responsible for notifying the Service Project Officer in writing of any conflicts of interest that arise during the life of this award, including those reported to them by any subrecipient under the award. Conflicts of interest include any relationship or matter that might place the recipient, including

their employees and subrecipients, in a position of conflict, real or apparent, between their responsibilities under the award and any other outside interests. Conflicts of interest include direct or indirect financial interests; close personal relationships; positions of trust in outside organizations; consideration of future employment arrangements with a different organization; and decision-making authority related to the proposed project. Conflicts of interest are those circumstances real or perceived that would cause a reasonable person with knowledge of the relevant facts to question the impartiality of the recipient, or the recipient's employees or subrecipients, in matters pertaining to the award. Recipients must notify the Service in writing if any employees, including subrecipient and contractor personnel, are related to, married to, or have a close personal relationship with any Federal employee within the Federal program issuing this award. The term employee means any individual engaged in the performance of work under the Federal award. Recipients may not have a former Federal employee as a key project official, or in any other substantial role related to their award, whose participation put them out of compliance with the legal authorities addressing post-Government employment restrictions. See the U.S. Office of Government Ethics website at https://oge.gov/ for more information on these restrictions. The Service will examine each conflict of interest disclosure based on its particular facts and the nature of the project and will determine if a significant potential conflict exists. If it does, the Service will work with the recipient to determine an appropriate resolution. Failure to disclose and resolve conflicts of interest in a manner that satisfies the Service may result in any of the remedies described in 2 CFR 200.338 Remedies for Noncompliance, including termination of this award.

Other Mandatory Disclosures:
Recipients of Federal awards must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that receive a Federal award including the term and condition outlined in 2 CFR 200, Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters are required to report certain civil, criminal, or administrative proceedings to SAM. Failure to make required disclosures can result in any of the remedies described in 2 CFR 200.338 Remedies for Noncompliance, including suspension or debarment.

Other Reports or Deliverables:
NOTE: If any other reports or deliverables are expected, remove yellow highlighting on section header above and update gray highlighted text below. If section does not apply, remove section header and related text below. Remove this note.
[Identify any other reports or deliverables expected/required from the recipient, such as products, research reports, invention disclosures, or land purchase/title documentation].
All reports [if applicable, enter "and other deliverables identified above"] must be sent to the Service Project Officer.

Project/Program Plan and Budget Revisions:
Recipients are required to report deviations from budget or project scope or objective, and request prior approvals for budget and program plan revisions in accordance with 2 CFR 200.308 unless otherwise specifically waived in this award. [If program wants to waive any of the prior approval requirements or restrictions allowed under 200.308 "Revision of budget and program plans", insert text detailing the waiver/restriction and include a citation to the applicable section(s) in 2 CFR 200.308].

Period of Performance Extensions:

Program may want to waive prior approval requirement for period of performance extension requests (see 2 CFR 200.3080(d)(2). If program DOES want to waive the prior approval requirement, insert the first option provided below. If program DOES NOT want to waive the prior approval requirement, insert the second option provided below. Remove text for option not selected and these yellow highlighted instructions:
[Insert either" "Recipient is authorized without further approval to initiate a one-time extension of the period of performance by up to 12 months unless one or more of the conditions outlined in paragraphs (d)(2)(i) through (iii) of 2 CFR 200.308(d)(2) apply. For one-time extensions, the Recipient must notify the Federal awarding agency in writing with the supporting reasons and revised period of performance at least 10 calendar days before the end of the period of performance specified in this award. This one-time extension may not be used for the purpose of spending an unused balance of funds that remains after all approved project activities have been completed." OR "If additional time is needed to complete the approved project, you must send written notice to the Service Project Officer. This notice must be received by the Service Project Officer at least [enter number of days] calendar days before the authorized performance period end date, and must include supporting reasons and revised end date. Extensions for time cannot be authorized for the purpose of spending an unused balance of funds that remains after the approved project activities have been completed."]

Project Contacts:

The Service Project Officer for this award is:	The Recipient Project Officer for this award is:
[Enter complete contact information, including telephone and email, for the Service employee responsible for the oversight and management of this award.]	[Enter complete contact information for the recipient's project officer/principal investigator/primary point of contact responsible for the oversight and management of this award.]

Please contact [insert program contact name] with any questions. Please include the Service award number provided in the subject line of this letter in all written communications.

Sincerely,

Attachment A: DOI Award Provisions

I. Conflicts of Interest

(a) Applicability.

(1) This section intends to ensure that non-Federal entities and their employees take appropriate steps to avoid conflicts of interest in their responsibilities under or with respect to Federal financial assistance agreements.

(2) In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in 2 CFR 200.318 apply.

(b) Requirements.

(1) Non-Federal entities must avoid prohibited conflicts of interest, including any significant financial interests that could cause a reasonable person to question the recipient's ability to provide impartial, technically sound, and objective performance under or with respect to a Federal financial assistance agreement.

(2) In addition to any other prohibitions that may apply with respect to conflicts of interest, no key official of an actual or proposed recipient or subrecipient, who is substantially involved in the proposal or project, may have been a former Federal employee who, within the last one (1) year, participated personally and substantially in the evaluation, award, or administration of an award with respect to that recipient or subrecipient or in development of the requirement leading to the funding announcement.

(3) No actual or prospective recipient or subrecipient may solicit, obtain, or use non-public information regarding the evaluation, award, or administration of an award to that recipient or subrecipient or the development of a Federal financial assistance opportunity that may be of competitive interest to that recipient or subrecipient.

(c) Notification.

(1) Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the DOI awarding agency or pass-through entity in accordance with 2 CFR 200.112, Conflicts of lnterest.

(2) Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The recipient is responsible for notifying the Financial Assistance Officer in writing of any conflicts of interest that may arise during the life of the award, including those that have been reported by subrecipients.

(d) Restrictions on Lobbying. Non-Federal entities are strictly prohibited from using funds under this grant or cooperative agreement for lobbying activities and must provide the required certifications and disclosures pursuant to 4 3 CFR Part 18 and 31 USC 13 52.

(e) Review Procedures. The Financial Assistance Officer will examine each conflict of interest disclosure on the basis of its particular facts and the nature of the proposed grant or cooperative agreement, and will determine whether a significant potential conflict exists and, if it does, develop an appropriate means for resolving it.

(f) Enforcement. Failure to resolve conflicts of interest in a manner that satisfies the Government may be cause for termination of the award. Failure to make required disclosures may result in any of the remedies described in 2 CFR 200.338, Remedies for Noncompliance, including suspension or debarment (see also 2 CFR Part 180).

II. Data Availability

(a) Applicability. The Department of the Interior is committed to basing its decisions on the best available science and providing the American people with enough information to thoughtfully and substantively evaluate the data, methodology, and analysis used by the Department to inform its decisions.

(b) Use of Data. The regulations at 2 CFR 200.315 apply to data produced under a Federal award, including the provision that the Federal Government has the right to obtain, reproduce, publish, or otherwise use the data produced under a Federal award as well as authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

(c) Availability of Data. The recipient shall make the data produced under this award and any subaward(s) available to the Government for public release, consistent with applicable law, to allow meaningful third party evaluation and reproduction of the following:

(1) The scientific data relied upon;

(2) The analysis relied upon; and

(3) The methodology, including models, used to gather and analyze data.

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Last Updated: October 5, 2018
WSFR/FASO/Policy Branch

U.S. Fish and Wildlife Service

Financial Assistance Business Process

Setting Performance Period Dates for Grant and Cooperative Agreement Awards

Point of Contact

Email questions about this guidance to the Chief, Policy Branch, Financial Assistance Support and Oversight (FASO), Wildlife and Sport Fish Restoration Program (WSFR). For contact information, see the FASO-Policy Branch InsideFWS Contact Us page.

Document Change Log

The FASO-Policy Branch will update this document over time to incorporate changes resulting from any new government-wide regulations or new Department of the Interior or Service policy. We will post updated versions of this document on the FASO-Policy Branch InsideFWS page for New Awards and log updates made to this guidance in the following table:

Date Changed	Description of Change Made
10-05-2018	Updated throughout for clarity. Change to headers vs. Q&A format..
01-06-2017	Updated organizational unit names and Intranet page addresses. Updated the response to Question 3 to clarify limitation on setting funding and project PoP end dates related to funds cancellation dates for fixed appropriation accounts.
9-30-2015	Updated response to Question 3 to clarify overlapping funding/budget periods.
2-20-2015	Updates made to: reflect 2 CFR 200 definitions; remove use of “project period” throughout; clarify pre-award costs and incremental funding guidance.

Definitions

Term	Definition
Award Period of Performance (PoP)	See also 2 CFR 200.77. The time during which the non-Federal entity may incur new obligations to carry out the work authorized under the Federal award.
Pre-award costs	See also 2 CFR 200.458. Costs incurred prior to the effective date of the Federal award directly pursuant to the negotiation and in anticipation of the Federal award where such costs are necessary for efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the Federal award and only with the written approval of the Federal awarding agency.
Funding Line PoP	For incrementally funded awards, each new line of funding may have a unique and shorter PoP within the longer award PoP. When a Funding Line PoP is specified, a recipient may charge only the allowable costs resulting from obligations incurred during that period plus any authorized pre-award costs. The recipient may not carry over unspent balances of funds to the next funding/budget period without prior written approval from the Service.
Real property maintenance and/or retention period	The period during which a recipient must maintain and/or retain real property that was restored or purchased with Federal funds during the award period or performance. The real property maintenance/retention period begins on the day AFTER the PoP ends, and must not be identified in a notice of award as being part of the PoP.

PoP Start Date Standards

Unless otherwise legally prescribed, the standards for establishing a PoP start date are as follows:

- If the program completes review, approval and obligation of funds for a project *before* the start date requested by the applicant on their **SF 424, *Application for Federal Assistance***, the start date should be the requested start date.
- If the program is unable to complete review, approval, and obligation of funds for a project until *after* the start date requested by the applicant, the start date may be back-dated to start on either the date the program received a complete application package or the start date requested by the applicant, whichever is later (i.e., whichever event occurred closest to today's date). Back-dating an award start date under these circumstances is not equivalent to approving pre-award costs. Pre-award costs, by definition, are for cost incurred for activities performed BEFORE either the date the applicant submits their application or the future start date requested in their application.
- If the applicant does not request a specific start date in their application, the start date will typically be either the same date as the date funds are obligated or the date the notice of award is signed by the authorized Service official. We recommend that competitive discretionary programs specify in their Notice of Funding Opportunity that applicants should not request a specific start date on their application.
- If we must obligate funds before all legal compliance reviews are complete (i.e., National Environmental Policy Act, Section 106 of the National Historic Preservation Act, and Section 7 of the Endangered Species Act reviews), programs have the option to set a future start to allow time for all required compliance reviews to be completed before the recipient begins any activities under the award.

PoP Start Date if Approving Pre-Award Costs

Follow the standards in the response to Question 1. The start date should not be back-dated to incorporate pre-award costs. Pre-award costs, by definition, are incurred as a result of activities performed BEFORE the start of the PoP. Pre-award costs and associated pre-award cost time frame (must occur prior to the start of the award or start of next budget period) must be specifically authorized in the notice of award. See the **Issuing a New Financial Assistance Award Guidance** posted on the FASO-Policy Branch InsideFWS page for New Awards for more information.

PoPs on Incrementally Funded Awards

For awards to be funded incrementally over time, we should set the AWARD PoP to reflect the start and end of the entire anticipated project period. We can then set shorter FUNDING LINE PoPs for each increment of funding added over time. The first FUNDING LINE PoP start date must be set to start on the same day as the AWARD PoP start date. FUNDING LINE PoPs will typically not overlap, unless the program gives the recipient written approval to carry over an outstanding balance of funds from a previous funding period to a subsequent funding period. A recipient may charge only allowable costs during the specified funding/budget period that resulted from obligations incurred during that period, including any authorized pre-award costs.

The funds cancellation date for fixed appropriations is September 30th of the fifth fiscal year after the funds expiration date. The funds expiration date is the time limit or "period of obligational availability" Congress establishes for Federal expenditure of the funds. On the funds cancellation date the funds, both obligated and unobligated, are no longer available for

obligation or expenditure for any purpose. For awards funded with fixed appropriations we must not set PoP end dates near, on the same day, or past the funds cancellation date. See the Service's Appropriated Fund Time Limits and Financial Assistance Wiki page for more information.

NOTE: Not all projects qualify to be funded incrementally. Providing funds year after year to support the same project as previously funded (i.e., project scope of work, objectives, and expected outcomes are the same each year) does not meet the standards for being incrementally funded. For such continuation projects, issue a new award each year.

PoP End Date Standards

Set the PoP end date no later than the date when we expect the recipient to complete all project activities. We must not extend a PoP end date to incorporate any required post-award reporting period or real property maintenance or retention period. The end of the performance period and subsequent award closeout do NOT affect the recipient's continued responsibilities for real property maintenance, retention, or disposition (see 2 CFR 200.344).

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U.S. Fish and Wildlife Service

Financial Assistance Award Terms and Conditions

Effective Date: October 1, 2018

U.S. Fish and Wildlife Service (Service) grant and cooperative agreement awards are made based on the application submitted to and approved by the Service, and are subject to the terms and conditions incorporated into the Notice of Award either by direct citation or by reference to Federal regulations; program legislation or regulation; and special award terms and conditions. Recipients indicate their acceptance of an award by starting work, drawing down funds, or accepting the award via electronic means. Recipient acceptance of an award from the Service carries with it the responsibility to be aware of and comply with all terms and conditions applicable to the award. The Federal regulations applicable to Service grant and cooperative agreement award recipients and their subrecipients and contractors are as follows:

For-Profit Entities

These regulations and requirements apply only if the Notice of Award from the Service explicitly states that they are applicable:

- Administrative Requirements: 2 CFR Part 200, Subparts A through D
- Cost Principles: 48 CFR Part 1, Subpart 31.2, Contracts with Commercial Organizations
- Indirect Cost Rate Approval: Indirect Cost Identification and Assignment and Rate Determination by the Department of the Interior

These regulations and requirements always apply:

- 2 CFR Part 25, Universal Identifier and System for Award Management
- 2 CFR Part 170, Reporting Subawards and Executive Compensation Information
- 2 CFR Part 175, Award Term for Trafficking in Persons
- 2 CFR Part 200, Appendix XII, Award Term and Condition for Recipient Integrity and Performance Matters. Applies to awards with a total Federal share of more than $500,000.
- 2 CFR Part 1400, Nonprocurement Debarment and Suspension
- 2 CFR Part 1401, Requirements for Drug-Free Workplace
- 43 CFR Part 18, New Restrictions on Lobbying. Submission of an application to the Service also represents the applicant's certification of the statements in 43 CFR Part 18, Appendix A, Certification Regarding Lobbying.
- 41 USC §4712, Enhancement of Recipient and Subrecipient Employee Whistleblower Protection. Applies to all awards over the simplified acquisition threshold (currently $250,000). This award, related subawards, and related contracts over the simplified acquisition threshold and all employees working on this award, related subawards, and related contracts over the simplified acquisition threshold are subject to the whistleblower rights and remedies established at 41 USC 4712. Recipients, their subrecipients, and their contractors awarded contracts over the simplified acquisition threshold related to this award, shall inform their employees in writing, in the predominant language of the workforce, of the employee whistleblower rights and protections under 41 USC 4712. The recipient shall insert this clause in all subawards and in contracts over the simplified acquisition threshold related to this award.
- 41 USC §6306, Prohibition on Members of Congress Making Contracts with Federal Government. No member of or delegate to the United States Congress or Resident Commissioner shall be admitted to

For Instructional Purposes Only

any share or part of this award, or to any benefit that may arise therefrom; this provision shall not be construed to extend to an award made to a corporation for the public's general benefit.

- Section 743 of Division E, Title VII of Pub. L. 113-235, Prohibition on Issuing Financial Assistance Awards to Entities that Require Certain Internal Confidentiality Agreements. Recipients must not require their employees or contractors seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a federal department or agency authorized to receive such information. Recipients must notify their employees or contractors that existing internal confidentiality agreements covered by this condition are no longer in effect.
- Executive Order 13513, Federal Leadership on Reducing Text Messaging while Driving. Recipients are encouraged to adopt and enforce policies that ban text messaging while driving, including conducting initiatives of the type described in section 3(a) of the Order.

Foreign Entities

Foreign entities are foreign public entities as defined in 2 CFR 200.46 and foreign organizations as defined in 2 CFR 200.47. In addition to following all general requirements, foreign entities must follow any special considerations and requirements for different classes of recipients. Foreign public entities are to follow those for states. Foreign nonprofit organizations are to follow those for nonprofits. Foreign higher education institutions are to follow those for Institutions of Higher Education (IHEs). These regulations and requirements always apply:

- Administrative Requirements: 2 CFR Part 200, Subparts A through D. The state payment procedures in 200.305(b) do not apply to foreign public entities. Foreign public entities must follow the payment procedures in 2 CFR 200.305(b). The requirements in 2 CFR 200.321 and 200.322 do not apply to foreign entities.
- Cost Principles: 2 CFR Part 200, Subpart E
- Indirect Cost Rate Approval: Indirect Cost Identification and Assignment and Rate Determination by the Department of the Interior
- 2 CFR Part 25, Universal Identifier and System for Award Management, unless the entity meets at least one qualifying condition and is exempted by the Service prior to award as provided for in 2 CFR Part 25.
- 2 CFR Part 170, Reporting Subawards and Executive Compensation Information
- 2 CFR Part 175, Award Term for Trafficking in Persons. Applies to awards to foreign private entities. Also applies to awards to foreign public entities, if funding could be provided under the award to a private entity as a subrecipient. See the award term for definitions.
- 2 CFR Part 200, Appendix XII, Award Term and Condition for Recipient Integrity and Performance Matters. Applies to awards with a total Federal share of more than $500,000, except those awards to foreign public entities.
- 2 CFR Part 1400, Nonprocurement Debarment and Suspension. This does not apply to foreign public entities.
- 43 CFR 18, New Restrictions on Lobbying: Submission of an application also represents the applicant's certification of the statements in 43 CFR Part 18, Appendix A, Certification Regarding Lobbying.
- 41 USC §6306, Prohibition on Members of Congress Making Contracts with Federal Government. No member of or delegate to the United States Congress or Resident Commissioner shall be admitted to

For Instructional Purposes Only

any share or part of this award, or to any benefit that may arise therefrom; this provision shall not be construed to extend to an award made to a corporation for the public's general benefit.

- Section 743 of Division E, Title VII of Pub. L. 113-235, Prohibition on Issuing Financial Assistance Awards to Entities that Require Certain Internal Confidentiality Agreements. Recipients must not require their employees or contractors seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a federal department or agency authorized to receive such information. Recipients must notify their employees or contractors that existing internal confidentiality agreements covered by this condition are no longer in effect.
- Executive Order 13513, Federal Leadership on Reducing Text Messaging while Driving. Recipients are encouraged to adopt and enforce policies that ban text messaging while driving, including conducting initiatives of the type described in section 3(a) of the Order.

Individuals

An individual is any person applying for or receiving Federal funds under a grant or cooperative agreement award separate from any business or non-profit organization he/she may operate. For individuals, the notice of award document will detail all administrative and cost-related requirements and restrictions. These regulations and requirements always apply:

- 2 CFR Part 175, Award Term for Trafficking in Persons
- 2 CFR Part 1400, Nonprocurement Debarment and Suspension
- 2 CFR Part 1401, Requirements for Drug-Free Workplace
- 43 CFR 18, New Restrictions on Lobbying: Submission of an application also represents the applicant's certification of the statements in 43 CFR Part 18, Appendix A, Certification Regarding Lobbying.
- 41 USC §6306, Prohibition on Members of Congress Making Contracts with Federal Government. No member of or delegate to Congress or Resident Commissioner shall be admitted to any share or part of this award, or to any benefit that may arise therefrom; this provision shall not be construed to extend to an award made to a corporation for the public's general benefit.
- Executive Order 13513, Federal Leadership on Reducing Text Messaging while Driving. Recipients are encouraged to not text message when driving a vehicle while conducting activities funded under this award.

Institutions of Higher Education and Non-Profit Organizations

These regulations and requirements always apply as specified below:

- Administrative Requirements: 2 CFR Part 200, Subparts A through D
- Cost Principles: 2 CFR Part 200, Subpart E, except for non-profits identified in 2 CFR 200, Appendix VIII as exempt from these and therefore subject to the cost principles in 48 CFR 1, Subpart 31.2 Contracts with Commercial Organizations.
- Indirect Cost Proposals for IHEs: 2 CFR Part 200, Appendix III
- Indirect Cost Proposals for Non-Profits: 2 CFR 200, Appendix IV
- Audit Requirements for Non-Profits: 2 CFR Part 200, Subpart F
- 2 CFR Part 25, Universal Identifier and System for Award Management

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- 2 CFR Part 170, Reporting Subawards and Executive Compensation
- 2 CFR Part 175, Award Term for Trafficking in Persons
- 2 CFR Part 200, Appendix XII, Award Term and Condition for Recipient Integrity and Performance Matters. Applies to awards with a total Federal share of more than $500,000.
- 2 CFR Part 1400, Nonprocurement Debarment and Suspension
- 2 CFR Part 1401, Requirements for Drug-Free Workplace
- 43 CFR 18, New Restrictions on Lobbying: Submission of an application also represents the applicant's certification of the statements in 43 CFR Part 18, Appendix A, Certification Regarding Lobbying.
- 41 USC §4712, Enhancement of Recipient and Subrecipient Employee Whistleblower Protection. Applies to all awards over the simplified acquisition threshold (currently $250,000). This award, related subawards, and related contracts over the simplified acquisition threshold and all employees working on this award, related subawards, and related contracts over the simplified acquisition threshold are subject to the whistleblower rights and remedies established at 41 USC 4712. Recipients, their subrecipients, and their contractors awarded contracts over the simplified acquisition threshold related to this award, shall inform their employees in writing, in the predominant language of the workforce, of the employee whistleblower rights and protections under 41 USC 4712. The recipient shall insert this clause in all subawards and in contracts over the simplified acquisition threshold related to this award.
- 41 USC §6306, Prohibition on Members of Congress Making Contracts with Federal Government. No member of or delegate to Congress or Resident Commissioner shall be admitted to any share or part of this award, or to any benefit that may arise therefrom; this provision shall not be construed to extend to an award made to a corporation for the public's general benefit.
- Section 743 of Division E, Title VII of Pub. L. 113-235, Prohibition on Issuing Financial Assistance Awards to Entities that Require Certain Internal Confidentiality Agreements. Recipients must not require their employees or contractors seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a federal department or agency authorized to receive such information. Recipients must notify their employees or contractors that existing internal confidentiality agreements covered by this condition are no longer in effect.
- Executive Order 13513, Federal Leadership on Reducing Text Messaging while Driving. Recipients are encouraged to adopt and enforce policies that ban text messaging while driving, including conducting initiatives of the type described in section 3(a) of the Order.

State, Local, and Federally-Recognized Indian Tribal Governments

These regulations and requirements always apply:

- Administrative Requirements: 2 CFR Part 200, Subparts A through D
- Cost Principles: 2 CFR Part 200, Subpart E
- Central Service Cost Allocation Plans: 2 CFR Part 200, Appendix V
- Indirect Cost Proposals: 2 CFR Part 200, Appendix VII
- Audit Requirements: 2 CFR Part 200, Subpart F
- 2 CFR Part 25, Universal Identifier and System for Award Management
- 2 CFR Part 170, Reporting Subawards and Executive Compensation Information

For Instructional Purposes Only

- 2 CFR Part 175, Award Term for Trafficking in Persons. Applies if funding could be provided under the award to a private entity as a subrecipient. See the award term for definitions.
- 2 CFR Part 200, Appendix XII, Award Term and Condition for Recipient Integrity and Performance Matters. Applies to awards with a total Federal share of more than $500,000.
- 2 CFR Part 1400, Nonprocurement Debarment and Suspension
- 2 CFR Part 1401, Requirements for Drug-Free Workplace
- 43 CFR 18, New Restrictions on Lobbying: Submission of an application also represents the applicant's certification of the statements in 43 CFR Part 18, Appendix A, Certification Regarding Lobbying.
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- 41 USC §6306, Prohibition on Members of Congress Making Contracts with Federal Government. No member of or delegate to Congress or Resident Commissioner shall be admitted to any share or part of this award, or to any benefit that may arise therefrom; this provision shall not be construed to extend to an award made to a corporation for the public's general benefit.
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- Executive Order 13513, Federal Leadership on Reducing Text Messaging while Driving. Recipients are encouraged to adopt and enforce policies that ban text messaging while driving, including conducting initiatives of the type described in section 3(a) of the Order.

For Instructional Purposes Only

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U.S. Fish and Wildlife Service

Financial Assistance Business Process

Sample Special Award Terms and Conditions

Point of Contact

Send any questions about this document by email to the Chief, Policy Branch, Financial Assistance Support and Oversight (FASO) Division, Wildlife and Sport Fish Restoration (WSFR). See the Policy Branch "Contact Us" Intranet page contact information. See Table 1 below for document change history.

Table 1: Document Change Log

Changed On	Change Description
10-05-2018	Updated links; added condition 18 for WSFR awards to States. Removed reference to requirements in DIG 2014-01, "Financial Assistance Liability and Insurance".
01-06-2017	Added new award condition (6) to be included in all awards when performance of the award requires the recipient or their subrecipient/contractor to have access to a federally-controlled facility and/or access to a federally-controlled information network or system. Updated condition (4) to add "and contractor(s)" to the condition text.
9-30-2015	Clarified applicability of Buy American Act; Clarified requirements for individuals to check SAM Exclusions for subrecipients and contractors; Removed inaccurate requirement for contractors to be in DUNS; Removed circumstances now addressed in 2 CFR 200.321.
2-20-2015	New item to incorporate Davis-Bacon Act requirements. Inserted DOI-AAAP-0005, Minimum Wage Guidance requirements. New item for projects with potential to discover archeological or historical materials. Inserted new item to incorporate DIG 2014-01, Financial Assistance Liability and Insurance requirements. Removed references to 43 CFR 12 and updated with references to 2 CFR 200.

Instructions

Use this document as a starting point for developing project-, program-, or recipient-specific special award terms and conditions (T&Cs). We must include all applicable special award T&Cs in notices of award. We must not include in notices of award any special award T&Cs that do not apply. This document provides guidance for developing special award T&Cs for circumstances that often apply to Service awards. Provided are detailed descriptions of these circumstances and either already developed award T&C text for the circumstance or instructions for developing customized text to insert into the award. Use the Microsoft Word View>Navigation Pane feature to view embedded template headings and use those to go directly to a specific section.

Sample Special Award Terms and Conditions

Notes: Service policy 301 FW 7, "Green Procurement" does not apply to financial assistance awards. The Buy American Act does not apply to financial assistance unless specifically applied in a program's authorizing legislation.

Acknowledgement of Support in Publications

Circumstance: The program wants the recipient to acknowledge program, Service, or Department of the Interior support on published materials (on the Internet or printed). The program may also want the recipient to insert a program symbol (not the Service logo). See the related "Requiring Use of the Service Logo" section in this document.

Instructions: Insert the paragraph provided below and update as appropriate.

Award T&C:
The [insert description of the items] produced under this award must include the following statement acknowledging support from the [insert any combination of Department of the Interior, Service, and program title]: "[insert program-specific statement]". All of these materials must also include the [insert program name] symbol. A print-ready symbol is available electronically [provide information on how they can obtain the program symbol].

Acknowledgement of Support on Facilities or Equipment

Circumstance: The program wants to ask or encourage the recipient to display the program symbol (not the Service logo) on facilities or equipment acquired, developed, operated, or maintained with Service award funds.). See the related "Requiring Use of the Service Logo" section in this document.

Instructions: Insert the paragraph provided below and update as appropriate.

Award T&C:
[We encourage you to or Please] display the [insert program name] symbol on [insert description of facilities or equipment]. A print-ready symbol is available electronically [provide information on how they can obtain the program symbol].

Davis-Bacon Act

Circumstance: ONLY when the program authorizing legislation specifically states that Davis-Bacon Act requirements apply to awards authorized by the legislation. See the Service's Davis-Bacon Act Wiki page for more information. See also the related "Executive Order 13568, Establishing a Minimum Wage for Contractors" section of this document.

Instructions: Insert the paragraph provided below.

Award T&C:
Davis-Bacon Act requirements apply to this award. All construction contracts in excess of $2,000 awarded by the recipient and all subrecipients under this award must include the Davis-Bacon Act provision in the contract provisions required in 2 CFR 200, Appendix II-Contract Provisions for Non-Federal Entity Contracts Under Federal Awards.

Environmental Compliance Reviews

Circumstance: When we issue an award before all required environmental compliance reviews are complete. See also the related "Inadvertent Archeological or Historical Discoveries" section of this document.

Instructions: Insert the paragraph provided below and update as appropriate.

Award T&C:

[Insert a detailed description of the work that can be started and the work that must not be started until all compliance reviews are complete]. As a condition of award, the Recipient and their sub-recipient(s) and contractor(s) must not begin any potentially impactful work related to this award until the Service has notified you in writing that such work can begin. Recipients and sub-recipients of Federal grants and cooperative agreement awards must comply with the requirements of the National Environmental Policy Act (NEPA), Section 7 of Endangered Species Act (ESA), and Section 106 of the National Historic Preservation Act (NHPA).

Executive Order (E.O.) 13658, Establishing a Minimum Wage for Contractors

Circumstance: This E.O. may apply to cooperative agreements subject to the Davis Bacon Act, Service Contract Act, or the Fair Labor Standards Act. The program must determine if the cooperative agreement meets the definition in DOI policy DOI-AAAP-0005, "Minimum Wage Guidance" of a "contract-like instrument". See the Department of Labor's E.O. 13658 webpage for more information.

Instructions: Insert the paragraph provided below and update as appropriate. Attach a copy of the referenced Minimum Wage Contract Clause to the award, as the recipient must include it in all subawards.

Award T&C:
Executive Order 13658, "Establishing a Minimum Wage for Contractors" applies to this award. The Recipient and all subrecipients must include the Minimum Wage Contract Clause attached to and hereby incorporated into this award in all construction contracts awarded in excess of $2,000.

Giving Recipient Access to Service Facilities and Information Network

Circumstance: When a Service award recipient, or their subrecipients or contractors, will need routine access to a federally controlled facility or information network to carry out activities under their award, we must insert the below clause into the award and follow all other requirements in DOI policies DOI-AAAP-0081 and DOI-AAAP-0063.

Instructions: Insert the paragraph provided below and update as appropriate.

Award T&C:
The performance of this award requires [insert specifics about who: recipient, subrecipient, and/or contractor] to have routine physical access to [insert specifics about what: federally controlled facility, federally controlled information network or system, or both]. As such, the following conditions apply to this award:

> The Recipient shall comply with agency personnel identity verification procedures identified in this award that implement Homeland Security Presidential Directive-12 (HSPD-12), Office of Management and Budget (OMB) guidance M-05-24 and Federal Information Processing Standards Publication (FIPS PUB) Number 201.
>
> The Recipient shall account for all forms of Government-provided identification issued to the Recipient's employees in connection with performance under this award. The Recipient shall return such identification to the issuing agency at the earliest of any of the following, unless otherwise determined by the Government: 1) when no

longer needed for award performance; 2) upon completion of the Recipient employee's employment; or 3) upon award completion or termination.

The Service may withhold payment under this award if the Recipient fails to comply with these requirements.

The Recipient shall insert the substance of this clause, including this paragraph (d), in all subawards and contracts under this award, when the subrecipient's or contractor's employees are required to have routine physical access to a Federally-controlled facility and/or routine access to a Federally-controlled information system. It shall be the responsibility of the prime Recipient to return such identification to the Service in accordance with the terms set forth in paragraph (b) of this section, unless otherwise approved in writing by the Service.

Inadvertent Archeological or Historical Discoveries

Circumstance: Any award that has the potential for inadvertent discovery of archaeological or historic materials.

Instructions: Insert the paragraph provided below.

Award T&C:
In the event any archaeological or historic materials are encountered during project activity, work in the immediate area must stop and the following actions taken:

1. Implement reasonable measures to protect the discovery site, including any appropriate stabilization or covering;
2. Take reasonable steps to ensure the confidentiality of the discovery sites; and
3. Take reasonable steps to restrict access to the site of discovery.

The recipient must notify the concerned Tribes and all appropriate county, state, and federal agencies, including the State Historic Preservation Office. Agencies and the Tribe(s) will discuss the possible measures to remove or avoid cultural material, and will reach an agreement with the recipient regarding actions to be taken and disposition of material. If Human remains are uncovered, appropriate law enforcement agencies must be notified first, and the above steps followed. If the remains are determined to be Native, consultation with the affected Tribe(s) will take place in order to mitigate the final disposition of said remains.

Individuals Hiring Contractors

Circumstance: Any award to an individual who will hire a contractor to perform work approved under the award on their private property. Individual means a private citizen receiving an award separate from a business or any other organization they may operate.

Instructions: Insert the paragraph provided below.

Award T&C:
The Recipient has an obligation to protect themselves from potential liability when hiring any contractor to perform work activities approved under this award on property owned by the Recipient by checking references and ensuring that any contractor hired is licensed, bonded, and has valid employee insurance coverage for events of injury or

bodily harm. In accordance with 2 CFR 180, for any contract expected to total $25,000 or more the Recipient must confirm that the contractor is not suspended or debarred from receiving Federal funds. The Recipient does this by: 1) checking SAM Exclusions, 2) collecting a certification from the contractor; or 3) adding a clause or condition to the contract. To check SAM Exclusions, go to www.SAM.gov. Search for entities by their DUNS number. Search for principal participants by their names. Search for contractors by their business names. If an exclusion is found that prohibits the entity from receiving Federal award funds, the Recipient is prohibited from entering into a subaward with that entity.

Individuals Issuing Subawards

Circumstance: Any award to an individual who will hire a contractor to perform work approved under the award on their private property. Individual means a private citizen receiving an award separate from a business or any other organization they may operate.

Instructions: Insert the paragraph provided below.

Award T&C:
In accordance with 2 CFR 180, before issuing any subaward of any amount the Recipient must confirm that the subrecipient and principals or the contractor are/is not suspended or debarred from receiving Federal funds. The Recipient does this by: 1) checking SAM Exclusions, 2) collecting a certification from the subrecipient; or 3) adding a clause or condition to the subaward. To check SAM Exclusions, go to www.SAM.gov. Search for entities by their DUNS number. Search for principal participants by their names. Search for contractors by their business names. If an exclusion is found that prohibits the entity from receiving Federal award funds, the Recipient is prohibited from entering into a subaward with that entity.

National Technical Information Service

Circumstance: Award funds will be used to produce unclassified scientific, technical, or engineering information that results from Research and Development (R&D) activities that will be published or made publicly available by the recipient or the Service for use by the private sector, academia, State and local governments, or Federal agencies. R&D means basic and applied research that results from the efforts of scientists and engineers in any medium or information that bears on business and industry in general. For examples of eligible products, see the Federal Data Products available through the National Technical Information Service. See also 15 U.S.C. Section 3704B-2. Note: The regulation is very specific as to which types of documents qualify for transmittal to NTIS. The funding program is responsible for determining if this condition applies to the award.

Instructions: Insert the paragraph provided below and update as appropriate.

Award T&C:
Funding under this award will be used to produce [insert description of expected scientific, technical, or engineering publication to be produced]. Your organization is required to send one copy of the final published report to National Technical Information Service, 5301 Shawnee Road, Alexandria, Virginia 22312. Please include a cover letter that identifies you/your organization and states: "This publication is intended for deposit in the NTIS. This publication was produced under U.S. Fish and Wildlife Service Award

Number [insert Award Number]". Do not send financial or performance reports to this address. See the Reporting Requirements section below for the location to send financial and performance reports.

Natural Resource Library

Circumstance: Award funds will be used to produce a publication that qualifies for transmittal to the Department's Natural Resource Library and the program wants the Recipient to send the publication directly to the Library. The funding program is responsible for determining if this condition applies to the award. Apply the following criteria in Department policy 481 DM 4 to make a determination. The publication must be of value for public information and awareness, or educational, scientific, technical, or research use. The publication must not be limited to official use; classified; operational or proprietary; issued periodically and regularly compiled; a preliminary draft, working paper, press release, open file or other ephemera; a map, chart, poster, booklet or pamphlet; of local interest only; or otherwise readily available (e.g., publicly accessible on the Internet).

For Service staff sending publications to the library, the library accepts publications in hard copy and on compact disc. However, we must send all items by courier mail. Hard copy publications sent by regular USPS delivery may be damaged and CDs are always destroyed by the Department's mail irradiation system. Do not send documents that do not qualify for transmittal under the 481 DM 4 criteria.

Instructions: Insert the paragraph provided below and update as appropriate.

Award T&C:
Funding under this award will be used to produce [insert description of publication(s) to be produced]. Your organization is required to send one copy of the final published document (s) to U.S. Department of the Interior, Natural Resource Library, Division of Information and Library Services-Gifts and Exchanges Section, 1849 C Street NW, Washington, D.C. 20240. The copy can be a paper copy or saved to a compact disc. Do NOT send by regular U.S. Postal Service. Send all publications using your preferred courier mail service (e.g., FedEx, UPS and DHL). Expedited delivery is not required. Please include a cover letter that identifies you/your organization and states: "This publication is intended for deposit in the Natural Resource Library. This report was produced under U.S. Fish and Wildlife Service Award Number [insert Award Number]". Do not send financial or performance reports to this address. See the Reporting Requirements section below for the location to send financial and performance reports.

Promotional Partnership with a Non-Governmental Entity

Circumstance: The award is to a non-governmental entity (i.e., not a state, local, or Federally recognized Indian tribal government) and the principal award purpose is a partnership in which the recipient contributes resources to promote Service programs or activities, including assisting in fund raising and public dissemination of information.

Instructions: Insert the paragraph provided below.

Award T&C:
The Recipient shall not publicize or otherwise circulate promotional material that states or implies Federal government or employee endorsement of any product, service, or position that the recipient represents. Promotional materials include advertisements, sales

brochures, press releases, speeches, still and motion pictures, articles, manuscripts, and other publications. No release of information relating to this award may state or imply that the Federal government approves of the recipient's work products, or considers the recipient's work product to be superior to other products or services. All releases of information regarding this project shall carry the following disclaimer: "The views and conclusions contained in this document are those of the author(s) and should not be interpreted as representing the opinions or policies of the U.S. Government. Mention of trade names or commercial products does not constitute their endorsement by the U.S. Government." The Recipient must request and obtain prior approval for any public information releases concerning this award that will refer to the Department of the Interior, or any bureau or employee by name or title. For any such prior approval request, the Recipient must provide the specific text and any related layout information and images with the request for approval. The Recipient must include this provision in all subawards to non-governmental entities (i.e., not a state, local, or Federally recognized Indian tribal government).

Requiring Use of the Service Logo

Circumstance: The program has received approval from the Service Director for the recipient to use the Service logo. All programs not specifically excepted in Service policy 041 FW 2 must request and receive Director's approval before allowing a recipient to use it in any manner, including on publications, meeting materials, or posting it in facilities or on equipment.

Instructions: Program must develop an award condition specific to the circumstances that: 1) explicitly authorizes the recipient to use the Service logo; 2) clearly describes the specific authorized use(s), 3) explicitly states that the Service is not liable for any misuse, and 4) includes a citation of the consequences of violating 18 U.S.C. 701. Programs must coordinate the final award condition text with External Affairs.

Scientific and Scholarly Activities

Circumstance: The award will fund scientific and scholarly activities as defined in Department policy 305 DM 3 and the result of which are intended for use in Service decision-making processes or publications.

Instructions: Insert the paragraph provided below.

Award T&C:

The Recipient will conduct scientific and scholarly activities under this award that meet the definition in Department policy 305 DM 3, "Integrity of Scientific and Scholarly Activities" and the result of those activities are intended for use by the Service in decision-making processes or publications. The Recipient must follow the Department's Code of Scientific and Scholarly Conduct to the best of your ability when carrying out these activities.

Transfer Title to Federal Government or Third Party

Circumstance: The program will require the recipient to transfer the title of real property or equipment purchased under the award to the Federal Government or a third party. Such transfers are allowed under 2 CFR 200.311(c)(3) and 200.313(e)(3).

Instructions: Program must develop an award condition specific to the circumstances that specifically identifies the property or equipment to be transferred and provides disposition instructions, including specifying the compensation due to the recipient for its attributable percentage of the current fair market value of the property or equipment.

WSFR Awards to States Purchasing Equipment

Circumstance: The award is to a WSFR state recipient approved to purchase equipment.

Instructions: Insert the paragraph provided below.

Award T&C:

The U.S. Fish and Wildlife Service approves the acquisition of equipment under this award, as budgeted in the project application. In order to meet the requirements for substantial in character and design, the U.S. Fish and Wildlife Service is applying the additional equipment requirements cited under 2 CFR 200.313(c) as a condition of this award. Beyond the acquisition grant period of performance and throughout the duration of the equipment's useful life, the equipment must continue to be used in the program or project for which it was acquired, as long as needed, whether or not the project or program continues to be supported by the Federal award. When no longer needed for the original program or project, the equipment may be used in other activities in the following order of priority:

1) Activities supported under a Federal award from the Federal awarding agency which funded the original program or project;
2) Activities under Federal awards from other Federal awarding agencies; and then
3) Any activities consistent with the administration of the State fish and wildlife agency.

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MODULE 6

POST-AWARD: MANAGING AND MONITORING AWARDS

Learning Objectives

1. Identify and explain activities involved in implementing, managing and monitoring awards.
2. Describe the communication needed and people involved during award implementation and management.
3. Determine when an award needs revision and what documentation to provide.
4. Describe the factors used by recipients to determine the allowability of costs charged to Federal awards.
5. Describe the responsibilities of recipients when subawarding funds.

Handouts

- BFA 6-A – 516 FW 4 Payment Management for Awards

The Post-Award Phase: Award Implementation

The post-award phase is the period between the start and end dates of the award (also known as the "period of performance"). This is where the recipient accomplishes the work as stated in their approved application. This means the recipient needs to be proactive in implementing the work according to Federal regulations and specific award requirements, in order to adhere to timelines and time constraints.

The Recipient is responsible for:

- Reviewing the Notice of Award, understanding its terms and conditions, and disseminating its information.
- Establish and implement internal controls for financial management processes, including setting up accounting codes to properly track expenditures, payment procedures, and determining allowable costs.
- Establishing measures to manage and monitor grant performance, including personnel/time management, procurement, property management, and report preparation.
- Implementing award activities in full compliance with Federal statutes, regulations and terms and conditions of the award.

The Program Office will have a variety of post-award monitoring responsibilities to fulfill depending on instrument type, risk assessment level, or other specific requirements as outlined in the award letter.

The Program Office is responsible for:

- Assessing recipient progress and accomplishments, primarily via financial and performance reports.
- Monitoring recipient payment activity and award eligibility status.
- Following any additional risk assessment monitoring requirements.
- Participating in award activities as outlined in the award and by program requirements.

2 CFR 200 Subpart D – Standards for Financial and Program Management

Federal Funding Accountability and Transparency Act (FFATA) of 2006

Federal agencies are required to report new awards and prime award recipients are required to report new first-tier subawards (both mandatory and discretionary) greater than or equal to $25,000. This applies to the following scenarios:

- Initial awards that meet or exceed $25,000.
- Award revisions that increase the initial award to $25,000 or greater.
- Awards initially meeting or exceeding $25,000 but are later reduced below $25,000.

The DATA Act (Digital Accountability and Transparency Act) now requires reporting of agency's financial management, payment, and budget actions.

FFATA requires that prime recipients report the names and total compensation of the five most highly compensated officers of a prime **or** sub-awardee entity *if*

1. Executives received 80% or more of the entity's annual gross revenues in Federal awards, **and**
2. Annual gross revenues meet or exceeded $25,000,000 from Federal awards, **and**
3. The public does not have access to this information via the SEC.

Reporting exemptions apply to:

- Individuals unrelated to any business or nonprofit organization.
- Any entity with less than $300K from previous tax year's gross income.
- Reporting that would disclose classified information.
- Awards under the Recovery Act.

OMB memo, OMB-M-09-19, (June 1, 2009) encourages reporting of awards (1) less than $25K, or (2) to individuals, be aggregated, but still reported.

Instructor notes: Pass-through entities must report award information for awards greater than $25,000 through the FFATA Subaward Reporting System.

2 CFR 170 | 2 CFR 200.211, 200.300(b) | USASpending.gov | FSRS.gov

Program Income

According to 2 CFR 200, non-federal entities (recipients and/or subrecipients) are encouraged to earn income to help defray Federal costs where appropriate.

There are three criteria for determining if income earned by non-Federal entities is Program Income:

1. Gross income received by the non-federal entity.
2. Directly generated by award-supported activities.
3. Earned during the award period.

Instructor notes: If the scenario does not meet all three criteria, it is not program income.

2 CFR 200.80 and 200.307

FOR DISCUSSION: Identifying program income

Which of the following scenarios are program income?

1. Sale of selectively harvested timber by the recipient on a habitat management award.

   Discussion notes: Yes, this is program income. All three criteria are met.

2. Rental of duck blinds built by recipient of a wetland restoration award.

   Discussion notes: Yes, this is program income. All three criteria are met. This award remained open during the landowner agreement retention period.

3. Kayak rental service run by a vendor on an impoundment maintained by a Federal award.

   Discussion notes: No, this is not program income. The vendor is not the recipient. Lease fees paid to the recipient by the vendor are program income.

Disposition of Program Income

Program income is retained by the non-Federal entity and may be used in one of three ways, depending on Federal regulation or with prior approval of the Service given in the Notice of Award.

1. **Deduction** – Supplants obligation.
2. **Addition** – Supplements obligation.
3. **Cost Sharing** – Use as non-federal match.

Instructor notes: Using the Deduction method reduces the total amount of Federal funds drawn. Program income earned is added to the award using the Addition method, increasing the total.

FOR DISCUSSION: Disposition of Program Income

An award is approved for $10,000 and is 100% Federally-funded. $2,000 in Program Income is earned and disposed of during the award period of performance.

Using the Deduction and Addition disposition methods:

1. How much of the obligated federal award remains unliquidated at award completion and close?
2. What is the total award amount expended towards the project?

What if the Federal share is only 75% of the total award?

Deduction method: (1) $2,000 deobligation, (2) $8,000 expended
Addition method: (1) $0 deobligation, (2) $12,000 expended
Using either disposition method, program income is allocated to the Federal and non-Federal shares according to the participation rates. In this case, $1,500 (75%) of the program income is towards the Federal share, $500 (25%) Is towards the non-Federal share.

2 CFR 200.307(e) ‘Uses of Program Income

Timing of Program Income disposition

Program income must be used towards project costs under the Federal award. Federal regulation requires recipients to use the federal share of earned program income prior to drawing down award funds, as the federal share may be considered federal funds and subject the non-Federal entity to the requirements of the Cash Management Improvement Act (CMIA).

2 CFR 200 requires non-federal entities to remit to the Federal government all interest over $500 earned on Federal funds.

Instructor notes: Recipients should follow the principle “earn it and burn it”.

2 CFR 200.305(b)(5) and 200.307

Declaring and reporting Program Income

- Anticipated program income is estimated in the award application.
- Program income (anticipated or unanticipated) is disposed of according to Federal awarding agency requirements, or in the absence of any requirements, according to the Uniform Guidance.
- Program income earned and expended must be reported on the Federal Financial Report (SF-425).

Instructor notes: Addition is the default method for non-profits and institutes of higher education. All other recipients default to the Deduction method.

Income after the award period

The recipient or subrecipient has no further obligation to the awarding agency ***unless*** specified in program legislation or by special award condition.

2 CFR 200.307

Award Payments

A recipient may retain up to $500 earned on interest from federal awards for administrative purposes.

Payments should be made in advance, per 2 CFR 200.305, as close as possible to the actual disbursement of funds by the recipient. Recipients should use earned program income and other available resources before requesting additional payments. Reimbursement may be used only in certain circumstances (i.e., as a risk mitigation tool, for construction awards, upon request of the recipient).

Domestic Recipients

The Automated Standard Application for Payments (ASAP) is a U.S. Treasury electronic payment information system used by DOI and its Bureaus to pay domestic financial assistance award recipients via pre-authorized accounts. Recipients must use ASAP to draw down award funds, unless the recipient qualifies for a waiver.

Instructor notes: Private individual citizens may request an ASAP waiver. This waiver is not honored by other DOI bureaus or Federal agencies. (516 FW 4.12)

Foreign Recipients

The U.S. Treasury does not permit foreign recipients to receive payment in ASAP. All foreign recipients must request payment using the SF-270 or SF-271. Foreign recipients can be paid in one of two ways (processed by Interior Business Center):

1. Electronic Funds Transfer (EFT) through the Automated Clearing House (ACH) network, if receiving funds to a bank in the United States.
2. U.S. Treasury's International Treasury Services (ITS) system, if receiving funds to a bank outside of the United States.

Recipients who use either ASAP or the SF-270/271 cannot be required to submit additional documentation supporting the expenditure of allowable costs, unless the:

- Program receives OMB Information Collection Clearance (516 FW 4.8), or
- Recipient is identified as 'high risk' (516 FW 4.10 and 4.11).

2 CFR 200.305 | 516 FW 4

Award Revisions

Recipients are required to request prior approval from Federal awarding agencies for budget and program plan revisions.

Recipients must request prior approval from the Service for any of following reasons. The Service cannot, without OMB approval, impose additional prior approval requirements for award revisions.

Non-construction awards

- Change in scope or objective(s), even if no associated budget revision
- Change in key persons named in application
- Reduction or disengagement (> 3 months or 25-percent) of time devoted to project activities by the project director or principal investigator
- Costs requiring prior approval per the Cost Principles (unless specifically waived by the Service)
- Transfer of funds budgeted for participant support costs (§200.75) to other expense categories
- Outsourcing of work under the award (subaward, contract, etc.), unless described in the application and approved in the award
- Changes in approved recipient cost sharing or matching
- Additional Federal funds

When revising an award for an addition or modification of a project activity, compliance may need to be re-addressed.

Construction awards

- Changes in scope or objective(s) of project that affect budget
- Additional federal funds
- Costs requiring prior approval per the Cost Principles (unless specifically waived by the Service).

For FA awards comprised of both construction and non-construction work, the Service may require prior approval for any budget transfers between the two types of work.

Revision Request Requirements

Recipients must use the same format for budget information used in the application, unless the Service determines a letter of request is sufficient.

The Program Office must review the revision request and notify recipient of the decision to approve or deny within 30 calendar days from receipt of the request. If the Program Office has not reached a decision by the end of the 30 calendar days, they must inform the recipient in writing of the date the recipient should expect a decision.

2 CFR 200.308

EXERCISE: Managing and Monitoring Awards

Answer the questions below using **2 CFR 200 (FA Toolkit)**, **516 FW 4 (BFA Handout 6-A)**, and **516 FW 5 (BFA Handout 4-A)**. Cite your references.

1. Recipients must establish and maintain internal controls in order to provide what? (2 CFR 200)

   Answer: Reasonable assurance of managing the award in full compliance with Federal laws, regulations, and award terms and conditions (§200.61-62). §200.303. Evaluate and monitor their compliance, take prompt action when noncompliant, and protect PII and sensitive info. Best practice: Use Green Book or COSO Integrated Framework or annual Compliance Supplement.

2. When a recipient is noncompliant with Federal statutes, regulations, or the terms and conditions of their award, what remedy actions may the Service take to correct deficiencies? (2 CFR 200)

   Answer: The Service or pass-through entity may impose additional specific conditions, §200.207. If insufficient to remedy noncompliance, then §200.338: temp. withhold cash payments; disallow costs; wholly/partially suspend or terminate award; initiate suspension/debarment 2 CFR 1400; withhold future awards; or take other legal remedy actions.

3. What is the Service's monitoring requirement for recipient payments? (516 FW 4)

   Answer: Programs must regularly review payment frequency and amounts, and compare amount drawn to the activity schedule. Review of source documentation is allowed. 516 FW 4.18

4. What is the Service's monitoring requirement for recipient SAM registrations? If a recipient's SAM registration expires, what actions must we take? (516 FW 5)

   Answer: (1) Monitor expiration dates, remind recipients of expirations and requirement to keep SAM current. (516 FW 5.11E) How do Programs do this? FBMS EMIS. (2) We must suspend payments to the recipient, issue letter of noncompliance in 30 days, withhold pending/future obligations. 516 FW 5.13

Cost Principles

The recipient takes primary responsibility for the application of sound management practices and allowable cost determination for FA awards (**§200.400(a)**). There are several factors affecting the allowability of costs charged to Federal awards. **§200.403** states that costs must meet the following general criteria:

(a) Costs are necessary and reasonable; and properly allocated.

(b) Costs conform to Federal laws, regulations, and award terms and conditions

(c) There is consistency in treatment of Federal and non-Federal funds

(d) There is consistency in the composition of costs (direct vs. indirect)

(e) Charges are in accordance with Generally Accepted Accounting Principles

(f) There is no "double-dipping"

(g) Costs must be adequately documented

§200.404 and **§200.405** provide additional information for the terms "reasonable" and "allocable":

Reasonable "Does the cost reflect what a prudent person would pay for the same goods or services?" Is it generally recognized in government; is there integrity in practices; in accordance with market prices; acted with prudence; and are there no significant deviations from established practices?

Allocable Chargeable to an objective in accordance with relative benefits received.

Reasonable + Allocable = Allowable

§200.406 defines "applicable credits" as:

A reduction of expenditures with allocable credit going to the federal award. May also be a netting of credit items.

EXERCISE: Selected Items of Cost

Answer the questions below using **2 CFR200 - Subpart E**—Cost Principles, General Provisions for Selected Items of Cost. Cite your references.

1. Can a university charge to a federal financial assistance award the cost of posting a job position on a job recruitment website?

   Answer: Yes, as an advertising cost (§200.421(b)) and as a recruiting cost. (§200.463).It is allowable to meet workload requirements under the award, with certain restrictions, and must be part of the entity's recruitment program.

2. A non-profit recipient plans to host a 2-day symposium for project partners to convey project results and discuss management strategies. Can they charge the costs of the facility rental, dinner social with open bar, and travel costs of the partner participants to the federal financial assistance award?

   Answer: The facility rental and dinner costs are allowable (§200.432 Conferences) but not the alcohol costs (§200.423). Participant travel may be charged with prior approval (§200.75 and 200.456 Participant Support Costs).

3. For the symposium in Question 2, how may the non-profit recipient charge their travel costs to the federal financial assistance award?

   Answer: An actual cost basis, per diem/mileage basis in lieu of actuals costs, or a combination of the two, provided the method used is consistent for the entire trip and is consistent for non-federal travel activities. §200.474(a) Costs charged must be consistent with the entity's written travel policy.

4. A non-profit research vessel routinely spends several weeks at sea conducting research funded by an FA award. The non-profit purchases board games and blue-ray movies for the crew, charging them to the FA award. Is this allowable? Why or why not?

   Answer: §200.438 'Entertainment costs' considers these types of items unallowable. However, §200.437 'Employee health and welfare costs' could be considered given the unique circumstances of this research vessel's activities. Does the recipient have a policy for charging these types of costs?

Subrecipient Monitoring and Management

Subaward or Contract?

Recipients, when in the role of a pass-through entity, must properly determine if they are awarding contracts or subaward agreements under their federal financial assistance award.

Subrecipients are also subject to 2 CFR 200 and Federal compliance requirements, including the Single Audit Act, if they meet the critieria.

Federal regulations differ for subaward and contract administration, and a recipient who incorrectly determines an award instrument may, during an audit, review, or legal inquiry, be required to pay back disallowed costs, or even be subject to litigation.

§200.330 provides requirements for pass-through entities to follow in determining the proper agreement instrument for Federal financial assistance awards.

Instructor notes: Contracts are for goods and services, while subawards are an extension of public purpose and award objectives to be carried out by a subrecipient. Contracts let by the recipient must include provisions at 200.326

Requirements for Pass-Through Entities

When administering subawards, pass-through entities are responsible for and required to:

The Uniform Guidance provides possible monitoring strategies pass-through entities may use for their subaward activities.

- Clearly identify specific award information in their subaward agreements.
- Evaluate each subrecipient's risk of non-compliance with Federal laws, regulations, and terms and conditions of the FA award.
- Identify reporting requirements, monitoring plans and potential for audit.
- Monitor the subrecipient's performance and address noncompliance with the award terms and conditions.

Instructor notes: In many ways, the pass-through entity takes on the role of the Federal awarding agency in managing and monitoring subawards.

2 CFR 200.330-331 'Subrecipient Monitoring and Management'

Key Learning Points

- ✓ Awards require managing and monitoring of fiscal, program and compliance concerns throughout the award period.
- ✓ A non-Federal entity's financial management system must include written procedures for payments and procedures for determining the allowability of costs.
- ✓ Internal controls are a process, implemented by a non-Federal entity, designed to provide reasonable assurance regarding the achievement of objectives in the following categories: (a) effectiveness and efficiency of operations; (b) reliability of reporting for internal and external use; and (c) compliance with applicable laws and regulations.
- ✓ The Federal Funding Accountability and Transparency Act requires information from Federal awards and contracts be made available to the public through a single, searchable website (USA spending).
- ✓ Program income may be earned by the recipient during the award period of performance, and must be disposed of by the deductive, additive or cost-share method and reported via financial reports.
- ✓ Recipients receive payment for award disbursements through ASAP or by submitting an SF-270/SF-271 in accordance with the requirements in 2 CFR 200.305.
- ✓ Recipients are required to report deviations from budget or project scope or objective, and request prior approvals from the Federal awarding agency for budget or program plan revisions.
- ✓ Cost principles establish allowability of costs and may vary depending on the type of recipient.
- ✓ Subrecipient monitoring is the responsibility of the pass-through entity.

4.1 What is the purpose of this chapter? This chapter provides the information U.S. Fish and Wildlife Service (Service) employees working with grant and cooperative agreement awards need to:

A. Follow Governmentwide and Departmental requirements related to payment management for grant and cooperative agreement awards;

B. Make sure recipients either enroll in the U.S. Treasury's Automated Standard Application for Payment (ASAP) system or, based on a formal request, the Department of the Interior (Department) waives the ASAP enrollment requirement (see sections 4.12 and 4.13);

C. Inform recipients about how they will be paid and of any special award condition or circumstance that changes the payment method on their award(s); and

D. Make sure recipients comply with their award terms and conditions and take appropriate action when a recipient is out of compliance.

4.2 What are the objective and scope of this chapter?

A. Objective: Our objective is for Service employees to follow:

(1) The payment methods required in the Code of Federal Regulations (CFR) so that recipients are treated appropriately and consistently with respect to payment, and

(2) The payment procedures required by the Department.

B. Scope: This chapter covers all Service programs that administer and manage grant and cooperative agreement awards.

4.3 What are the authorities for this chapter?

A. Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (43 CFR 12, Subpart C).

B. Uniform Administrative Requirements for Grants and Cooperative Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations (43 CFR 12, Subpart F).

C. Controlling Paperwork Burdens on the Public (5 CFR 1320).

D. Rules and Procedures for Efficient Federal-State Fund Transfers (31 CFR Part 205).

E. Department of the Interior Acquisition Guidance (DIG) 2008-5, Automated Standard Application for Payments System.

F. Department of the Interior Guidance Release (DIG) 2011-03, Amendment 1, Financial Assistance Monitoring Protocol.

4.4 Who is responsible for grant and cooperative agreement award payment management? Table 4-1 describes Service employees' responsibilities for payment management.

Table 4-1: Responsibilities for Grant and Cooperative Agreement Award Payment Management	
These employees . . .	**Are responsible for . . .**
A. The **Director**	Making sure the Service has policy in place regarding grant and cooperative agreement award payment management.
B. The **Assistant Director – Wildlife and Sport Fish Restoration Program** through the **Division of Administration and Information Management, Branches of Financial Assistance Policy and Oversight** and **Financial Assistance Systems**	**(1)** Developing policy regarding grant and cooperative agreement award payment management, **(2)** Overseeing Service implementation of the policy, and **(3)** Assisting Service users in resolving issues with the Financial Business Management System (FBMS) and the U.S. Treasury's ASAP system.
C. Directorate members in Headquarters and the Regions	Making sure employees who issue, administer, and manage grant and cooperative agreement awards are aware of and follow the requirements in this policy.

4.5 What actions related to payments must the Service take prior to releasing an award and obligating funds in FBMS? We must complete all steps of the *Establishing an Intended Recipient's Payment Method before Obligating Funds for a New Grant or Cooperative Agreement Award in the Financial and Business Management System* guidance document before releasing an award and obligating funds in FBMS.

4.6 What are the payment methods the Service can use for grants and cooperative agreements?

A. Advances. We must pay recipients in advance if they have procedures that minimize the time between when we transfer funds to them and when they disburse the funds. Advance payment mechanisms are subject to 31 CFR Part 205 and 43 CFR 12, Subparts C and F.

B. Reimbursement. If a recipient cannot meet the requirements for advance payment, we may restrict the recipient to requesting reimbursements. We may also use this method on construction awards. When using the reimbursement method, we have to allow recipients to submit requests for reimbursement as often as they like as long as they're paid electronically. In the rare circumstance that a recipient receives payment in the form of a check from the U.S. Treasury, the recipient may not request payment more frequently than monthly.

C. Working capital advance. If a recipient cannot meet the requirements for advance payments, and we determine that reimbursement is not feasible because the recipient doesn't have enough working capital to carry out the approved project activities, we may provide cash to the recipient on a working capital advance basis. We may only arrange for these advances for a limited time after award. After the initial period, the recipient is restricted to requesting reimbursements.

4.7 What is ASAP and why do grant and cooperative agreement award recipients have to use it? ASAP is the U.S. Treasury's electronic payment and information system that allows domestic recipients of Federal grant and cooperative agreement awards to draw down funds from pre-authorized accounts. The

Department requires that we pay domestic financial assistance award recipients using the ASAP system, unless a recipient qualifies for a waiver from the process (see section 4.12).

4.8 Can the Service require recipients drawing down funds in ASAP to also submit a Standard Form (SF) 270, *Request for Advance or Reimbursement* or an SF 271, *Outlay Report and Request for Reimbursement for Construction Programs*? No. ASAP accounts are pre-authorized so that recipients may draw down funds as needed in accordance with the award terms and conditions. We cannot require recipients who are paid in ASAP to also submit standard payment request forms, any other payment-related form, or additional documentation. The only exception to this restriction is if the program has received Office of Management and Budget (OMB) approval for the routine collection of additional payment-related information (see 281 FW 4 and 5). We can impose additional requirements (see section 4.11) if a recipient meets one or more of the conditions in section 4.10A.

4.9 Do employees need to review and approve recipient payment requests in ASAP? No. The only exception is when both circumstances below are met:

A. The recipient meets one or more of the criteria in section 4.10A, and

B. We included conditions in the award that require prior Service approval of payment requests.

4.10 When may the Service impose additional requirements and how must we communicate them to the recipient?

A. We may impose additional requirements at any point during the award process if the applicant or recipient:

(1) Has a history of poor performance,

(2) Is not financially stable,

(3) Has a management system that does not meet the standards that the regulations applicable to the award require,

(4) Has not conformed to the terms and conditions of a previous or existing award, or

(5) Is not otherwise responsible.

B. Before we may impose additional requirements, we must notify the applicant or recipient in writing and explain the:

(1) Nature of the additional requirements,

(2) Reason(s) why we are imposing the additional requirements,

(3) Nature of the corrective action needed,

(4) Time allowed for completing the corrective action, and

(5) Procedure for requesting reconsideration of the additional requirements imposed.

C. Depending on the nature of the circumstance, additional requirements may be imposed for a portion of a single project period, for the entire project period of an award, or for part or all of the project periods on consecutive awards.

D. When a recipient corrects the circumstance(s) that resulted in our imposing additional requirements, we must remove the requirements and notify the recipient in writing.

4.11 What payment-related additional requirements may the Service impose on recipients who meet the criteria in section 4.10A? If at any point in the award process an applicant or recipient meets one or more of the criteria in section 4.10A, we may:

A. Require a recipient to obtain approval before spending or requesting funds,

B. Require a recipient to complete work in stages and withhold or otherwise limit funding for the next stage until the current stage is complete,

C. Restrict a recipient from receiving funds in advance, requiring them to be reimbursed for allowable project expenditures (see section 4.6),

D. Require a recipient to submit receipts or other payment-related documentation with their payment requests or financial reports, or

E. Require a recipient to increase the frequency of their financial reporting, but no more frequently than quarterly (see 516 FW 1). Never require a recipient to submit a final SF 425, *Federal Financial Report* before we release their final payment. See 516 FW 1 for actions we can take when a recipient is out of compliance with financial reporting requirements.

4.12 May the Department waive the requirement for a recipient to enroll in and request funds through ASAP? Yes. The Department may approve a waiver of the ASAP enrollment requirement in any of the following situations:

A. An individual, including sole proprietors, with or without an account with a financial institution, determines that using ASAP would impose a hardship due to a physical or mental disability; geographic, language, or literacy barrier; or that it would impose a financial hardship.

B. An individual does not have an account with a financial institution and is not eligible to open an electronic transfer account (ETA) under the Federal Financial Assistance Management Improvement Act. The Department will revoke the waiver once an ETA is available to the recipient.

C. The recipient is a foreign entity. We must request waivers for foreign recipients because the U.S. Treasury does not allow them to enroll in ASAP.

D. The recipient is in an area that the President or an authorized agency administrator has designated as a disaster area. This waiver is limited to payments made within 120 days after the disaster is declared.

E. The award is made in response to contingency operations conducted by or in support of the Department of Defense.

F. Where using ASAP may pose a threat to national security, the life or physical safety of an individual may be endangered, or a law enforcement action may be compromised.

G. Where the need to deliver funding is so unusual and compellingly urgent that the public or the Government would be seriously injured unless the program pays the recipient by a method other than ASAP.

4.13 How does the Service request an ASAP waiver for a recipient? See the *Establishing an Intended Recipient's Payment Method before Obligating Funds for a New Grant or Cooperative Agreement Award in the Financial and Business Management System* guidance document for instructions on how to request an ASAP waiver.

4.14 How do recipients with an ASAP waiver request payment? Recipients with an ASAP waiver must send us either an SF 270 or an SF 271 standard payment request form. We may waive interim financial reporting for recipients using these standard forms (see 516 FW 1). No other forms or formats may be used to process manual payments (see section 4.15 and 281 FW 4 and 5).

4.15 Can the Service require recipients who have an ASAP waiver to submit any other payment-related form or additional documentation with or in place of the standard payment request forms? No. We must not require recipients who have ASAP waivers to submit any other payment-related form or additional documentation with or in place of the standard payment request forms unless:

A. The program received OMB approval to routinely collect additional payment-related information from recipients (see 281 FW 4 and 5), or

B. A recipient meets one or more of the criteria detailed in section 4.10A.

4.16 What actions are required when the Service receives an SF 270 or SF 271 payment request?

A. We must:

(1) Review the document to make sure the recipient has accurately completed all the fields and signed and dated the form,

(2) Communicate with recipients to correct inaccurate and incomplete SF 270 or SF 271 information, and

(3) Withhold payment until the standard form is complete and accurate.

B. We must submit recipient payment requests to the Interior Business Center (IBC) within 5 business days of receipt.

C. We do not need to sign or otherwise indicate approval of an SF 270 or SF 271 payment request before funds are transferred to the recipient unless:

(1) The recipient meets one or more of the criteria in section 4.10A, and

(2) The program adds conditions to the award to require prior Service approval of payment requests (see section 4.11).

4.17 What information related to payments must the Service include in notices of award and subsequent amendments? The notice of award and subsequent amendments must include the following information related to payments:

A. How to request funds. If the Department waives the requirement for the recipient to use ASAP, the notice of award and any subsequent amendments must:

(1) Identify which payment form the recipient must use (SF 270 or SF 271), and

(2) Provide payment request submission instructions.

B. Details regarding any changes in the allowable payment method or any other payment-related additional requirements (see section 4.11).

4.18 Do Service employees have to monitor recipient payment activity? Yes.

A. We must regularly monitor recipient requests for payment and funds draw down activity to compare their frequency with the approved project activities and schedule. This monitoring activity gives us a general picture of project progress and allows us to identify and follow up with the recipient on any potential funds management issues. The frequency for payment activity review and followup will vary and depends on each award circumstance. We can use the reporting features of FBMS and the ASAP system to monitor activity when recipients use that payment method.

B. On occasion, we may also review recipient's source documentation (e.g., purchase orders, invoices, cancelled checks, payroll, and time and attendance records) for random transactions under each award to determine the nature of the expenditure and verify it is an allowable cost under the award terms and conditions.

4.19 What must Service employees do if they suspect that a recipient requested or expended funds in a manner that does not comply with the terms and conditions of award? We must:

A. Contact the recipient to discuss the issue and gather additional information, including a complete accounting of paid and unpaid award expenditures to date, if necessary; and

B. Consider all information and documentation received from the recipient.

4.20 What do employees do if they find that a recipient requested or expended funds in a manner that does not comply with the terms and conditions of award? We must:

A. Determine the total amount of those funds;

B. Determine if the recipient must return funds to the Service. A recipient must return funds to the Service when the amount in section 4.20A is more than the recipient's current balance of allowable unpaid award expenditures;

C. Determine what corrective action(s) we will take, or require the recipient to take, on the affected award, other awards to the recipient, or pending awards to the recipient;

D. Brief and obtain approval from the appropriate Directorate member on the planned corrective action(s); and

E. Maintain copies of all documentation related to how the funds were used and problems resolved in the official award file.

4.21 What action must the Service take to recover funds if a recipient has to return them? We must notify the recipient in writing by letter, fax, or email with appropriate return receipt that we have determined that they must return funds to the Service.

A. The notice must:

(1) State that we have determined that the recipient requested or expended funds in a manner that does not comply with the award terms and conditions;

(2) Cite the specific regulation(s) and term(s) or condition(s) violated;

(3) Specify the amount of funds that they must return and provide instructions for returning those funds;

(4) Inform the recipient that we have suspended the affected award and provide an effective date for the suspension;

(5) Inform the recipient that costs are allowable if they result from obligations incurred before the effective date of suspension and would have been allowable if the award were not suspended, and that costs resulting from obligations incurred during the suspension are not allowable unless expressly authorized in advance in the notice or subsequently (see 43 CFR 12.83 and 12.962);

(6) Provide specific authorization for any recipient costs related to obligations that will be incurred during the suspension when the program determines such costs allowable;

(7) Inform the recipient that we have suspended other open awards, are withholding any pending or new awards to the recipient, or both, if applicable;

(8) Inform the recipient that any and all suspended awards will remain suspended until we receive the funds due;

(9) Inform the recipient that we reserve the right, without further notice, to convert any suspension to a termination of the award if we do not receive the funds within 30 calendar days of the recipient's receipt of the notice;

(10) Cite any statute or the applicable hearing/appeals section of the CFR that provides the recipient an opportunity for a hearing, appeal, or other administrative proceeding applicable to any action we have or may take as a result of this finding, if applicable; and

(11) Be signed by the supervising Directorate member or his/her designee.

B. When the recipient returns the funds due, we must remove the restriction(s) and condition(s) imposed under this section and notify the recipient of their removal in writing by letter, fax, or email.

4.22 What must the Service do if the recipient is not responsive to the notice sent as described in section 4.21?

A. If the recipient does not submit repayment within 30 calendar days of receipt of the notice, we must complete a Form DI-1040, *Bill for Collection*, and submit the completed form along with supporting documentation to the Division of Financial Management, Cost Accounting Section.

B. The Division of Financial Management will send the *Bill of Collection*, including a Notification of Actions to be taken in case of non-payment and a Notice of Rights, to the recipient.

C. If the recipient is not responsive to the DI-1040 action, the Division of Financial Management, Debt Collection Section may take one or more of the following actions, as necessary:

(1) Refer the debt to the U.S. Treasury to initiate additional action, including possible investigation of assets,

(2) Offset other payments from the U.S. Government,

(3) Refer the debt to a private collection agency,

(4) Refer the debt to the Department of the Interior, Office of the Solicitor or to the Department of Justice to initiate legal action,

(5) Report the debt to national credit bureaus, or

(6) Report the debt to the Internal Revenue Service as income on which taxes will be owed.

D. If the recipient is not responsive to the DI-1040 action, we may take one or more of the following actions using the procedures in 43 CFR, as necessary:

(1) Withhold payment for other open Service awards to the recipient,

(2) Withhold further Service awards to the recipient,

(3) Terminate the affected award,

(4) Consider termination of other open Service awards to the recipient, or

(5) Determine if we need to initiate a formal Governmentwide suspension or debarment action against the recipient, in accordance with DIG 2011-01, *Action Official Referrals of Covered Transaction Award Termination for Noncompliance or Material Failure to Perform Determinations to the Department of the Interior Suspending and Debarring Official*.

E. We must notify the recipient in writing with appropriate return receipt of any further action(s) we take.

4.23 May the Service waive the termination of an award? No. We may not waive a termination. Once we terminate an award, we may not reinstate it.

/sgd/ Stephen Guertin
DEPUTY DIRECTOR

Date: May 15, 2014

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MODULE 7

POST-AWARD: REPORTING REQUIREMENTS

Learning Objectives

1. Identify financial and performance reporting requirements for recipients.
2. Describe Service monitoring responsibilities for reports.
3. Explain the ramifications of late reports and identify remedy actions that may be taken.

Handouts

- BFA 7-A – 516 FW 1 Monitoring Financial and Performance Reporting for Financial Assistance

Required Reports

The recipient is responsible for oversight of the operations of the Federal award supported activities. They must monitor their activities under the award to ensure compliance with applicable Federal requirements and performance expectations are being achieved.

The recipient conveys their performance accomplishments by complying with reporting requirements detailed in the NOA. The recipient may relate financial data to performance, provide cost information to demonstrate cost effective practices, and other measures of performance that help the Service improve program outcomes, share lessons learned and promote promising practices, when required by the Program Office.

2 CFR 200.328(d), 200.301

Federal Financial Report (SF 425)

The SF-425 is the OMB-approved governmentwide form for soliciting financial information from recipients. It may be submitted by mail or electronic means. Unless a Program has OMB information collection approval, it cannot require additional financial information from its recipients.

A tutorial for recipients on how to complete the SF-425 is available on the FA Wiki.

The SF-425 must be signed (may be electronically) by the designated individual or official who has been authorized to certify the SF-425 on behalf of the recipient. The Service must not complete this form on behalf of their recipients.

NOTE: DOI's new grant management system, GrantSolutions, will offer a tool for recipients to complete and submit the SF-425 directly. ASAP also offers a tool for completing the SF-425, but the Service does not encourage its use.

2 CFR 200.327 | 516 FW 1.8

Performance Report

There is no OMB-approved governmentwide performance report form or format. However, there are standard OMB-approved data elements for collection of performance information. Broadly, non-construction performance reports must include:

- A comparison of actual accomplishments to the award's objectives for the appropriate period.
- The reasons why established goals were not met, if appropriate.
- An analysis and explanation of cost overruns or high unit costs, if appropriate.
- If useful to the program, a computation of cost, if award accomplishments can be quantified, or performance trend data and analysis.
- Any additional requirements specified in legislation or the Notice of Award.

For construction awards, onsite technical inspections and certified percentage of completion data are relied on heavily by the Federal awarding agencies to monitor progress under Federal awards.

2 CFR 200.328 | 516 FW 1.9

Reporting Frequency

Recipients submit reports to the Federal Awarding Agency at the interval stated in the Notice of Award. This includes both interim and final report submissions.

For *interim* reports, Program Offices may require annual, semi-annual or quarterly submissions.

Programs must have OMB Information Clearance approval for information required in reports. (516 FW 1.6)

- Annual interim reports are due within 90 calendar days after the end of the reporting period.
- Semi-annual and quarterly interim reports are due within 30 calendar days after the end of the reporting period.

Final reports are required within 90 calendar days of the end of the award period or termination of the award, whichever comes first.

Recipients may request a report due date extension of up to 90 days with proper justification. The Service must approve an extension in writing.

Instructor notes: Report due date extensions can only be made once. Report due dates must be updated in PRISM Milestone Plans.

2 CFR 200.327 and 200.328 | 516 FW 1.10 and 1.13

Reporting Monitoring Responsibilities

The Service technical representative assigned to the award is responsible for ensuring recipient compliance with the financial and performance reporting requirements and using these reports as a monitoring tool.

Monitoring includes:

1. Tracking report due dates and receipt dates in the PRISM Milestone Plan,
2. Providing timely notice about overdue reports and impose remedy conditions, as needed,
3. Documenting date the report is received and who received it,
4. Reviewing reports for completeness and accuracy within 45 days of receipt,
5. Returning incomplete or inaccurate reports to the recipient with an explanation for the return and a resubmission due date, and
6. Maintaining documentation generated while monitoring reports in the official award file.

Instructor notes: Report review considerations are detailed in 516 FW 1.17, 1.18.

516 FW 1.16

Noncompliance with Reporting Requirements

2 CFR 200 considers recipient reporting of financial and performance on Federal awards to be an integral component of managing and monitoring by both recipients and the Federal awarding agency. Recipients who fail to report on financial or performance progress of an award are considered out of compliance with 2 CFR 200. Federal awarding agencies that fail to enforce reporting requirements of their recipients are also considered out of compliance.

Program Offices monitor recipient reporting due dates using the Milestone Plan for each award. This allows for both a reminder of upcoming due dates and a tracking mechanism for delinquent reports.

No report received by due date?

If a report is not received by the due date or extension date, we must issue a notice of noncompliance by letter or email (with return receipt) within 30 calendar days. The notice must state that:

1. The recipient is noncompliant with Federal reporting conditions of the award,
2. Unless the report is received within 10 calendar days, new obligations and payments on the award may be suspended until the report is received,
3. We may impose additional conditions (2 CFR 200.207) or take further remedy actions (2 CFR 200.338), and
4. We may withhold any other pending awards until we receive the overdue report.

> We must immediately lift any payment suspensions, withholdings, or other conditions imposed upon receipt and approval of delinquent reports and notify the recipient. (516 FW 1.22)

Instructor notes: Additional conditions may include requiring payment as reimbursement; more detailed reports, more frequent reports or monitoring; or establishing additional prior approvals. Remedy actions may include disallowed costs or suspension and debarment.

No report received by end of 10 calendar days?

If the recipient fails to send in the delinquent report and provides no acceptable explanation for its tardiness, we may take the following actions:

- Suspend payments and obligations of affected award for 30 calendar days.
- Consider and impose additional remedy conditions.

Report or explanation is not received after 30-day payment suspension?

We may take the following actions if no report or explanation is received from the recipient:

- Convert suspension or sanction(s) to a termination; and/or
- Withhold other pending awards.

Award terminations are final and cannot be reversed.

We must send the recipient written notice of any suspension, termination, or other remedy conditions imposed or actions taken by letter of email (with return receipt).

The Service must report awards terminated for material failure to comply with award terms and conditions to the OMB-designated integrity and performance system accessible through SAM (currently FAPIIS). This noncompliance information becomes viewable to other Federal awarding agencies. (2 CFR 200.339(b))

2 CFR 200.207 and 200.338-342 | 516 FW 1.19

Conditionally Required Reports

There are other types of reports that may be required based on specific award conditions.

Significant Development Reports

Events may occur between the scheduled performance reporting dates that have positive or negative impact upon the supported activity. If these occur, the recipient must notify the Federal awarding agency of the details.

For *negative* developments, recipients must notify the Service when problems, delays, or adverse conditions occur which will materially impair the ability to meet the objectives of the award. This disclosure must include a statement of any corrective action(s) taken or contemplated, and any assistance needed to resolve the situation.

For *positive* developments, recipients must notify the Service project officer when favorable events occur which result in an accelerated schedule, a reduction in cost, or unintended added benefits.

Instructor notes: Positive development exp: when a project is completed early or under budget, allowing for early closure and deobligation of remaining funds.

2 CFR 200.328(d)

Project-specific reports

Depending on the program or the type of project, other reports or deliverables may be required, such as

- Invention/patent/copyright disclosures
- Research reports
- Land purchase / title documentation
- Real Property Status reports (land/buildings when Service retains an interest)
- Products or materials produced

Instructor Notes: See §200.315 Intellectual property, §200.329 Reporting on real property & 2 CFR 1402.329 Requirements for land acquired on an award

EXERCISE: Reporting Requirements

Using **516 FW 1**, answer the following questions. Cite your references.

1. Which recipient types may be waived from performance reporting?

   Answer: Private individuals, 516 FW 1.14A. However, we must have another way of assessing recipient performance at least annually and documenting such assessments as part of the official award file.

2. Can Program Offices waive interim financial report requirements? If so, under what circumstances? Can final financial reports be waived?

   Answer: Yes. Only for ASAP-waived recipients who submit the SF-270/271 for payment. Final financial reports may NOT be waived. 516 FW 1.14B.

3. What can the Program Offices do to better align their recipients' interim performance reporting due dates with seasonal/research constraints?

   Answer: The Uniform Guidance (§200.328(b)) and 516 FW 1.11B allow for alternate reporting schedule end dates as long as the time between reports does not exceed one year. This must be at the recipient's written request.

4. When reviewing a financial report, what issues or concerns may require follow-up with the recipient?

   Answer: 516 FW 1.17E. Unexplained cash on hand, unanticipated program income, cost share (required or voluntary) is not expended according to project schedule or at expenditure ratio. Can you think of any others?

5. When reviewing a performance report, what issues or concerns may require follow-up with the recipient?

   Answer: 516 FW 1.18C. Significant reduction of effort or project delays with No explanation, work conducted outside of approved scope or location without prior approval, or significant developments not promptly reported.

6. If a recipient incurs costs during an award suspension or termination, are those costs allowable and eligible for reimbursement?

   Answer: 516 FW 1.21 and 2 CFR 200.342. We may reimburse costs if they: (1) cannot be avoided, (2) were from obligations made prior to suspension or termination (could not be cancelled), (3) would have been allowable, and (4) we notify the recipient in writing that we authorize the reimbursement.

7. Who is responsible for preparing and submitting the performance and financial reports?

   Answer: The recipient. It is a potentially tortious activity if we prepare reports.

Key Learning Points

- ✓ Financial and Performance reports have specific, required reporting periods.
- ✓ Performance reports have specific information requirements.
- ✓ The Service technical representative is responsible for monitoring report submissions and reviewing reports to determine whether or not award requirements have been met.
- ✓ There are consequences for both the recipient and the Service for not complying with reporting requirements.
- ✓ Award terminated for material failure to comply with the award terms and conditions must be reported in FAPIIS.

FISH AND WILDLIFE SERVICE
FEDERAL FINANCIAL ASSISTANCE

Federal Financial Assistance Part 516 FWS Financial Assistance – Award Administration

Chapter 1 Monitoring Financial and Performance Reporting for Financial Assistance 516 FW 1

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OVERVIEW

1.1 What is the purpose of this chapter? This chapter provides U.S. Fish and Wildlife Service (Service) employees working with grants and cooperative agreements the information they need to effectively monitor financial assistance recipient financial and performance reporting and address

noncompliance with those requirements. Throughout this chapter when we use the term 'reporting' alone, we are referring to both financial and performance reporting.

1.2 What is the scope of this chapter? This chapter is applicable to all Service grants and cooperative agreements (i.e., financial assistance awards, awards).

1.3 What are the objectives of this chapter? Our objectives are to ensure Service employees working with grants and cooperative agreements properly:

A. Communicate reporting requirements to applicants and recipients,

B. Establish and maintain recipient reporting schedules,

C. Monitor and document recipient compliance with their reporting requirements,

D. Review financial and performance reports to monitor project progress and assess recipient performance,

E. Address noncompliance with reporting requirements, and

F. Include appropriate documentation related to monitoring recipient reporting in the official award file.

1.4 What are the authorities for this chapter?

A. Controlling Paperwork Burdens on the Public (5 CFR 1320).

B. Financial Reporting for Grants and Cooperative Agreements: Federal Financial Report (Federal Register, Vol. 72, No. 235, December 7, 2007).

C. Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

D. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR 200).

RESPONSIBILITIES

1.5 Who is responsible for monitoring recipient financial and performance reporting? See Table 1-1.

Table 1-1: Responsibilities for Monitoring Financial Assistance Recipient Financial and Performance Reporting

These employees…	Are responsible for…
A. The Director	Ensuring the Service has effective policy in place for administering financial assistance awards.
B. The Assistant Director – Wildlife and Sport Fish Restoration	Developing financial assistance administration policy and providing support for and oversight of Service implementation.

These employees…	Are responsible for…
C. Directorate members	Ensuring that their employees are aware of and comply with this policy.
D. Technical representatives assigned to financial assistance awards	Monitoring and evaluating recipient compliance with the terms and conditions of their awards and their performance during the course of the awards.

INFORMATION COLLECTION REQUIREMENTS

1.6 What are the requirements the Service must meet before collecting information from financial assistance applicants and recipients?

A. The Paperwork Reduction Act requires that when a Federal agency collects information from the public, those collections must minimize duplication and burden on the public, have practical utility, and support the proper performance of the agency's mission. We must submit to the Office of Management and Budget (OMB) a request for approval of the collection of the following types of information from applicants or recipients (see 5 CFR 1320 for more information):

(1) Application project and budget narratives and any other application requirements that are not collected on OMB-approved Standard or Common Forms;

(2) Department of the Interior (Department)- or Service-specific forms;

(3) Recipient performance, progress, or technical reporting, and any other reporting documentation that is not collected on OMB-approved Standard Forms; and

(4) Reporting of deviations from budget or project scope and requests for prior approvals from the Service for budget and program plan revisions submitted in accordance with 2 CFR 200.308 that are not collected on OMB-approved Standard Forms.

B. Contact the Service's Information Collection Clearance Officer in the Division of Policy, Performance, and Management Programs for guidance on OMB information collection clearance.

PUBLIC NOTICE REQUIREMENTS

1.7 What notice must the Service give applicants and recipients regarding financial and performance reporting requirements? We must clearly state the Federal financial and performance reporting requirements in all Notices of Funding Opportunities and Notices of Award. These notices must identify the required reporting formats, frequency, due dates, and the sanctions for noncompliance.

A. In Notices of Funding Opportunity:

(1) We must specify that recipients must submit final financial and performance reports within 90 calendar days after the award period of performance end date.

(2) We may also require them to submit interim reports, which are due either within 30 calendar days after the specified reporting period end date (for semi-annual or quarterly reports) or 90 calendar days after the specified reporting period end date (for annual reports). We determine the requirement for interim reports and the frequency based on the length of the period of performance and an overall assessment of the project's risk, or other unusual circumstances (see sections 1.10 - 1.12).

B. In Notices of Award, we must specify:

(1) The required reporting frequency and due dates;

(2) The information they must provide in performance reports (see section 1.9);

(3) That recipients must use the Standard Form 425, *Federal Financial Report* (SF-425) to report on the financial status of their award (see section 1.8). The only exception to this requirement is if we have a current OMB information collection clearance to use an alternate form/format (see section 1.6); and

(4) As applicable, any additional financial or performance reporting information required (see sections 1.6 and 1.9).

REPORTING REQUIREMENTS

1.8 What form does the Service require recipients to use for financial reporting?

A. We require recipients to report on the status of funds using the SF-425. Submission options include:

(1) A printed SF-425 with the date and signature of the recipient's authorized representative. The representative's signature and date may be affixed by stamp or other mechanical means if the instrument used is:

(a) In the signer's general possession and control,

(b) Applied by the signer or by another with the signer's authority, and

(c) Intended by the signer to constitute his/her signature.

(2) A scanned or faxed copy of an SF-425 meeting the other requirements in section 1.8A(1) above; or

(3) An electronically completed SF-425 with an electronic date and signature of the recipient's authorized representative.

B. We may require recipients to report additional financial information, but only if OMB has approved the information collection (see section 1.6).

1.9 What information must the Service require recipients to provide in performance reports, and in what format?

A. We must require the following information in performance reports (see 2 CFR 200.328):

(1) A comparison of actual accomplishments to the objectives of the award established for the reporting period;

(2) The reasons why established objectives were not met, if appropriate;

(3) Other pertinent information, when appropriate, including analysis and explanation of cost overruns or high unit costs;

(4) Where the accomplishments of the Federal award can be quantified, a computation of the cost (e.g., related to units of accomplishment), if that information will be useful. Where performance trend data and analysis would be informative, we should include this as a performance reporting requirement; and

(5) Any additional requirements specified in legislation or the Notice of Award.

B. Performance reports are narrative in format and can be accepted electronically.

1.10 How frequently and on what schedule must the Service require recipients to submit financial and performance reports?

A. Final Reports: We must require recipients to submit final financial and performance reports no later than 90 calendar days after the award period of performance end date or termination date, whichever comes first.

(1) The only exception to the 90-day reporting requirement is if the recipient has requested and received prior approval for an extension (see section 1.13).

(2) For awards that last 12 months or less, the final financial and performance reports are the only such reports required, except in unusual circumstances (see section 1.12) or if waived (see section 1.14).

B. Interim Reports: For awards that last longer than 12 months, we must require recipients to submit interim financial and performance reports at least annually and no more frequently than quarterly, except in unusual circumstances or if waived. Employees should base any requirement for more than annual reporting on an assessment of higher risk or other unusual circumstance (see section 1.12). See the tables below for the reporting schedules for interim reports:

(1) Annually: We must receive annual interim reports no later than 90 calendar days after the annual interim reporting period end date. Table 1-2 shows the schedule, which is based on the date the period of performance starts:

Table 1-2: Schedule for Annual Interim Reports

Award Period of Performance Start Date	Annual Interim Reporting Period End Date	Annual Interim Report Due Date
January 2-April 1	March 31	June 29
April 2-July 1	June 30	September 28
July 2-October 1	September 30	December 29
October 2-January 1	December 31	March 31

(2) Semiannually: We must receive semiannual interim reports no later than 30 calendar days after each semiannual interim reporting period end date. Table 1-3 shows the schedule:

Table 1-3: Schedule for Semiannual Interim Reports

Award Period of Performance Start Date	Semiannual Interim Reporting Period End Dates	Semiannual Interim Report Due Dates
January 2-April 1	September 30 March 31	October 30 April 30
April 2-July 1	December 31 June 30	January 30 July 30
July 2-October 1	March 31 September 30	April 30 October 30
October 2-January 1	June 30 December 31	July 30 January 30

(3) Quarterly: We must receive quarterly interim reports no later than 30 calendar days after each quarterly interim reporting period end date. Table 1-4 shows the schedule:

Table 1-4: Schedule for Quarterly Interim Reports

Award Period of Performance Start Date	Quarterly Interim Reporting Period End Dates	Quarterly Interim Report Due Dates
January 2-April 1	September 30 December 31 March 31 June 30	October 30 January 30 April 30 July 30
April 2-July 1	December 31 March 31 June 30 September 30	January 30 April 30 July 30 October 30
July 2-October 1	March 31 June 30 September 30 December 31	April 30 July 30 October 30 January 30
October 2-January 1	June 30 September 30 December 31 March 31	July 30 October 30 January 30 April 30

1.11 May the Service allow a recipient to use alternate interim reporting schedules from those in section 1.10?

A. For interim financial reports, we cannot approve deviations from the interim reporting period end dates in the tables above except in unusual circumstances (see section 1.12). The financial reporting period end days required by OMB are March 31, June 30, September 30, and December 31.

B. For interim *performance* reports:

(1) We may allow the recipient to use alternate reporting schedule end dates only if we:

(a) Obtain a valid written justification for changing the date, and

(b) Ensure that the suggested date(s) requires the recipient to submit interim performance reports at least annually.

(2) If we approve such a deviation in schedule, we must include the recipient's request in the award file and specify the approved new interim performance reporting period end date(s) in the Notice of Award or its amendment.

1.12 May the Service require interim reports more frequently than quarterly?

A. Yes. We may require interim reports more frequently than quarterly as a specific condition of award only under one or more of the circumstances identified in 2 CFR 200.207(a) and in accordance with the requirements in 2 CFR 200.207(c) and (d) and with section 1.19 of this policy.

B. We must maintain copies in the official award file of all notices to and responses from the recipient related to the imposition of any additional special award condition(s).

1.13 May the Service extend a report due date?

A. We may extend the due date for a financial or performance report if we receive a written request from the recipient that identifies:

(1) The requested revised due date, and

(2) A justification for the extension.

B. For any report due, we may approve one due date extension for a maximum of 90 days past the original report due date, unless a longer period is justified by something that significantly impairs the recipient's operations.

C. When we approve a report due date extension, we must notify the recipient in writing.

D. We must maintain:

(1) Copies of all report due date extension requests and final decision notices in the official award file, and

(2) A record of financial and performance report due dates in accordance with section 1.16, including updating the PRISM Milestone Plan to reflect report due date extensions.

1.14 May the Service waive any of the reporting requirements in this chapter?

A. We may waive interim and final performance reporting requirements, but only:

(1) For a recipient who is an individual (i.e., receives a grant or cooperative agreement separate from any business or organization he/she may own or operate), and

(2) If we have another way of assessing recipient performance at least annually. We must document such assessments in the official award file and include the assessment date, the information used to make the assessment, and the full name of the Service employee who performed the assessment.

B. We may waive the interim financial reporting requirements only for a recipient who has to request payments using either the SF-270 or SF-271, because they are prohibited or waived from using the U.S. Treasury's Automated Standard Application for Payments (ASAP) system. See the Service's ASAP intranet site for more information on ASAP prohibitions and waivers.

(1) To qualify for the interim financial reporting waiver, the recipient must request a payment using either the SF-270 or SF-271 at least annually throughout the entire award period of performance.

(2) Recipients who receive a waiver from interim financial reports still must submit a final financial report using the SF-425 (see section 1.10).

C. We must not waive any other reporting requirement in this chapter.

1.15 Does the Service require recipients to pass the reporting requirements in this chapter on to sub-recipients? No. Recipients are responsible for meeting the requirements of their award. The recipient may require their sub-recipients to submit financial and performance reports to monitor their performance in accordance with Federal award requirements in 2 CFR 200.331.

MONITORING

1.16 Who must monitor recipient financial and performance reporting, and what does monitoring include?

A. The Service technical representative assigned to the award (also called a Project Officer, Program Officer, or Program Biologist) is responsible for ensuring the Service fulfills its stewardship responsibilities as they relate to recipient compliance and performance which, under this policy, includes:

(1) Ensuring recipient compliance with the financial and performance reporting requirements, and

(2) Using both financial and performance reports as a performance monitoring tool.

B. Monitoring includes:

(1) Establishing and maintaining an accurate record of report due dates and receipt dates in the Financial and Business Management System (FBMS) PRISM system through a Milestone Plan for each award. A Milestone Plan must be established no later than 60 calendar days past the date of original (base) award obligation. For recipients who receive a waiver from performance reporting, the Milestone Plan must document the scheduled and actual alternate performance assessment activities (see section 1.14A);

(2) Providing timely notice of overdue reports and imposing remedy conditions, as needed (see section 1.19);

(3) Documenting in the official award file the date each report is received and who received it (e.g., handwritten notation, electronic notation, or digital signature made directly on the report, a copy of the email that transmitted the report to a Service employee or shared email box, or a copy of a written report receipt confirmation sent from the Service to the recipient);

(4) Reviewing all reports in a timely manner for the considerations in sections 1.17 and 1.18 below and documenting in the official award file (e.g., handwritten notation, electronic notation, or digital signature made on the report) the date each report is reviewed and the Service employee(s) who reviewed and accepted them. We must review reports within 45 days of receipt;

(5) Contacting the recipient with any questions or concerns and returning incomplete or inaccurate reports with a clear written description of why the report is being returned along with a due date for resubmission; and

(6) Maintaining documentation generated while monitoring recipient reporting compliance in the official award file.

1.17 What must the Service consider when reviewing financial reports? We must review financial reports to ensure:

A. Required fields are completed and correct (e.g., correct Federal award identification number provided, accurate reporting type selected, correct reporting period end dates);

B. Figures are calculated correctly;

C. The indirect costs charged are supported by an approved indirect cost rate (a copy of the approved indirect cost rate agreement(s) covering the reporting period must be available in the official award file);

D. As compared to the performance report for the same reporting period, the expenditures appear reasonable to support the project activities conducted or completed to date;

E. The report does not raise any issues or concerns that may require followup with the recipient, such as:

(1) An unexplained balance of cash on hand (funds drawn but not expended);

(2) Unanticipated program income (see 2 CFR 200.80);

(3) Federal funds or the recipient's voluntary committed funds are not being spent at the expected frequency, as compared to the project schedule; or

(4) The recipient is not maintaining a required match expenditure ratio, if required.

F. On the final SF-425s, the Total Federal Share (line 10g) and the Unobligated Balance of Federal Funds (line 10h) reported reconcile with:

(1) The total obligations and payments posted to the FBMS-SAP Core Finance Purchase Order, and

(2) When the recipient is paid in Treasury's ASAP system, the total obligations and payments made in ASAP.

1.18 What must the Service consider when reviewing performance reports? We must review performance reports to ensure:

A. The recipient has provided the information required (see section 1.9);

B. The information provided is sufficient to assess if the recipient is on track to meet project goals and objectives as planned; and

C. The report does not raise any issues or concerns that may require followup with the recipient, such as:

(1) Significant reduction of effort or project delays with no explanation of why or how the recipient plans to address the issue,

(2) Work conducted outside the approved project scope or moving project location without prior approval, or

(3) Other significant developments that were not otherwise promptly reported as required in 2 CFR 200.328(d).

ADDRESSING RECIPIENT NONCOMPLIANCE WITH REPORTING REQUIREMENTS

1.19 What happens if the Service does not receive a recipient's report by the due date or agreed-upon extension date?

A. If we do not receive a required report by the due date or agreed-upon extension date, we must issue a notice of noncompliance by letter or email (with appropriate return receipt) as soon as practicable, but no later than 30 calendar days after the due date or agreed-upon extension date has passed. The noncompliance notice must state that:

(1) The recipient is noncompliant with the Federal reporting condition(s) of the award;

(2) Unless we receive the required report within the next 10 calendar days of the recipient's receipt of the overdue report notice, we reserve the right, without further notice, to make no further obligations and payments on the award and suspend the award until we receive the report;

(3) We reserve the right, without further notice, to impose additional conditions as allowed under 2 CFR 200.207 or, if we determine that we cannot remedy noncompliance by imposing additional conditions, to take further remedy actions as allowed under 2 CFR 200.338; and

(4) We may withhold any other pending awards to the recipient until we receive the overdue report.

B. If within 10 calendar days of the recipient's receipt of the overdue report notice we still do not receive the overdue report or an acceptable explanation for its tardiness, we may:

(1) Suspend payments and additional obligations for the award for 30 calendar days (for recipients that draw down funds in Treasury's ASAP system, only employees with the ASAP Account Maintainer role can suspend payments in the system); and

(2) Consider and impose additional remedy conditions.

C. If within 30 calendar days of the recipient's receipt of the suspension notice we still do not receive the overdue report or an acceptable explanation for its tardiness, we may:

(1) Convert the suspension or sanction(s) to a termination,

(2) Withhold any other pending awards that we would make to the recipient until we receive the required report, or

(3) Impose both sanctions in subsections C(1) and (2) above.

D. We must send a written notice of any suspension, termination, or other remedy conditions imposed or actions taken to the recipient by letter or email (with appropriate return receipt).

E. We must maintain copies of all notices to and responses from the recipient in the official award file.

1.20 May the Service reinstate a terminated award? No. Once we terminate an award, we may not reinstate it.

1.21 If a recipient incurs costs during an award suspension or termination, are those costs allowable and eligible for reimbursement? Yes**.** After careful consideration, we may reimburse the recipient for allowable and eligible costs during a suspension or termination if:

A. The costs cannot be reasonably avoided;

B. The costs were from obligations made by the recipient prior to the suspension or termination and not in anticipation of either action. For terminations, the costs must be the type that the recipient could not cancel;

C. The costs would have been allowable if the award were not suspended or terminated; and

D. We notify the recipient by mail or email (with appropriate return receipt) that we authorize reimbursement of those costs.

1.22 What must the Service do when a recipient subject to one or more remedy conditions for failure to report corrects the identified problem?

A. Once we receive the required report and verify that it is complete and accurate, we must immediately lift all suspensions, withholdings, or other conditions we imposed for noncompliance.

B. We must notify the recipient by mail or email (with appropriate return receipt) that we have lifted all suspensions, withholdings, or other conditions imposed for noncompliance.

C. We must maintain copies of all such notices to and responses from the recipient in the official award file.

/sgd/ Stephen Guertin
DEPUTY DIRECTOR

Date: July 9, 2018

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MODULE 8
CLOSEOUT

Learning Objectives

1. Describe the actions and documentation that initiate award closure.
2. Describe the communication and people involved in award closure.
3. Identify the reasons for award closure delays and how to improve closeout efficiency.

Handouts

- BFA 8-A – 516 FW 7 Closeout of Grant and Cooperative Agreement Awards

The Closeout Phase

The Uniform Guidance defines *Closeout* as:

"The process by which the Federal awarding agency or pass-through entity determines all applicable administrative actions and all required work of the Federal award have been completed." (§200.16)

2 CFR 200.343 details the actions required during the Closeout phase of the award's lifecycle.

The Recipient is responsible for:

1. Liquidating obligations and submitting final payment request.
2. Preparation and submission of final reports (performance and SF-425).
3. Promptly refunding unspent cash balances or debts owed.
4. Accounting for real and personal property acquired with Federal funds.

Instructor notes: Cumulative Federal expenditures shown on the final SF-425 should match the total funds drawn in ASAP.

The Service is responsible for:

1. Monitoring accomplishments (performance reports, site visits, etc.).
2. Processing the Federal Financial Report (SF-425).
3. De-obligating any remaining funds.
4. Closing the award no later than one year after the POP end date.

Recipient ASAP accounts are "suspended" after 90 days and must also be extended when a financial report due date extension is approved.

Instructor notes: The FASO Policy & Compliance and Operations branches are developing closeout guidance, a checklist, and award closure memo template for joint use by programs and servicing offices in closing awards.

2 CFR 200.343 | 516 FW 7

Closeout Delays

Congress passed the Grants Oversight and New Efficiency (GONE) Act in 2016 in response to noncompliance by Federal awarding agencies in closing awards in a timely manner, which resulted in the loss of millions to maintain payment accounts of expired grants that contained undisbursed funds or a zero balance. The GONE Act instructed Federal awarding agencies to close all awards still open two years beyond their period of performance end date and report to Congress on any awards that could not be closed.

Requested report due date extensions, delays in repayment of funds owed and ongoing audits may reasonably delay the closeout of an award. There are various other reasons why awards may not be closed.

- Recipient issues preventing closeout
  - Reporting noncompliance
  - Staff turnover or staff are unresponsive
  - Period of performance misunderstandings, extensions needed
- Service issues preventing closeout
  - Staff turnover or staff are unresponsive
  - Lack of knowledge of responsibilities or recipient compliance requirements
  - Reports not entered as received or filed in the official award file.
  - Final SF-425s do not balance with SAP/ASAP

FOR DISCUSSION: Improving Closeout Compliance

What actions can we take to close out awards more timely and efficiently?

Answer: Is there another way to verify the recipient has completed the work?

Notify FA agreements officers of changes in staff assigned to awards.

Ensure staff are properly trained and understand their role responsibilities.

Communicate upcoming reporting deadlines to recipients and provide technical assistance with report preparation as needed. Have centralized report inbox so they're logged as received and distributed for review.

Key Learning Points

- ✓ The recipient initiates the award closure process by submitting final financial and performance reports.
- ✓ Review and acceptance of the final financial report closes the award and disposes of unused funds.
- ✓ Award accomplishments are tracked using the information provided in the performance and financial reports.
- ✓ FWS policy 516 FW 7 states that Service awards must be closed no later than one year after the period of performance end date.
- ✓ The GONE Act requires Federal awarding agencies to report to Congress on awards that have not been closed more than two years after the period of performance end date.

7.1 What is the purpose of this chapter? This chapter establishes policy and guidance to ensure that U.S. Fish and Wildlife Service (Service) employees close grant and cooperative agreement awards in a timely manner so that we can:

A. Use remaining balances of Federal funds for new obligations, when such actions are not otherwise restricted by law, and

B. Meet our responsibilities to monitor individual recipient and overall Federal financial assistance program performance so that we maintain accountability for the benefit of the American people.

7.2 What are the objective and scope of this chapter?

A. Objective: Our objective is to ensure Service employees working with grant and cooperative agreement awards:

(1) Close awards properly and in a timely manner,

(2) Consider notifying recipients in writing about award closures, and

(3) Reopen closed awards when necessary.

B. Scope: This chapter covers all Service programs that administer and manage grant and cooperative agreement awards.

7.3 What are the authorities for this chapter?

A. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Post-Federal Award Requirements (2 CFR 200, Subpart D).

B. Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

C. Controlling Paperwork Burdens on the Public (5 CFR Part 1320).

7.4 Who is responsible for the closeout of grant and cooperative agreement awards?
See Table 7-1.

Table 7-1: Responsibilities for Closeout of Grant and Cooperative Agreement Awards

These employees . . .	Are responsible for . . .
A. The **Director**	Making sure the Service has policy in place on grant and cooperative agreement award administration.
B. The **Assistant Director – Wildlife and Sport Fish Restoration Program (WSFR)** through the **Division of Administration and Information Management (AIM)**, and **the Branch of Financial Assistance Policy and Oversight (FAPO)**	**(1)** Developing policy on the closeout of grant and cooperative agreement awards and keeping it up-to-date, and **(2)** Monitoring the Service's implementation of this policy.

Table 7-1: Responsibilities for Closeout of Grant and Cooperative Agreement Awards	
These employees . . .	**Are responsible for . . .**
C. Directorate members in Headquarters and the Regions	Making sure employees who issue, administer, and manage grant and cooperative agreement awards are aware of and follow the requirements in this policy.

7.5 When must the Service close an award? We must close awards no later than 1 year after the award project period end date.

7.6 What are the standards the Service must follow when establishing a project period end date?

A. We must:

(1) Set the project period end date for a date no later than when we expect the recipient to complete all project activities, and

(2) Not extend the project period end date to incorporate the required post-award reporting period or any real property maintenance/retention period required under the award terms and conditions.

B. The end of the project period and subsequent award closeout do NOT affect the recipient's continued responsibilities related to real property maintenance, record retention, reporting, and disposition (see 2 CFR 200.344).

7.7 What does the Service need from the recipient to close an award? To close an award we must receive the following from the recipient:

A. All required final reports (see 516 FW 1 and 516 FW 2),

B. Any other reports or deliverables required under the award terms and conditions, and

C. A refund of any balance of unobligated cash paid to the recipient that they are not authorized to retain and use in other projects.

7.8 What do Service staff need to do to close an award? To close an award, staff must:

A. Verify we've received required reports, other deliverables, and any refunds due from the recipient;

B. Review the award file to make sure it is complete and all documents are properly executed. Document any issues and follow up with the recipient in writing, as needed;

C. De-obligate any remaining balance of unused Federal funds no longer needed for the approved program or project;

D. Close the award in the Contract/Financial Assistance Management System (PRISM); and

E. At the program's discretion, send a written notice of award closure by letter, fax, or email to the recipient and a copy of any pre-closeout de-obligation amendment. If not already included in the award terms and conditions, the notice of award closure should also describe the recipient's continuing

responsibilities related to audits, property management, records retention, and reimbursement of Federal funds due to the Service as a result of corrections or other transactions, as applicable.

7.9 What must the Service do if the recipient doesn't send the final reports due? We must take the steps required in 516 FW 1 and 516 FW 2. Noncompliance with reporting requirements may result in, but aren't limited to, suspending funding, suspending other pending awards, and terminating an award.

7.10 What can the Service do if the recipient doesn't refund unobligated cash due to the Federal Government? Any funds we've paid to a recipient beyond the amount to which the recipient is entitled under the terms of the award constitute a debt to the Federal Government. If not paid within 90 calendar days after demand, we may reduce the debt following the procedures in 2 CFR 200.345. We may also take one or more of the remedies for noncompliance, as appropriate (see 2 CFR 200.338). These actions include, but aren't limited to, temporarily withholding cash payments, wholly or partly suspending or terminating the award, and withholding further Federal awards for the project or program.

7.11 Does the Service have to complete a closeout for a terminated award? Yes. We must complete the closeout of a terminated award following the steps in Section 7.8 above.

7.12 Can the Service reopen a closed award? Yes.

A. We may reopen a closed award if we need to adjust the amount of Federal funds obligated. Such adjustments may be the result of refunds, corrections, or other transactions that occur or are identified by the recipient or the Service, such as during a review or audit after award closeout. Some post-closeout adjustments may require prior program approval.

B. Programs may not reopen a closed award to continue a previously funded project.

/sgd/ James W. Kurth
DEPUTY DIRECTOR

Date: January 23, 2015

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MODULE 9
POST-CLOSEOUT

Learning Objectives

1. Identify recipient responsibilities for award-purchased real and personal property.
2. Identify Service monitoring requirements for award-purchased property.
3. Discuss recipients' and the Service's record retention requirements for award documentation.

The Post-Closeout Phase

Following the closeout of the federal award, certain continuing responsibilities remain for both the federal awarding agency and the non-Federal entity recipient.

- Return of funds resulting from refunds, corrections, or other transactions.
- Property management and disposition.
  - Real property
  - Personal property (tangible and intangible)
    - Equipment (general and special purpose)
    - Supplies
    - Intangible (intellectual property, securities, licenses)
- Record retention requirements.
- Audits or other reviews, and the recovery of disallowed costs.

Instructor notes: These responsibilities extend to a pass-through entity and subrecipient. Recipients must provide insurance coverage for real and personal property acquired or improved by a Federal award (§200.310). Real and intangible property, and equipment must be held in trust by the recipient for project/program beneficiaries. The Service may require record of lien or other notice of record to indicate Fed nexus to property for use/disposal (§200.316).

2 CFR 200.344

Real Property

Real property means land, including land improvements, structures and appurtenances thereto, but excludes moveable machinery and equipment (2 CFR 200.85). The FAIR expands this definition to include legal ownership interests in land such as easements.

The following conditions apply to real property:

- Title vests with the recipient or subrecipient and must be used for its originally authorized purpose.

- Recipients **must** request approval to dispose of real property. They may retain title, sell the property, or transfer title to the Service or an approved third party. Compensation to the Service or recipient may be required based on current fair market value and participation percentage.

Real Property Reporting Requirements

Recipients must submit reports on the status of real property acquired under a Federal award using the SF 429-A (Real Property Status Report – General Reporting) or an approved alternate equivalent format. These reports must demonstrate and certify that all conditions imposed on the land use are being met. Reports are submitted to the awarding official during the period of performance and then to a designated person after the award closes.

If the interest in the land will be held for:

- < 15 years, a report must be submitted annually.
- > 15 years, a report must be submitted after one year, then every five years, at a minimum.

Instructor notes: Recipients must also provide insurance coverage for real property acquired or improved with Federal funds (§200.310).

2 CFR 1402.6, 1402.329(d) | 2 CFR 200.85, 200.311

Equipment

Equipment means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or $5,000 (2 CFR 200.33).

Conditional title to equipment acquired under an award will vest with the recipient upon acquisition. Recipients should refer to their NOA for additional terms and conditions that may apply.

General post-closure requirements for equipment *use*, *management*, and *disposal* are determined by the type of recipient. States follow their own State laws and procedures, while all other recipients adhere to the requirements outlined in the Uniform Guidance, as follows.

- Use – Priority of use.
    1. For award-supported activities as long as needed.
    2. For activities funded by the awarding Federal agency
    3. For activities funded by other Federal agencies
- Management – Until disposition, recipients must:
    - Maintain property records.
    - Conduct physical inventories a minimum of every two years.
    - Ensure security to prevent loss, damage, or theft.
    - Maintain property in good working condition.
- Disposal
    - May require approval from Federal awarding agency.
    - Percentage of salvage value may need to be returned to Federal awarding agency.
    - Title may be transferred to the Service or a third party, with compensation to the recipient for their participation percentage.

Instructor notes: Recipient must request disposition instructions when equipment is no longer needed if required by terms and conditions of award. If residual value is <$5,000; no obligation to Service. If residual value is >$5,000, compensation of Fed funds owed. Insurance coverage must also be Provided (§200.310)

2 CFR 200.33, 200.313

Supplies

Supplies *means all tangible personal property other than those described as Equipment. A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the non-Federal entity for financial statement purposes or $5,000 (2 CFR 200.94).*

Upon closeout, the recipient must compensate the Federal awarding agency for unused supplies with an aggregate remaining value exceeding $5000 purchased on the Federal award, if those supplies will not be used on other Federal awards.

Instructor notes: Compensation is due if supplies are to be used on non-Federal activities or sold.

2 CFR 200.94 and 200.314

Intangible Property

Intangible property means property having no physical existence, such as trademarks, copyrights, patents and patent applications and property, such as loans, notes and other debt instruments, lease agreements, stock and other instruments of property ownership (whether the property is tangible or intangible) (2 CFR 200.59).

The non-Federal entity may patent, copyright, or trademark any work that was developed, or for which ownership was acquired, under a Federal award. Even though title vests with the recipient, the Federal awarding agency reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes, and to authorize others to do so in accordance with the Bayh-Dole Act (35 USC §§200 et seq, with implementing regulations at 37 CFR 401).

During an award or at closeout, the recipient must file an invention disclosure form with standard elements finalized in the Federal Register in 2008 (73 FR 59680). The recipient decides within a two-year period following disclosure whether they will retain title to the invention; otherwise, the Service may grant rights to the inventor or pursue title. If the receipt retains title, they must file a patent application. The Service may require the recipient to provide an annual utilization report to monitor the recipient's progress towards development of the invention. The Service has "march-in" rights should the recipient fail to patent or achieve practical application of the invention.

35 USC §§220 et seq | 37 CFR 401 | 2 CFR 200.59, 200.315

Record Retention

There are record retention requirements for both the Federal awarding agency and the recipient. The Uniform Guidance outlines retention and disposition requirements for recipients and subrecipients.

Non-federal entities must retain all grants-related records and documents for three years from the submission date of the final financial report, unless there are audits, litigation, claims or negotiations involving the records. Real property and equipment records must be retained for three years after final disposition (2 CFR 200.333).

Service Program Offices adhere to the Service's retention schedule, which gives requirements by record type. For financial assistance administration, the following are worth noting:

- Files on routine operations and daily activities in administration of grant program retained for 2 years.
- Unsuccessful (rejected or withdrawn) grant application files retained 3 years.
    - Successful grant applications have specific retention requirements depending on type of project/activity.
- Financial assistance case files for 6 years.
- Real property acquisition records retained 10 years after final disposition of property (by unconditional sale or release).
- Conservation easement record retained for 6 years after final termination of easement.

The FWS Disposition Record Schedule (283 FW 2) includes both retention schedules and grant case file document requirements.

Instructor notes: All award records are to be collected, transmitted, and stored In open and machine readable formats, though paper documentation is acceptable. The Federal government has the rights to access non-Federal entity records pertaining to the award, and may require certain records be transferred into its custody when there is a long-term retention value. FOIA does not apply to records that remain in the non-federal entity's control.

2 CFR 200.333-337 | 283 FW 1 | General Record Schedule

Key Learning Points

- ✓ Compliance issues continue, even after the award is closed.
- ✓ Real property must be monitored to ensure it continues to serve the purpose for which it was originally purchased.
- ✓ Real property may be disposed of when it no longer serves the intended purpose, WITH PRIOR APPROVAL.
- ✓ Awards may contain special terms and conditions on use and disposal of equipment.
- ✓ Recipients should maintain an inventory of equipment showing the purchase price, date of purchase, funding source and other pertinent accounting information.
- ✓ The non-Federal entity may patent, copyright, or trademark any work that was developed, or for which ownership was acquired, under a Federal award.
- ✓ Generally, recipient records must be maintained for 3 years from the date of submission of the last expenditure report unless actions involving audits, litigation, claims or negotiations.

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List of Documents in Tab 10

1. Acronyms List
2. FA Authority Pyramid diagram
3. Federal Grant and Cooperative Agreement Act of 1977
4. 505 DM 2 – DOI Contracts and Financial Assistance Chapter
5. USFWS Issuing a New Financial Assistance Award Guidance
6. Checklist for a New Financial Assistance Award, Form 3-2460 (Attachment 5)
7. USFWS Financial Assistance Business Process Flowchart

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List of Common Acronyms in FWS Financial Assistance

Updated November 2019

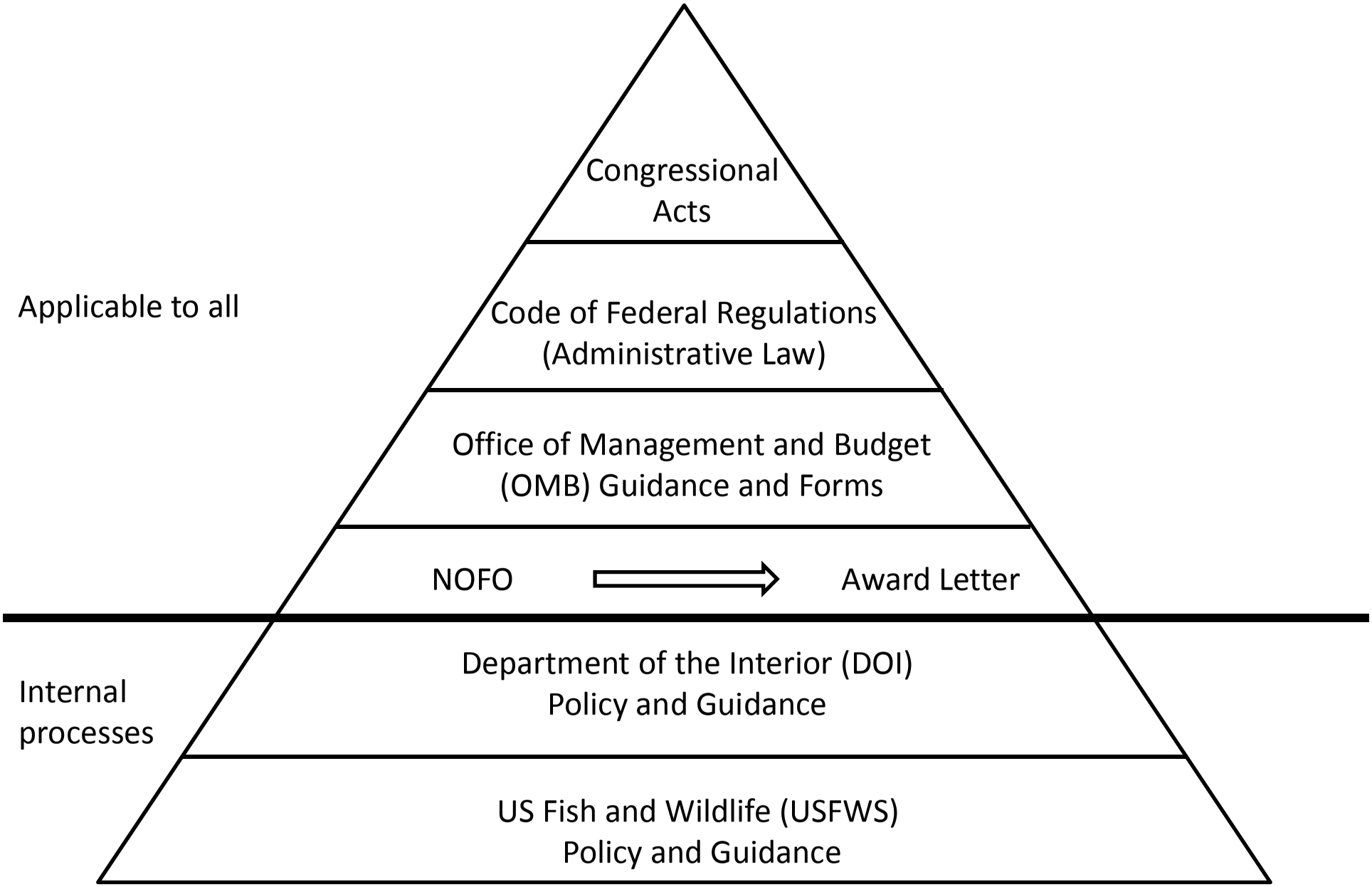
ARRA	American Recovery and Reinvestment Act of 2009
ASAP	Automated Standard Application for Payments
AVSO	DOI Appraisal and Valuation Services Office
BFA	Basic Financial Assistance course
BGM	Basic Grants Management course
CAGE	Commercial and Government Entity code
CCR	Central Contractor Registry
CE (or CatEx)	Categorical Exclusion
CESU	Cooperative Ecosystem Studies Units
CFDA	Catalog of Federal Domestic Assistance
CFR	Code of Federal Regulations
CGS	Contracting and General Services office
CIAP	Coastal Impact Assistance Program
CMIA	Cash Management Improvement Act
COSO	Committee of Sponsoring Organizations of the Treadway Commission
DATA	Digital Accountability and Transparency Act of 2014
DM	Department Manual
DOI	Department of the Interior
DUNS	Dun and Bradstreet's Data Universal Numbering System
EA	Environmental Assessment
EAS	Environmental Action Statement
EIS	Environmental Impact Statement
EMIS	Enterprise Management Information System
EO	Executive Order
ESA	Endangered Species Act
FA	Financial Assistance
F&A	Indirect (Facilities & Administrative) costs
FAADS	Federal Assistance Award Data System
FAC	Federal Audit Clearinghouse
FACA	Federal Advisory Committee Act
FAIN	Federal Award Identification Number
FAIR	Financial Assistance Interior Regulation
FAO	Financial Assistance Officer
FAPIIS	Federal Awardee Performance and Integrity Information System
FAR	Federal Acquisition Regulation
FASO	Financial Assistance Support and Oversight division
FBMS	Financial and Business Management System
FFATA	Federal Funding and Transparency Act of 2006
FFR	Federal Financial Report
FGCCA	Federal Grant and Cooperative Agreement Act of 1977
FONSI	Finding of No Significant Impact
FSRS	FFATA Subaward Reporting System
FWS	Fish and Wildlife Service
GAAP	Generally Accepted Accounting Principles
GAO	U.S. Government Accountability Office
GLRI	Great Lakes Restoration Initiative
GONE	Grants Oversight and New Efficiency (Act)

List of Common Acronyms in FWS Financial Assistance

Updated November 2019

GREAT	Grant Reporting Efficiency and Agreements Transparency (Act) of 2019
GS	GrantSolutions
GSA	General Services Administration
IBC	Interior Business Center
IHEs	Institutions of Higher Education
LCC	Landscape Conservation Cooperative
LWCF	Land and Water Conservation Fund
MCI	Management Concepts, Incorporated
MTDC	Modified Total Direct Costs
NAG	New FA Award Guidance
NAWCA	North American Wetlands Conservation Act
NCTC	National Conservation Training Center
NEPA	National Environmental Policy Act
NFE	Non-Federal Entity
NHPA	National Historic Preservation Act
NICRA	Negotiated Indirect Cost Rate Agreement
NOA	Notice of Award
NOFO	Notice of Funding Opportunity
NOI	Notice of Intent
NRDAR	Natural Resource Damage Assessment and Restoration
OIG	Office of the Inspector General
OMB	Office of Management and Budget
PII	Personally Identifiable Information
PGM	DOI Office of Grants Management
PRISM	Purchase Request Information System
PO	Program Office
POP	Period of Performance
PTE	Pass-Through Entity
RO	Regional Office
ROD	Record of Decision
SAM	System for Award Management
SAP	Systems, Applications, and Products (FBMS)
SAT	Simplified Acquisition Threshold
SEC	Securities Exchange Commission
SF	Standard Form
SHPO	State Historic Preservation Office
SM	Service Manual
SMART	Specific, Measurable, Achievable, Relevant, Time-bound
SOL	Solicitor's Office
SPOC	Single Point of Contact
SWG	State Wildlife Grants
THPO	Tribal Historic Preservation Office
UASFLA	Uniform Appraisal Standards for Federal Land Acquisitions
UDO	Undelivered Orders Report (FBMS)
UEI	Unique Entity Identifier
USFWS	United States Fish and Wildlife Service
WSFR	Wildlife and Sport Fish Restoration

Financial Assistance Authority Pyramid



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Public Law 95-224
95th Congress

An Act

To distinguish Federal grant and cooperative agreement relationships from Federal procurement relationships, and for other purposes.

Feb. 3, 1978
[H.R. 7691]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Federal Grant and Cooperative Agreement Act of 1977".

Federal Grant and Cooperative Agreement Act of 1977.
41 USC 501 note.

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

41 USC 501.

(1) there is a need to distinguish Federal assistance relationships from Federal procurement relationships and thereby to standardize usage and clarify the meaning of the legal instruments which reflect such relationships;

(2) uncertainty as to the meaning of such terms as "contract", "grant", and "cooperative agreement" and the relationships they reflect causes operational inconsistencies, confusion, inefficiency, and waste for recipients of awards as well as for executive agencies; and

(3) the Commission on Government Procurement has documented these findings and concluded that a reduction of the existing inconsistencies, confusion, inefficiency, and waste is feasible and necessary through legislative action.

(b) The purposes of this Act are—

(1) to characterize the relationship between the Federal Government and contractors, State and local governments, and other recipients in the acquisition of property and services and in the furnishing of assistance by the Federal Government so as to promote a better understanding of Federal spending and help eliminate unnecessary administrative requirements on recipients of Federal awards;

(2) to establish Government-wide criteria for selection of appropriate legal instruments to achieve uniformity in the use by the executive agencies of such instruments, a clear definition of the relationships they reflect, and a better understanding of the responsibilities of the parties;

(3) to promote increased discipline in the selection and use of types of contract, grant agreement, and cooperative agreements and to maximize competition in the award of contracts and encourage competition, where deemed appropriate, in the award of grants and cooperative agreements; and

(4) to require a study of the relationship between the Federal Government and grantees and other recipients in Federal assistance programs and the feasibility of developing a comprehensive system of guideline for the use of grant and cooperative agreements, and other forms of Federal assistance in carrying out such programs.

DEFINITIONS

41 USC 502.

SEC. 3. As used in this Act, the term—

(1) "State government" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, any agency or instrumentality of a State, and any multi-State, regional, or interstate entity which has governmental functions;

(2) "local government" means any unit of government within a State, a county, municipality, city, town, township, local public authority, special district, intrastate district, council of governments, sponsor group representative organization, other interstate government entity, or any other instrumentality of a local government;

(3) "other recipient" means any person or recipient other than a State or local government who is authorized to receive Federal assistance or procurement contracts and includes any charitable or educational institution;

(4) "executive agency" means any executive department as defined in section 101 of title 5, United States Code, a military department as defined in section 102 of title 5, United States Code, an independent establishment as defined in section 104 of title 5, United States Code (except that it shall not include the General Accounting Office), a wholly owned Government corporation; and

(5) "grant or cooperative agreement" does not include any agreement under which only direct Federal cash assistance to individuals, a subsidy, a loan, a loan guarantee, or insurance is provided.

USE OF CONTRACTS

41 USC 503.

SEC. 4. Each executive agency shall use a type of procurement contract as the legal instrument reflecting a relationship between the Federal Government and a State or local government or other recipient—

(1) whenever the principal purpose of the instrument is the acquisition, by purchase, lease, or barter, of property or services for the direct benefit or use of the Federal Government; or

(2) whenever an executive agency determines in a specific instance that the use of a type of procurement contract is appropriate.

USE OF GRANT AGREEMENTS

41 USC 504.

SEC. 5. Each executive agency shall use a type of grant agreement as the legal instrument reflecting a relationship between the Federal Government and a State or local government or other recipient whenever—

Transfers.

(1) the principal purpose of the relationship is the transfer of money, property, services, or anything of value to the State or local government or other recipient in order to accomplish a public purpose of support or stimulation authorized by Federal statute, rather than acquisition, by purchase, lease, or barter, of property or services for the direct benefit or use of the Federal Government; and

(2) no substantial involvement is anticipated between the executive agency, acting for the Federal Government, and the State or local government or other recipient during performance of the contemplated activity.

USE OF COOPERATIVE AGREEMENTS

SEC. 6. Each executive agency shall use a type of cooperative agreement as the legal instrument reflecting a relationship between the Federal Government and a State or local government or other recipient whenever— 41 USC 505.

(1) the principal purpose of the relationship is the transfer of money, property, services, or anything of value to the State or local government or other recipient to accomplish a public purpose of support or stimulation authorized by Federal statute, rather than acquisition, by purchase, lease, or barter, of property or services for the direct benefit or use of the Federal Government; and Transfers.

(2) substantial involvement is anticipated between the executive agency, acting for the Federal Government, and the State or local government or other recipient during performance of the contemplated activity.

AUTHORIZATIONS

SEC. 7. (a) Notwithstanding any other provision of law, each executive agency authorized by law to enter into contracts, grant or cooperative agreements, or similar arrangements is authorized and directed to enter into and use types of contracts, grant agreements, or cooperative agreements as required by this Act. Contracts, grant or cooperative agreements. 41 USC 506.

(b) The authority to make contracts, grants, and cooperative agreements for the conduct of basic or applied scientific research at nonprofit institutions of higher education, or at nonprofit organizations whose primary purpose is the conduct of scientific research shall include discretionary authority, when it is deemed by the head of the executive agency to be in furtherance of the objectives of the agency, to vest in such institutions or organizations, without further obligation to the Government, or on such other terms and conditions as deemed appropriate, title to equipment or other tangible personal property purchased with such funds. Scientific research.

STUDY OF FEDERAL ASSISTANCE PROGRAMS

SEC. 8. The Director of the Office of Management and Budget, in cooperation with the executive agencies, shall undertake a study to develop a better understanding of alternative means of implementing Federal assistance programs, and to determine the feasibility of developing a comprehensive system of guidance for Federal assistance programs. Such study shall include a thorough consideration of the findings and recommendations of the Commission on Government Procurement relating to the feasibility of developing such a system. The Director shall consult with and to the extent practicable, involve representatives of the executive agencies, the Congress, the General Accounting Office, and State and local governments, other recipients and other interested members of the public. The result of the study shall be reported to the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate at the earliest practicable date, but in no event later than two years after the date of enactment of this Act. The report on the study shall include (1) detailed descriptions of the alternative means of implementing Federal assistance programs and of the circumstances in which the use of each appears to be most desirable, (2) detailed

41 USC 507.

Contents.

Consultation.

Report to congressional committees.

descriptions of the basic characteristics and an outline of such comprehensive system of guidance for Federal assistance programs, the development of which may be determined feasible, and (3) recommendations concerning arrangements to proceed with the full development of such comprehensive system of guidance and for such administrative or statutory changes, including changes in the provisions of sections 3 through 7 of this Act, as may be deemed appropriate on the basis of the findings of the study.

GUIDELINES

41 USC 508.

SEC. 9. The Director of the Office of Management and Budget is authorized to issue supplementary interpretative guidelines to promote consistent and efficient use of contract, grants agreement, and cooperative agreements as defined in this Act.

REPEALS AND SAVINGS PROVISIONS

Repeal; effective date.

SEC. 10. (a) The Act entitled "An Act to authorize the expenditure of funds through grants for support of scientific research, and for other purposes", approved September 6, 1958 (72 Stat. 1793; 42 U.S.C. 1891 and 1892), is repealed, effective one year after the date of enactment of this Act.

41 USC 501 note.

(b) Nothing in this Act shall be construed to render void or voidable any existing contract, grant, cooperative agreement, or other contract, grant, or cooperative agreement entered into up to one year after the date of enactment of this Act.

41 USC 509.

(c) Nothing in this Act shall require the establishment of a single relationship between the Federal Government and a State or local government or other recipient on a jointly funded project, involving funds from more than one program or appropriation where different relationships would otherwise be appropriate for different components of the project.

Excepted transactions. 41 USC 501 note. Expiration date.

(d) The Director of the Office of Management and Budget may except individual transactions or programs of any executive agency from the application of the provisions of this Act. This authority shall expire one year after receipt by the Congress of the study provided for in section 8 of this Act.

Approved February 3, 1978.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-481 (Comm. on Government Operations).
SENATE REPORT No. 95-449 accompanying S. 431 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD:
Vol. 123 (1977): Sept. 27, considered and passed House.
Oct. 1, considered and passed Senate, amended, in lieu of S. 431.
Vol. 124 (1978): Jan. 19, House agreed to Senate amendment.

Department of the Interior
Departmental Manual

Effective Date: 1/9/08
Series: Federal Assistance Programs
Part 505: Grants Administration
Chapter 2: Procurement Contracts, Grant and Cooperative Agreements

Originating Office: Office of Acquisition and Property Management

505 DM 2

2.1 **Purpose**. This chapter provides Departmental guidance to implement provisions of the Federal Grant and Cooperative Agreement Act, the Federal Financial Assistance Management Improvement Act, and related guidance issued by the Office of Management and Budget (OMB), and it updates Departmental guidance on Grants.gov requirements and processes.

2.2 **Background**. The OMB final guidance on the Federal Grant and Cooperative Agreement Act was published in the Federal Register on August 18, 1978, (43 FR 36860). The Federal Grant and Cooperative Agreement Act of 1977 (revised and incorporated in the provisions at Title 31 U.S.C. §§ 6301-6308) and hereinafter referred to as the "Act", characterizes the relationship between executive agencies and contractors, States, local governments, and other recipients in acquiring property and services and in providing United States Government assistance. The Act also prescribes criteria for executive agencies in selecting appropriate legal instruments to achieve (a) uniformity in their use by executive agencies; (b) a clear definition of the relationship they reflect; and (c) a better understanding of the responsibilities of the parties to them. The Act seeks to promote increased discipline in selecting and using procurement contracts, grant agreements, and cooperative agreements, to maximize competition in making procurement contracts, and to encourage competition in making grant agreements and cooperative agreements. Title 31 U.S.C. §§ 6301-6308, however, will not be cited as the authority for any grant, contract, or cooperative agreement.

2.3 **Authority**. The Federal Financial Assistance Management Improvement Act of 1999, Public Law (P.L.) 106-107, was enacted to improve the effectiveness and performance of Federal financial assistance programs, to simplify Federal financial assistance application and reporting requirements, to improve the delivery of services to the public, and to facilitate greater coordination among those responsible for delivering such services.

2.4 **Applicability**.

A. The authorities for this chapter apply to all bureau and office programs which use procurement contracts, grant agreements, and cooperative agreements, and to all recipients eligible for these awards. This chapter also applies to Federally recognized Indian tribal governments, except for those awards made pursuant to the authority of the Indian Self-Determination and Education Assistance Act (P.L. 93-638, 88 Stat. 2204), as amended.

However, Sec. 9 of P.L. 93-638 does provide for use of a grant agreement or cooperative agreement when mutually agreed to by the Secretary of the Interior and the tribal organization involved.

B. This chapter does not apply to instruments such as intra- and inter-agency agreements, international agreements (excluding grants and cooperative agreements with foreign recipients), memoranda of understanding or agreement, cooperative research and development agreements, concession contracts, or permits. Licenses, sale documents, leases, and special use permits are covered by this issuance only when issued for the purpose of public support or stimulation.

2.5 **Definitions.**

A. Financial Assistance - The transfer of a thing of value from a Federal agency to an eligible recipient to carry out a public purpose of support or stimulation as authorized by a law of the United States. An agency may provide financial assistance through various types of transactions including grants, cooperative agreements, loans, loan guarantees, interest subsidies, insurance, food commodities, direct appropriations, and transfers of property in place of money.

B. Discretionary Grant - A grant program that permits the Federal Government, according to specific authorizing legislation, to exercise judgment in selecting the project, grantee/recipient organization, and/or the amount of the award through a competitive grant process.

C. Mandatory Grant - A grant program in which the Federal agency is required to make an award based on prerequisites specified by statute or implementing program regulations, e.g., an entity submits an acceptable State Plan or application that meets the eligibility and compliance requirements of the statutory and regulatory provisions of the grant program. There is generally no competition for funds among eligible entities in mandatory grants.

D. Single Source - A funding opportunity specifically directed to a known recipient, e.g., a friends' group, fundraising partner, non-governmental organization, landowner or geographically positioned entity, either statutorily designated or determined by a bureau or office to be an appropriate partner based on demonstrable criteria, such as unique expertise or capacity.

2.6 **Policy**. Consistent with the Federal Grant and Cooperative Agreement Act and the guidance provided in this DM chapter, bureaus and offices will determine and use the appropriate instrument (i.e., procurement contract, grant agreement, or cooperative agreement) when acquiring property and services or in providing financial assistance. Files should be documented, with justification of the appropriate financial assistance instruments. Bureaus are encouraged to seek advice from the Office of the Solicitor on the selection of an award instrument, as needed. Bureaus will conduct periodic reviews to ensure compliance with this policy and will use the following criteria when determining to use a procurement contract, grant agreement or cooperative agreement:

A. Procurement contracts will be used as legal instruments reflecting a relationship between the bureau or office and a State, local government, or other awardee when the principal purpose of the instrument is to acquire (by purchase, lease, or barter) property or services for the direct benefit or use of the Government or when the head of the agency determines, in a specific instance, that the use of a procurement contract is appropriate.

B. Grant agreements will be used as legal instruments when the relationship between the bureau or office and a State, local government, or other recipient has as its principal purpose the transfer of a thing of value to the recipient in order to carry out a public purpose of support or stimulation authorized by a law of the United States and substantial involvement is not expected between the bureau or office and the State, local government, or other recipient when carrying out the activity contemplated in the agreement.

C. Cooperative agreements will be used as legal instruments when the relationship between the bureau or office and a State, local government, or other recipient has as its principal purpose the transfer of a thing of value to State or local government or other recipient to carry out a public purpose of support or stimulation authorized by a law of the United States and substantial involvement is expected between the bureau or office and the State, local government, or other recipient when carrying out the activity contemplated in the agreement.

2.7 **Exemptions**.

A. The Federal Grant and Cooperative Agreement Act provides for the Director of the OMB to exempt individual transactions or programs from the Act.

B. Requests for exemptions to the Act will be submitted by heads of bureaus and offices through the appropriate program Assistant Secretary and the Director, Office of Acquisition and Property Management (PAM)) to the Assistant Secretary, Policy, Management and Budget (AS/PMB). PAM will review and coordinate such requests, on behalf of the AS/PMB, prior to forwarding to OMB. Requests for exemptions will be coordinated with the Office of the Solicitor prior to forwarding requests to the appropriate program Assistant Secretary.

2.8 **Responsibilities**.

A. Assistant Secretary - Policy, Management and Budget. The AS/PMB is the Secretarial officer responsible for implementing the Act and the supplemental guidance issued by OMB.

B. Office of Acquisition and Property Management. On behalf of the AS/PMB, PAM is responsible for providing Departmental oversight, implementing the Act, and serving as the DOI representative to OMB, with final decision making by the AS/PMB. PAM is also responsible for coordinating with the Office of Small and Disadvantaged Business Utilization on all matters involving business development programs which relate to the requirements of the Act (i.e. procurement contracts).

C. Program Assistant Secretaries. Each Program Assistant Secretary is responsible for ensuring that bureaus and offices under their jurisdiction implement and comply with the Act and requirements of this chapter. Assistant Secretaries must also review, reject or recommend approval of all requests prepared by bureaus and offices under their jurisdiction for exemptions to the Act in accordance with the provisions of 505 DM 2.7.

D. Office of the Solicitor. The Office of the Solicitor (SOL) will assist bureaus and offices with legal questions which may arise as the result of implementing the Act, the OMB guidance, and the provisions of this issuance, normally within seven (7) workdays. Cooperative agreements and grant awards, issued under well-established programs, do not require SOL review, unless requested. However, SOL will assist bureaus in review or development of new programs or policies affecting future allocations of financial assistance awards, including grants and cooperative agreements. SOL will review and advise the bureau or office, upon request, if a proposed cooperative agreement or grant is of such complexity or novelty or exhibits intellectual property issues or potential conflicts of interest, or other such concerns to warrant legal review.

E. Bureaus and Offices. Heads of bureaus and offices will identify the actions required to carry out the policies, procedures, and guidelines established in this issuance and designate those officials responsible for them. Necessary actions include, but are not limited to:

(1) Establishing procedures for determining proper selection of award instruments to be used for supporting bureau or office programs. These procedures may include official determinations that instruments to be used in making awards within a specific program are contracts, grant agreements, or cooperative agreements in keeping with 505 DM 2.6. Procedures must also be established for the conduct of reviews at an organization level separate from the level where the determinations are made to ensure objectivity in the decision-making process and to ensure that assistance instruments are not being used to circumvent applicable Federal procurement laws or regulations. Written determinations regarding selection of award instruments must contain complete information on the nature of the relationship between the bureau or office and the recipient to justify the use of the instrument selected. For competitive grant awards, it is sufficient to provide the written justification at the program level, e.g., not for each individual recipient of a competitive grant under the grant program. Public notices, solicitations, or requests for applications should indicate the type of relationship contemplated (procurement or assistance), the instrument to be used, and for cooperative agreements, an explicit statement of Federal programmatic involvement.

(2) Assuring that recipients of Federal funds are required to maintain adequate records to permit review by the Secretary, the Inspector General, the Comptroller General of the United States, or their authorized representatives.

(3) Preparing for each cooperative agreement an explicit statement of substantial Federal programmatic involvement which includes the nature, character, and extent of the anticipated Federal involvement. This statement is to be part of the official agreement and file.

(4) Establishing oversight and review procedures to ensure compliance with the Act, the OMB final guidance, and this issuance.

(5) Obtaining review by SOL of proposed cooperative agreements and grants, regardless of dollar amount, when review is advisable because of complexity, novelty, intellectual property issues, potential conflicts of interest, or other such concerns to warrant legal review. Cooperative agreements and grant awards issued under well-established programs do not require SOL review, unless requested. However, bureaus will seek legal advice from SOL in the review or development of new programs or policies affecting future allocations of financial assistance awards, including grants and cooperative agreements.

(6) Periodically conducting compliance reviews on competitive grant and cooperative agreement criteria, procedures and awards and meeting internal control review requirements for financial assistance programs under OMB Circular A-123, Management's Responsibility for Internal Controls and Appendix A, Internal Control over Financial Reporting. These reviews of all financial assistance awards, conducted on a 4-year cycle, will highlight any program changes and improvements, implemented or proposed.

2.9 **Selection of an Award Instrument**.

A. Procurement Contract. The basic criterion for selection of a procurement contract is that the relationship between the bureau or office and the awardee is for the principal purpose of acquiring (by purchase, lease, or barter) property or services for the direct benefit or use of the Federal Government.

B. Grant Agreement and Cooperative Agreement.

(1) The basic criterion for selection of a grant agreement or cooperative agreement is that its primary function is to carry out a public purpose of support or stimulation, and for the cooperative agreement, substantial involvement is expected between the bureau or office and the recipient when carrying out the activity contemplated in the agreement.

(2) Anticipated substantial Federal involvement is a relative rather than an absolute concept. In general, when the terms of an assistance instrument indicate the recipient can expect to perform the project without bureau or office collaboration, participation, or intervention (as long as performance is in accordance with the terms of the assistance instrument) substantial involvement is not anticipated. When the assistance instrument indicates the recipient can expect bureau or office collaboration or participation in the management or performance of the project, substantial Federal involvement is anticipated.

(3) The following examples are not meant to be a checklist or to be considered as individual determinants, but as a basic guide to selecting the proper assistance instrument:

(a) A bureau, office or organizational unit may anticipate substantial involvement when it: (i) participates and collaborates jointly with the recipient partner, volunteer, scientist, technician or other personnel, in carrying out the scope of work, trains recipient personnel, or details Federal personnel to work on the project effort; (ii) reviews and approves one stage of work before the next stage can begin; (iii) reviews and approves proposed

modifications or sub-grants, prior to the award; (iv) helps select project staff or trainees; (v) directs or redirects the work because of interrelationships with other projects; (vi) has power to halt immediately an activity if detailed performance specifications are not met; and (vii) limits recipient discretion with respect to scope of work, organizational structure, staffing, mode of operations and other management processes, coupled with close monitoring or operational involvement during performance.

(b) Anticipated substantial involvement during performance does not include: (i) Government approval of recipient plans prior to award; (ii) normal exercise of Federal stewardship responsibilities during the project period such as site visits, performance reporting, financial reporting, and review to insure that the objectives, terms and conditions of the award are accomplished; (iii) unanticipated Government involvement to correct deficiencies in project or financial performance from the terms of the assistance instrument; (iv) general statutory requirements understood in advance of the award such as civil rights, environmental protection, and provisions for the handicapped; (v) Government review of performance after completion of the assisted activity; and (vi) general administrative requirements, such as those included in OMB Circulars A-21, A-87, A-102, A-110, A-133, and applicable implementing regulations.

(4) The determination to use a cooperative agreement will in all cases be based on the need for substantial Federal involvement in the assisted activity after considering a variety of factors including the management, financial, and technical needs of the recipient.

(5) Federal involvement in cooperative agreements will be limited to the minimum required consistent with program requirements. Nothing in the Act should be construed as allowing the Government to increase its involvement beyond that which is authorized by applicable laws and OMB requirements.

(6) Should bureau or office programs now using grant agreements require in the future the award of cooperative agreements exclusively for particular activities, this determination should be based on statutory requirements or policy level determinations of the need for substantial Federal involvement in the performance of an assisted project.

2.10 **Grant Agreement and Cooperative Agreement Structure and Contents**.

A. The grant agreement or cooperative agreement will be structured in a manner which:

(1) Adequately describes the relationship based upon the degree of involvement of the parties; and

(2) Defines and allocates respective responsibilities, obligations, rights, and accountability as appropriate to the particular project. Requirements contained in statutes and implementing regulations will govern.

B. The grant agreement or cooperative agreement will set forth the respective rights and obligations of the parties in such areas as project performance and management, partial or total

termination of the work, changes in the scope of work, period of performance, application of funding and resources, title to property, records maintenance and access, liability, etc. Each agreement will be clear and concise and will include terms agreed upon between the parties. A grant agreement or cooperative agreement will include, as a minimum, the following provisions or items:

(1) Notification of Award will:

(a) Identify the agreement by entering thereon a document number which will be compatible with the Federal Assistance Award Data System;

(b) Provide the name and address of the recipient in the award agreement and, the names, titles, office address, and telephone numbers for the respective bureau/office and recipient project managers;

(c) Identify the project by program code (e.g., CFDA number) and a brief summary of the purpose of the project;

(d**)** Identify basic funding information (e.g., the total amount of funds initially obligated by the grant agreement or cooperative agreement);

(e) Specify the project period**;**

(f) Identify the bureau or program office which has been assigned responsibility for execution and administration of the agreement; and,

(g) Provide unique Identifier of Entity and Parent Entity, if applicable.

(2) U.S. Code citation(s) to the statutory authorization and/or appropriation permitting expenditure of the identified funds for an authorized purpose. If the authority is not codified, then the citation(s) will identify the Public Law by name and year and provide the specific section and, as appropriate, title or subtitle containing the authority. The Federal Grant and Cooperative Agreement Act will not be cited as authority.

(3) A statement of joint objectives, schedule, if applicable, project management plan, general terms and conditions (e.g., OMB Circulars, property management and disposal, payment methods) or a referenced Departmental Internet site where general terms and conditions may be found, and special conditions (e.g., technical requirements, special reporting/legislative requirements), if required.

2.11 **Administrative Requirements for Grant Agreements and Cooperative Agreements**.

A. The basic administrative requirements applicable to an individual grant agreement or cooperative agreement will be determined by the type of recipient.

B. For recipients covered by OMB Circular A-102, "Grants and Cooperative Agreements with State and Local Governments," and implementing regulations at 43 CFR Part 12, Subpart C or OMB Circular A-110, "Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations," and implementing regulations at 43 CFR Part 12, Subpart F, the administrative requirements specified in these circulars and regulations will apply unless a waiver has been obtained from OMB (see 505 DM 3.5 or 505 DM 5.5).

C. The administrative requirements will always reflect the cooperative effort and the respective interests, investments and rights of the parties to the agreement.

D. The Federal Audit Clearinghouse operates on behalf of OMB and maintains a database of completed audits, provides appropriate information to agencies, and is responsible for following up with known auditees that have not submitted the data collection forms and reporting packages.

E. Bureau/office programs are responsible for accessing the Federal Audit Clearinghouse website (http://harvester.census.gov/sac/) to determine when audit reports have been submitted. If reports have not been submitted, bureau/office programs will request follow-up action by the Clearinghouse. At their discretion, and in accordance with guidance at 43 CFR 12, programs may consider the imposition of sanctions, e.g., award no new grants, in cases of continued inability or unwillingness of applicable financial assistance awardees to have audits conducted in accordance with the requirements of the Single Audit Act of 1984, as amended, and OMB Circular A-133.

2.12 **Posting Grant and Cooperative Agreement Funding Opportunities**. In order to provide the public opportunity to view potential funding opportunities (as recipients and possible sub-grantees) thereby maintaining transparency consistent with the customer service mandates prescribed in P.L. 106-107, synopses of all cooperative agreement and discretionary grant funding opportunities must be posted to Grants.gov (www.grants.gov). Exceptions include:

A. Programs that only publish funding opportunities in the Catalog of Federal Domestic Assistance (CFDA);

B. Announcements of funding opportunities for awards less than $25,000 for which 100 percent of eligible applicants live outside of the United States;

C. Single source announcements of funding opportunities issued by an agency which are specifically directed to a known recipient;

D. The exception cited at 505 DM 2.4A;

E. An award for which there is insufficient time available (due to a compelling and unusual urgency, or substantial danger to health or safety) for adequate competitive procedures to be followed;

2.13 **Competition for Federal Financial Assistance Awards**. Competition in making awards through cooperative agreements is strongly encouraged and is expected in awarding discretionary grants, unless otherwise directed by Congress. In all cases, bureaus and offices are required to make awards based on the merits in accordance with the law.

2.14 **Single Source Determinations**. The Department recognizes that there are circumstances where an organization or an individual may be determined to be an appropriate partner based on demonstrable criteria such as unique expertise or capacity to receive an award through a cooperative agreement without competition. Applying the criteria set forth in this section, bureaus and offices must consider the totality of circumstances in determining whether to authorize a single-source award. Decisions to transfer funds under a cooperative agreement to a single source without engaging in competition must be able to withstand scrutiny, should protect the public interest, and should comport with management priorities, objectives and statutory requirements.

A. When anticipating a single-source award for $25,000 and above, the bureau or office must, prior to issuance:

(1) Publish a notice of its intent to make the award either in the Federal Register or on Grants.gov, in order to provide for transparency; and,

(2) Prepare a written justification and document the file to explain why competition is not practicable, including a statement of which criteria described below justify the action and why. The justification will include a discussion of the program legislative history, unique capabilities of the proposed recipient, and cost-sharing contribution offered by the proposed recipient, as applicable.

B. Criteria for Justifying Award Without Competition. In order for an assistance award to be made without competition, the award must satisfy one or more of the following criteria:

(1) Unsolicited proposal - The proposed award is the result of an unsolicited assistance application which represents a unique or innovative idea, method or approach which is not the subject of a current or planned contract or assistance award, but which is deemed advantageous to the program objectives;

(2) Continuation - The activity to be funded is necessary to the satisfactory completion of, or is a continuation of an activity presently being funded, and for which competition would have a significant adverse effect on the continuity or completion of the activity.

(3) Legislative intent - The language in the applicable authorizing legislation or legislative history clearly indicates Congress' intent to restrict award to a particular recipient or purpose.

(4) Unique Qualifications - The applicant is uniquely qualified to perform the activity based upon a variety of demonstrable factors such as location, property ownership,

voluntary support capacity, cost-sharing ability, if applicable, technical expertise, or other such unique qualifications;

(5) Emergencies - Program/award where there is insufficient time available (due to a compelling and unusual urgency, or substantial danger to health or safety) for adequate competitive procedures to be followed.

2.15 **Posting Grant Agreement and Cooperative Agreement Applications**. Bureaus and offices will make every effort to meet annual goals assigned to the Department of the Interior in support of the standardization and streamlining requirements of P.L. 106-107 and government-wide E-Gov initiatives, by posting grant and cooperative agreement application packages using the appropriate Standard Form 424 on Grants.gov. Additionally, bureaus will strongly encourage potential applicants to use Grants.gov when submitting responses to posted applications.

2.16 **Awarding Discretionary Grant Agreements and Cooperative Agreements**

A. Independent Objective Evaluation of Grant Agreement and Cooperative Agreement Applications. If consistent with the statute authorizing the program, bureaus and offices will develop procedures which provide for an independent objective evaluation of the applications prior to award. In developing the procedures, consideration will be given to ensuring that applications are reviewed and evaluated by qualified reviewers; applications are scored on the basis of announced criteria; applications are ranked; and funding determinations made. Submissions from debarred or suspended applicants may be considered and reviewed because the applicant's debarred or suspended status may change between proposal submission and actual award. However, awards may not be made to applicants who remain debarred or suspended at the time the award would be made.

B. Notification to Unsuccessful Applicants. Unsuccessful applicants include both those whose applications were disapproved and those whose applications were approved but not funded. Both types of unsuccessful applicants should be promptly notified of the actions taken on their request and given an explanation of the reasons why their applications were unsuccessful.

2.17 **Authority to Vest Title in Tangible Personal Property for Research**. The Act provides for the head of an executive agency to vest title in tangible personal property in a nonprofit institution of higher education or in a nonprofit organization whose primary purpose is conducting scientific research when the property is bought with amounts provided under a procurement contract, grant agreement, or cooperative agreement with the institution or organization to conduct basic or applied scientific research. This authority may be exercised when the head of the agency decides the vesting of title furthers the objectives of the agency, there is no further obligation to the United States Government, and other conditions, if any, the head of the agency considers appropriate are met. Requests to use this authority will be coordinated with the Office of the Solicitor.

2.18 **Use of Multiple Relationships for Different Parts of Jointly Financed Projects**. The Act does not require an executive agency to establish only one relationship between the United States Government and a State, local government, or other recipient on a jointly financed project involving amounts from more than one program or appropriation when different relationships would otherwise be appropriate and beneficial for different parts of the project.

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U.S. Fish and Wildlife Service
Financial Assistance Business Process
Issuing a New Financial Assistance Award Guidance

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Point of Contact

Email questions about this guidance to the Chief, Policy Branch, Financial Assistance Support and Oversight (FASO), Division, Wildlife and Sport Fish Restoration Program (WSFR). For contact information, see the FASO-Policy Branch InsideFWS Contact Us page.

Document Change Log

The FASO-Policy Branch will update this document over time to incorporate changes resulting from any new government-wide regulations, Department of the Interior (DOI) or U.S. Fish and Wildlife Service (Service) policy as well as new/changed Financial and Business Management System (FBMS)

functionality. We will post updated versions of this document on the FASO-Policy Branch InsideFWS page for New Awards and log updates made to this guidance in the following table:

Table 1: Document Change Log

Date Changed	Description of Change Made
10-05-2018	Removed obsolete CFDA references; removed text on merit review, OMB information collection clearances, and budget reviews now found elsewhere and inserted references; added clarification on transferring equipment, supplies or other thing of value to a non-Federal entity; removed reference to Partners annual conflict of interest certifications; inserted guidance specific to pre-award review of Science Applications actions; inserted guidance on DOI FA review requirements; and added UNESCO World Heritage Sites to NHPA review.
01-06-2017	Updated form links to point to new FWS Internal Forms SharePoint Server page, InsideFWS links to point to new FASO Division pages, and other web links updated as needed; Added new "Definitions" section; Revised "Prerequisite" section to focus on requirement for discretionary programs to establish written merit review; Revised "Step 1" to add requirement to document all consultations with ACQ/FA policy staff to inform funding instrument decisions (OIG2016-CG-011 Recommendation 2 CAP); Revised "Step 3B" to incorporate relevant text removed from "Prerequisites" section; Added new "Overlap/Duplication Statement" to checklist in Step 4A and new overlap/duplication of effort review.
9-30-2015	Added link to new DOI-AAAP Portal (Table 2); Incorporated Service "Budget Review Guidance" as new Attachment 6 and adjusted subsequent attachment numbers; inserted reference to "FAS User Guide - How to Create a Funding Opportunity and Synopsis" (step 3B); incorporated Partners and Coastal program-specific conflict of interest form (step 4B); clarified award total restrictions for foreign entities waived from SAM (step 6A); and updated SAM Exclusions review process to meet new "DOI-AAAP-0039, Pre-award Eligibility Screening Requirements" (step 6B).
2-20-2015	Incorporated requirements under new 2 CFR 200; Incorporated requirements under recently issued Department policies, including: DIG 2011-03, Amendment 1, "Financial Assistance Monitoring Protocol" (see also "Service Recipient Risk Assessment Guidance"); DIG 2013-06, "Financial Assistance Cost Review Guidance"; DOI-AAAP-0008, "Conflict of Interest and Mandatory Disclosures for Financial Assistance"; and DOI-AAAP-0009, "Financial Assistance Application and Merit Review Process"; Other changes were made for clarity and continuity.

References

Table 2: References

Reference	Location
This guidance and attachments	https://inside.fws.gov/go/post/FASOPOL-NewAwards
DOI Manual, Series 29: Federal Assistance Programs	http://elips.doi.gov/elips/browse.aspx
DOI Office of Acquisition and Property Management (PAM) FA	https://www.doi.gov/pam/programs/financial_assistance/
DOI Acquisition, Assistance, and Asset Policy (DOI-AAAP) Portal	https://sites.google.com/a/ios.doi.gov/policydistribution/home-1
Electronic Code of Federal Regulations	http://www.ecfr.gov/cgi-bin/ECFR?page=browse

Attachments

Attachment 1 – Financial Assistance Business Process Tasks List Template

Attachment 2 – Establishing a Written Review and Selection Process

Attachment 3 – Notice of Funding Opportunity Template

Attachment 4 – Selection of Funding Instrument Decision Diagram

Attachment 5 – FWS Form 3-2460, *Checklist for a New Financial Assistance Award*

Attachment 6 – Sample Grants.gov Print Screens

Attachment 7 – Budget Review Guidance

Attachment 8 – Indirect Costs and Negotiated Indirect Cost Rate Agreements

Attachment 9 – Setting Performance Period Dates for Grant and Cooperative Agreement Awards

Attachment 10 – Recipient Risk Assessment Guidance

Attachment 11 – Notice of Award Letter Template

Attachment 12 – Sample Financial Assistance Award Special Terms and Conditions

Attachment 13 – Modifying the PRISM Grant and Cooperative Agreement Cover Page

Purpose

This guidance: 1) provides step-by-step guidance and instructions for issuing new grant and cooperative agreement awards, 2) provides standardized templates and forms for the new award process, 3) details all required pre-award documentation, and 4) delivers Service-specific standard financial assistance award terms and conditions.

Scope

This guidance applies to all employees who issue, administer, and manage financial assistance awards (i.e. grants and cooperative agreements).

This guidance does not apply to financial assistance awards issued to Federal entities. Federal entities, including other Service programs, may be eligible to compete for awards under some Service programs. When a Federal entity receives a financial assistance award, the award is not issued as a grant or cooperative agreement (see Service policy **264 FW 2** for more information). Instead, financial assistance awards to Federal entities are issued following the standard business processes for:

- Program-to-program funds transfers, for awards to other Service programs;
- Intra-agency awards, for awards to other Bureaus within DOI; and
- Inter-agency awards, for awards to all other (non-DOI) Federal entities.

Definitions

For the purposes of this guidance, the following definitions apply:

- **Discretionary program:** A program with an authorizing statute that allows the government to exercise judgment in selecting the project, recipient, and/or the amount of the award through a competitive process. In general, we must provide the public, when meeting applicable eligibility requirements, the opportunity to compete for discretionary awards. Discretionary programs, in

accordance with their authorizing statute, must establish a competitive review process, including the merit and other review criteria that evaluators will use to judge applications (see Prerequisite section of this guidance).

- **Mandatory program:** A program with an authorizing statute requiring the government to make an award to each eligible entity under the conditions and in the amount (or based on the formula) specified in the statute. Under mandatory programs, no competition for funds among eligible entities is required. The following table lists the Service's mandatory programs by Catalog of Federal Domestic Assistance (CFDA) number:

Table 3: Service Mandatory Programs by CFDA Number

CFDA	Program Title	Program Type
15.605	Sport Fish Restoration Program	Formula Grants
15.611	Wildlife Restoration and Basic Hunter Education	Formula Grants
15.625	Wildlife Conservation and Restoration	Formula Grants
15.626	Enhanced Hunter Education and Safety Program	Formula Grants
15.634	State Wildlife Grants (Non-competitive)	Formula Grants
15.659	National Wildlife Refuge Fund (Refuge Revenue Sharing)	Direct Payments with Unrestricted Use
15.663	National Fish and Wildlife Foundation	Project Grants (Mandatory)

- **Single source awards:** An award made with discretionary funds outside of a competitive process. Single source awards **must only be used** when the proposed project or potential recipient meets the criteria detailed in Service policy 516 FW 6.

Instructions

Employees with the FBMS Agreements Officer role are responsible for making sure that all applicable steps of this guidance are completed, including compiling all required pre-award documentation and ensuring the notice of award document is signed by the authorized Service employee (see Service policy 516 FW 3), **BEFORE** releasing a new award in the FBMS FA/Contract Management System (PRISM).

This guidance is a model. The intent is not to dictate who will complete each step, e.g., program office staff versus award administration office/staff, or the order in which to complete steps. Programs and their award administration offices are responsible for determining which office has primary responsibility for completing all of the major actions/tasks required to manage a financial assistance award through a complete award lifecycle. Programs can use the **Financial Assistance Tasks List Template** (Attachment 1) to make sure that all required actions/tasks are being performed and, if the program relies on an award administration office, to document which office has responsibility for each action/task. Add program- or award administration office-specific actions/task to the template, as needed. Contact your program leadership or award administration office for program-specific standard operating procedures.

Prerequisites: Establishing review/selection procedures and develop full NOFO text

Before posting a Notice of Funding Opportunity (NOFO) on Grants.gov (see Step 3 of this guidance) or issuing awards, competitive programs must establish a written application review and selection process. Competitive programs must establish and follow procedures that ensure that: 1) applications are reviewed and evaluated by qualified reviewers; 2) applications are scored and selected based on announced criteria; 3) consideration is given to applicant risk and past performance; 4) competitive

applications are ranked; and 5) funding determinations are made. Use the **Establishing Written Review and Selection Process** guidance (Attachment 2) when establishing such a process.

All programs posting NOFOs on Grants.gov must use the **Notice of Funding Opportunity Template** (Attachment 3) as a starting point for developing a program- or award-specific NOFO. The **NOFO Template** follows the standard format prescribed in 2 CFR 200, Appendix I—Full Text of Notice of Funding Opportunity. Programs that already have a NOFO in place must compare that document to this template at least annually to make sure it contains all required elements and content.

NOFOs must include the valid CFDA number for the program or project. Some NOFOs may have multiple CFDA numbers, depending on the administration of the program. The CFDA number(s) assigned to a NOFO determines the assignment of the CFDA number to the award in FBMS (see Step 8 of this guidance). All Service financial assistance programs that have existed for longer than one year must apply to be included in the CFDA and assigned a unique CFDA number. For more information on how to obtain a CFDA number, go to the FASO-Policy Branch InsideFWS page for CFDA Information.

New financial assistance programs may use the Service's general CFDA program number until the program's unique CFDA number is assigned. The Service's general CFDA number is:

- **15.664 Fish and Wildlife Coordination and Assistance (Generic).**

See the **CFDA Frequently Asked Questions** document or contact the Service's CFDA Coordinator for more information. Both are available on the FASO-Policy Branch InsideFWS CFDA page for New Awards.

NOFOs for competitive programs must detail the criteria and process used to evaluate applications, including the program's pre-established criteria used to evaluate merit, and must disclose relative weights or point values assigned to the criteria, providing information to potential applicants about how the criteria will be applied. Such NOFOs must also identify if voluntary committed cost-sharing is a factor affecting award decision and any other program policy factors used to determine award decision.

The White House Office of Management and Budget (OMB) must review and approve the collection of the certain financial assistance information for applicants and recipients through Information Collection Clearance (ICC). Effective July 2018, the Service has a single OMB ICC for all financial assistance programs and activities. All NOFOs must display the OMB Control number: 1018-0100, and the current expiration date: 07/31/2021. For more information on ICC related to financial assistance, see the FASO-Policy Branch InsideFWS page for OMB Information Collection.

Step 1: Determine appropriate funding instrument

Refer to the **Selection of Funding Instrument Decision Diagram** (Attachment 4) to assist you in determining the appropriate funding instrument. In the event the program consults with Service acquisition and/or financial assistance policy staff to inform a funding instrument determination, the program must maintain in the related award file: 1) the name and position of each person consulted; 2) the consultation date(s); and the recommendation(s) received.

A. Evaluate funding tool

In accordance with 505 DM 2, Section 2.9, the program office must evaluate if the proposed activity is an **acquisition/contract** or a **financial assistance award**. The principal purpose of financial assistance is to transfer funds, services, or property from the Service to an eligible, non-Federal recipient to carry out a public purpose of support or stimulation as authorized by a law of the United States. Any benefit to the Service will be incidental (i.e., funded activities complement the Service mission). An agency may provide financial assistance through various

types of transactions including grants, cooperative agreements, loans, loan guarantees, interest subsidies, insurance, food commodities, direct appropriations, and transfers of property in place of money.

Whenever we transfer a thing of value to a non-Federal entity the transaction is consider financial assistance, even if no funding will be obligated to the recipient. This includes loaning of government furnished equipment, facilities, or supplies. We must document all such transfers with a financial assistance notice of award. However, a notice of award is not required when loaning Service equipment operated by a Service employee or contractor, since the equipment never leaves the possession and control of the Service. Financial assistance does not include obtaining goods or services for the Service.

Memorandums of Understanding (MOU), Memorandums of Agreement (MOA), or Letters of Intent (LOI) do not represent legislative authority to issue grants or cooperative agreements. An MOU, MOA, or LOI is neither a legally binding document nor a mechanism to receive or provide funds. An MOU, MOA, or LOI is not a requirement for awarding grant and cooperative agreement awards. An MOU, MOA, or LOI specifies mutually accepted expectations between the Service and one or more Federal agency, State, Tribal Government, Local Government, non-profit organization, for profit organization, or university partners. The parties to the MOU, MOA, or LOI contribute their efforts and resources toward mutually agreed-upon activities or projects. If financial assistance is not the appropriate funding tool, **STOP HERE** and contact your contracting office.

Documentation Required: On FWS Form 3-2460, ***Checklist for a New Financial Assistance Award*** (Attachment 5), select "YES" in the Item 1 Response box to confirm the determination of financial assistance as the appropriate funding tool. In the event the program consults with Service acquisition and/or financial assistance policy staff to inform a funding tool determination, the program must maintain in the related award file: 1) the name and position title of each person consulted; 2) the consultation date(s); and the recommendation(s) received.

B. Determine award instrument

The program office must determine if the financial assistance award should be issued as a **grant** or a **cooperative agreement**. In terms of award administration, grants and cooperative agreements are subject to the same government-wide regulatory and policy framework. For both types of awards, we are responsible for monitoring recipient performance to ensure that the objectives are accomplished in accordance with the award terms and conditions. The only difference between a grant and a cooperative agreement is that in a cooperative agreement the Federal government, in addition to performing the routine administrative and monitoring activities expected for all financial assistance awards, is *substantially* involved in the project. The following table details the types of substantial activities that would qualify the award as a cooperative agreement and compares them to the routine activities to be performed for all awards:

Table 4: Substantial Activities versus Routine Federal Activities

Substantial Activities	Routine Activities
According to 505 DM 2, Section 2.9 the Service is *substantially* involved in a project when our staff: • Participates and collaborates jointly with the recipient partner, volunteer, scientist,	The following routine Federal administrative and monitoring activities to be performed by Service staff in fulfillment of their Federal oversight responsibilities do not qualify as substantial involvement and <u>should not be included</u> in any

Substantial Activities	Routine Activities
technician or other personnel, in carrying out the scope of work, including training recipient personnel or detailing Federal personnel to work on the project effort; • Reviews and approves one stage of work before the next stage can begin; • Reviews and approves, prior to recipient action, proposed modifications or sub-awards; • Helps select project staff or trainees; • Directs or redirects the work because of interrelationships with other projects; • Has power to immediately halt an activity if detailed performance specifications are not met; and • Limits recipient discretion with respect to scope of work, organizational structure, staffing, mode of operations and other management processes, coupled with close monitoring or operational involvement during performance under the award.	substantial involvement justification, funding opportunity description, or notice of award document: • Providing Federal funds; • Assigning a Project Officer; • Approving recipient plans prior to award; • Fulfilling the normal and expected Federal stewardship responsibilities during the performance period such as setting reporting schedules, conducting desk audits or site visits, reviewing and approving financial and performance reports, providing general technical assistance as requested by the recipient, and other coordination or monitoring activities undertaken to ensure that the objectives are accomplished in accordance with the award terms and conditions; • Correcting unanticipated deficiencies in project or financial performance from the terms of the award; • Setting general statutory requirements understood in advance of the award such as civil rights, environmental protection, and provisions for the handicapped; • Implementing general administrative requirements understood in advance and included in the award terms and conditions and other applicable regulations; and • Assessing recipient performance after completion of the funded activity.

Documentation Required: On **FWS Form 3-2460**, select "YES" in the Item 2 Response box and then select the award instrument to be used from the drop down list under Item 2. **NOTE:** For cooperative agreements, the program must include in the Grants.gov NOFO and the notice of award a detailed description of the Service's expected/actual involvement.

Step 2: Justify issuing a single source award

This step is not applicable to awards issued under the Service's mandatory programs (see Definitions section, Table 3 of this guidance). For all other programs, see Service policy 516 FW 6. In general when meeting applicable eligibility requirements, we must provide the public the opportunity to compete for discretionary awards. We must issue single source awards **only when** the criteria detailed in 516 FW 6 are met.

Documentation Required: On **FWS Form 3-2460**, select either "YES" or "NO" in the Item 3 Response box to indicate if the award is a single source award.

If "YES" is selected, complete FWS Form FWS 3-2452, ***Determination for Issuing a Single Source Financial Assistance Award***. Maintain the completed and signed form in the official award file. For single source awards of $25,000 or more, a NOFO must be posted on Grants.gov (see Step 3 of this guidance).

Step 3: Post/Justify not posting a NOFO on Grants.gov

Mandatory programs are not required to post NOFOs on Grants.gov. For discretionary single source awards and competitive financial assistance programs, we must either post a NOFO on Grants.gov or justify the decision for not posting a NOFO based on criteria provided in 505 DM 2.

A. Justify not posting a NOFO on Grants.gov

505 DM 2 provides the following justifications applicable to Service programs for not posting a NOFO on Grants.gov:

1. This award is made under a mandatory program (see Definitions section, Table 3 of this guidance);
2. This award NOFO is made under a discretionary program that issues awards for less than $25,000 and for which 100 percent of the eligible applicants are foreign entities;
3. This award is a discretionary single source award for less than $25,000 (see Step 2 of this guidance);
4. This award is made under the Indian Self-Determination and Education Assistance Act (P.L. 93-638, 88 Stat. 2204); and
5. Because of a compelling and unusual urgency, or substantial danger to health or safety, there is not enough time to follow adequate competitive procedures for this award. Lack of planning or processing delays do not constitute unusual urgency.

Documentation Required: If not posting to Grants.gov is justified under 505 DM 2, on **FWS Form 3-2460** select "YES" in the Item 4.A. Response box and then select the applicable justification from the drop down list provided under Item 4.A.

B. Post a NOFO on Grants.gov

For all discretionary competitive programs not exempted from the Grants.gov posting requirement (see Step 3.A. of this guidance) AND all single source awards for $25,000 or more, we must post a complete NOFO on Grants.gov. Discretionary programs must post a new NOFO each Fiscal Year (FY). Programs that have multiple application due dates within the FY can modify their annual posting as needed throughout the year, but must create a new Funding Opportunity at the start of the next FY. Programs must post discretionary competitive NOFOs on Grants.gov for at least **60 calendar days** (see 2 CFR 200.203(b)) unless approved for a shorter period of time through a waiver from the FASO-Policy Branch Chief. Single source Funding Opportunities must be posted for at least **five business days** prior to award. **Note:** Do not post Funding Opportunities for single source awards until the award is approved for funding through the Financial Assistance Review Process (See Step 4.H for more information).

The steps of the Grants.gov Funding Opportunity posting process are detailed in this diagram:

To be complete, a Grants.gov Posting must include:

1. A Synopsis (created in and posted to Grants.gov from PRISM), which contains the NOFO summary information required in 2 CFR 200.203(a),
2. The full text of the NOFO required in 2 CFR 200.203(b), uploaded as an attachment to the Synopsis (will appear for the public under the "Related Documents" tab); and

3. An Application Package (will appear for the public under the "Package" tab). The program may need to add more than one Application Package to provide all the forms needed for every eligilble applicant type and project type.

Do not post the following on Grants.gov: Any application(s) received from an applicant or completed FWS Form 3-2452 justifying single source awards. See the Prerequisites section of this document, 2 CFR 200.203, Appendix 1 to Part 200—Full Text of Notice of Funding Opportunity, and the Service's Financial Assistance Systems User Guide How to Create and Post a Funding Opportunity and Synopsis for more information. Posting a NOFO on Grants.gov does not mean the applicant must apply through Grants.gov. The program must provide program-specific application instructions in the full text of the NOFO.

If the NOFO will result in the funding of one or more cooperative agreements, the Synopsis "Description" field must include a statement describing the expected substantial Service involvement in the project. Use the following as a template for completing the required statement: "*Substantial involvement on the part of the Service is anticipated for the successful completion of the activities. In particular, the Service will be/expects to be responsible for the following:* [list the specific project-related activities to be performed by Service staff]." For more information on Grants.gov, see the Service's Grant.gov Wiki.

Documentation Required: Go to the publicly-posted Grant Opportunity on Grants.gov and: 1) On the "Synopsis" tab, click on the "Print Synopsis Details" link and print a copy of the Synopsis; and then 2) On the "Package" tab, click on the "Print Package List" link and print a copy of the package details.

See the attached **Sample Grants.gov Print Screens** (Attachment 6) if you are unsure as to which screens must be printed. Using the "print" links provided on the Grant Opportunity tabs inserts the print date on the bottom of the printed page. The dated Grants.gov print screens must be maintained in either the official award file (this is the required method for single source awards) or a centralized subject-matter file (acceptable when multiple awards are made under a single funding opportunity).

On **FWS Form 3-2460**, enter the Grants.gov Funding Opportunity Number in the corresponding header field and then select "YES" in the Item 4.B. Response box. Use the check boxes provided under Item 4.B.to document where the required Grants.gov print screens will be maintained.

Step 4: Review and approve application

All documents received and generated as part of the pre-award review and approval process are considered official records subject to applicable records retention schedules, including individual and summary reviewer scores, merit review results, budget review summaries, signed reviewer conflict of interest certifications, committee/panel meeting minutes and decisions, and signed approval memorandums.

A. Minimum application requirements

The approved application is the road map for project implementation. The **NOFO Template** provides examples of key elements that may be included in the application's required project narrative statement. At a minimum, applicants must submit the following:

1. A complete and signed SF 424, ***Application for Federal Assistance*** (SF 424, SF 424-Individual or SF 424-Mandatory) form. Service employees must not sign the SF 424 application form for the applicant. The Service is responsible for signing the official

notice of award, not the application forms. The only exception to the SF 424 requirement is if the program has OMB approval to use an alternate application form (see Prerequisite section of this guidance).

NOTE: The SF 424-Mandatory form is for use only by applicants to mandatory programs (see Definitions section, Table 3 of this guidance).

2. A signed SF 424, ***Assurances*** form (SF 424B for non-construction projects or SF 424D for construction projects);
3. A complete SF 424, ***Budget*** form (SF 424A for non-construction projects or SF 424C for construction projects) and related budget narrative (see Section IV. B of the **NOFO Template**). The only exception to these budget documentation requirements is if the program has OMB approval to collect budget information in an alternate format (see Prerequisite section of this guidance);
4. A signed SF LLL, ***Disclosure of Lobbying Activities*** form, if applicable;
5. Notice of any actual or potential conflicts of interest that may arise during the life of the award (see DOI-AAAP-0008 and the **NOFO Template**);
6. A statement regarding their indirect cost rate circumstance, for all applicants except individuals applying for funds separate from a business or non-profit organization he/she may operate;
7. A statement regarding their single audit reporting status, for all U.S. state, local government, federally-recognized Indian tribal government and non-profit applicants; and
8. A statement regarding potential overlap or duplication of effort, for all discretionary programs/projects.

All awards must match the application in terms of funding amount and project scope. Following review, we may need to ask the applicant to revise their proposed scope of work, project narrative, budget, and/or timeline to reflect the Service's final funding decision. Programs must maintain all final approved application documents in the official award file.

Documentation Required: On **FWS Form 3-2460**, enter the recipient's name and type, and project title in the corresponding header fields. Next select "YES" in the Item 5 Response box to confirm that the award is made based on an approved application that: 1) includes complete and signed SF 424 Application (or OMB-approved alternate), SF 424 Assurances, and SF LLL Lobbying (if applicable) forms; 2) includes a complete SF 424, Budget form and a budget narrative (or OMB-approved alternates); 3) matches the award to be made in regards to funding amount and project scope; and 4) will be maintained in the official award file.

B. Reviewer conflict of interest certificate

This step does not apply to awards issued under the Service's mandatory programs (see Definitions section, Table 3 of this guidance). Discretionary programs issuing both competitive and single source awards must provide all staff reviewers, peer reviewers, evaluators, panel members, and advisors a copy of Department policy DOI-AAAP-0008. Before participating in any review or evaluation panel, all staff reviewers, peer reviewers, evaluators, panel members, and advisors must sign and return to the program office point of contact the **Department of the Interior Conflict of Interest Certificate** attached to DOI-AAAP-0008. For each review, all

participating panel members and advisors must sign a new certificate. For more information on Conflict of Interest, see the Service's Conflict of Interest (Federal awarding agencies) Wiki.

All discretionary programs must maintain signed reviewer conflict of interest certificates following the same records schedule as for the program's official award files (see Service policy 283 FW 2 for more information), in either the official award file or a centralized subject-matter file.

Documentation Required: On **FWS Form 3-2460**, select in the Item 6 Response box either:

"N/A-MAND", for awards issued under a mandatory program, or

"YES", to confirm that all staff and peer reviewers, evaluators, panel members, or advisors participating in the review of this discretionary award signed the required conflict of interest certificate. If "YES", use the check boxes provided under Item 6 to document where the reviewer conflict of interest certificate statements related to this award will be maintained.

C. Merit review

This step does not apply to awards issued under the Service's mandatory programs (see the list of mandatory programs in Definitions section, Table 3 of this guidance). Competitive programs must establish and follow a written review and selection process, including a merit review following the requirements in DOI policy DOI-AAAP-0009 and the Prerequisites section of this guidance. Programs should use the **Establishing Written Review and Selection Process** guidance (Attachment 2) when developing a written review and selection process. Any program issuing a discretionary single source award must describe the criteria used to justify the decision to issue the award following the in Service policy 516 FW 6. Document justifications in the narrative required on FWS Form **FWS 3-2452**.

Documentation Required: On **FWS Form 3-2460**, select in the Item 7 Response box either:

"N/A-MAND", for awards issued under a mandatory program, or

"YES", to confirm that a merit review of this project was conducted. If "YES", use the check boxes provided under Item 7 to document where the merit review documentation related to this award will be maintained.

D. Budget review

Programs must conduct and document their review of proposed project budgets following the requirements in the **Budget Review Guidance** (Attachment 7) prior to issuing a new award. Financial assistance recipients are subject to the Federal cost principles detailed in the Service's Financial Assistance Award Terms and Conditions. Allowable costs are determined in accordance with the cost principles applicable to the organization incurring the cost. Program staff must be familiar with and consider the cost principles applicable to financial assistance when reviewing applications and monitoring awards. The extent of the budget review will depend on the level of detail in the budget-related information that the program requests from applicants. Programs have the discretion to request OMB approval to require more detailed budget formats (see Prerequisite section of this guidance). Programs must maintain all budget review documentation related to approved awards following the same records schedule as the program's official award files, in either the official award file or a centralized subject-matter file.

Documentation Required: On **FWS Form 3-2460**, select ”YES” in the Item 8 Response box to confirm that a budget review was conducted and documented as required. Use the check boxes provided under Item 8 to document where the budget review documentation related to this award will be maintained.

When reviewing a proposed budget, we must consider the following:

1. Indirect costs

A recipient receiving an award as an individual separate from a business or non-profit organization he/she may operate is not eligible to charge indirect costs to an award. All other applicants must provide in their application one of the statements detailed in the **Indirect Costs and Negotiated Indirect Cost Rate Agreements** guidance document (Attachment 8) and in the **Notice of Funding Opportunity Template** (Attachment 3). Based on the information provided by the applicant, programs must assess the proposed indirect costs and ensure that the final approved budget and notice of award document reflect the recipient’s indirect cost circumstance.

Documentation Required: On **FWS Form 3-2460**, select in the Item 9 Response box either:

“N/A-INDV”, if the award is to an individual, or

”YES”, to confirm that: 1) the applicant's indirect cost circumstance was determined and considered during the budget review; and 2) the final approved budget and notice of award reflect those considerations. If “YES” is selected, select the applicable rate circumstance from the drop down list provided under Item 9. Use the check boxes under Item 9 to indicate where any indirect cost rate documents will be maintained.

2. Pre-award costs

Pre-award costs are those incurred prior to the effective date of the award directly pursuant to the negotiation and in anticipation of the award where such costs are necessary for efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred after the effective date of the award and only with the written approval of the awarding program. See the **Setting Performance Period Dates for Grant and Cooperative Agreement Awards** (Attachment 9) guidance for information on setting start dates on an award or award budget period with approved pre-award costs. To qualify for pre-award cost, an applicant must demonstrate in the application that some pre-award activities were necessary and reasonable for accomplishing the overall program objectives, and would have been approved had they occurred within the project period. Do not fund an entire project retroactively as pre-award costs, i.e., obligating funds after the project period has ended, unless the awarding program has authorizing legislation or programmatic regulations that allows such a project to be funded.

Documentation Required: On **FWS Form 3-2460**, select either “YES” or “NO” in the Item 10 Response box to indicate if pre-award costs are approved under the award. If YES, maintain all correspondence/documentation resulting from the approval process in the official award file.

E. Compliance reviews

Programs are responsible for making sure all legally required compliance reviews are completed **BEFORE** the recipient starts any potentially impactful activities funded under an

award. We strongly recommend that all compliance reviews be completed before funds are obligated. However, in the event an award is released in PRISM and funds are obligated in FBMS before all compliance reviews are complete and the program wishes to allow the recipient or their subrecipient(s) to begin the portion of the approved work that has no potential to impact the environment, endangered species or their habitats, or historical/cultural artifacts, the notice of award must include the following special condition (see the **Sample Financial Assistance Award Special Terms and Conditions** (Attachment 12):

> *[Insert a detailed description of the work that can be started and the work that must not be started until all compliance reviews are complete]. As a condition of award, the recipient and their subrecipient(s) and contractor(s) must not begin any potentially impactful work related to this award until the Service has notified you in writing that such work can begin. Recipients and subrecipients of Federal grants and cooperative agreement awards must comply with the requirements of the National Environmental Policy Act (NEPA), Section 7 of Endangered Species Act (ESA), and Section 106 of the National Historic Preservation Act (NHPA).*

The required compliance reviews are:

1. Section 106, National Historic Preservation Act (NHPA)

Any project with the potential to cause effects on historic properties must be accounted for under the Section 106 consultation process. For ALL projects with activities being conducted: 1) within the United States, including U.S. embassies and military installations in foreign countries; and 2) projects outside the U.S. on any property on the UNESCO World Heritage List or the in-country equivalent of the U.S. National Register of Historic Places (see also 54 U.S.C. 307101), contact your Headquarters/Regional Historic Preservation Officer (HPO) for guidance.

Documentation Required: On **FWS Form 3-2460**, select "YES" in the Item 11 Response box to confirm that a Section 106 NHPA review was conducted for the award. Select the applicable Section 106 NHPA circumstance from the drop down list provided under Item 11. Use the check boxes provided under Item 11 to document where any Section 106 NHPA review documentation for the award will be maintained.

2. National Environmental Policy Act (NEPA)

Programs must conduct and document a NEPA review for all projects with activities to be conducted in the United States, includes U.S. embassies and military installations in foreign countries. A NEPA review requires an evaluation of the: project scope, the potential for significant impact on the human environment, e.g., the natural and physical environment and the relationship of people to that environment, and the level of public interest and/or controversy generated by the proposed project. Programs must document review results, even for projects found to be covered by a Categorical Exclusion and not considered an Extraordinary Circumstance.

An Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) will be required BEFORE any potentially impactful activities are started if the project:

- Is not completely covered by a Categorical Exclusion under 43 CFR 46.210 or 516 DM 8.5;
- Does not meet the criteria for any Categorical Exclusion under 43 CFR 46.210 or 516 DM 8.5; OR
- Is considered an Extraordinary Circumstance under 43 CFR 46.215.

The Division of Habitat and Resource Conservation, Branch of Conservation Planning Assistance is responsible for coordination of Service NEPA responsibilities and activities. For more information, see the Service's NEPA Reference Handbook.

Documentation Required: On **FWS Form 3-2460**, select "YES" in the Item 12 Response box to confirm that a NEPA review was conducted for the award. Select the applicable Section NEPA circumstance from the drop down list provided under Item 12. Use the check boxes provided under Item 12 to document where any NEPA review documentation for the award will be maintained.

3. Section 7, Endangered Species Act (ESA)

Section 7(a)(2) of the ESA directs all Federal agencies to make sure that any action they authorize, fund, or carry out does not jeopardize the continued existence of a listed, proposed or candidate endangered or threatened species or a designated or proposed critical habitat. Under the implementing regulations (50 CFR 402), Federal agencies must review financial assistance applications for all actions to be conducted within the United States, including U.S. embassies and military installations in foreign countries and the high seas, to determine whether the actions proposed may affect Federally listed, proposed, or candidate species, or proposed or designated critical habitat. The high sea is the sea or ocean beyond the three-mile limit or territorial waters of a country. No further review is required if:

- All project activities will occur outside of the United States; or
- Some or the entire project will be conducted within the United States but either no listed, proposed or candidate endangered or threatened species or designated or proposed critical habitat exists in the project area or the project has no potential to affect species or their designated critical habitats.

The program must determine if further review is required when any project activities are to be conducted in the U.S. or on the high seas and any listed, proposed or candidate endangered or threatened species or designated or proposed critical habitat exists in the project area. If the project *may affect* a listed endangered or threatened species or designated or proposed critical habitat, the program must follow the appropriate consultation procedures. The procedures will vary by region, and may vary by program. The process must be completed BEFORE the recipient or their subrecipients begins any potentially impactful activities. For more information, contact your regional Ecological Services office.

Documentation Required: On **FWS Form 3-2460**, select "YES" in the Item 13 Response box to confirm that a Section 7 ESA review was conducted for the award. Select the applicable Section 7 ESA circumstance from the drop down list provided under Item 13. Use the check boxes provided under Item 13 to document where any Section 7 ESA review documentation for the award will be maintained.

F. Legal review

See 505 DM 2, Section 2.8 D and E (5) for a description of the legal review responsibilities. There is no dollar threshold or any other pre-defined criteria requiring a legal review of a grant or cooperative agreement. For grants and cooperative agreements, a legal review is generally optional. A legal review is only necessary when we determine that the proposed project is of high complexity/novelty, or exhibits intellectual property issues or potential conflicts of interest, or other such concerns.

Documentation Required: On **FWS Form 3-2460**, select either "YES" or "NO" in the Item 14 Response box to indicate if a legal review from the Office of the Solicitor was requested. If "YES" was selected, a copy of the request and any response received must be maintained in the official award file.

G. Potential overlap/duplication review

This step is not applicable to awards issued under the Service's mandatory programs (see Definitions section, Table 3 of this guidance). Prior to award, all other programs must review the selected applicant's required statement and any other information received from the applicant regarding potential overlap or duplication between the proposal selected for funding in terms of activities, funding, or time commitment of key personnel. Depending on the circumstances, the submitted application, other pending applications, or any active awards may require modification, or the Service may not fund the proposed project. When we identify overlaps or duplications, we must document all concerns in writing along with specific recommendations for resolution in the official award file and in the notice of award.

In addition to the requirements above, projects to be funded with Science Application funds must be reviewed for potential duplication of funding with projects funded by the U.S. Geological Survey. On December 7, 2017, the Assistant Director-Science Applications issued a memo detailing actions all Assistant Regional Directors-Science Applications must take to prevent duplication of research across Science Applications and U.S. Geological Survey Climate Adaptation Science Centers (CASCs). See the Science Applications non-duplication policies for more information.

Documentation Required: On **FWS Form 3-2460**, Item 15:
15.A:

- Mandatory programs select "N/A-MAND" to indicate that this step does not apply;
- Discretionary programs/awards, select "YES" to confirm that a review of the applicant's overlap/duplication statement was conducted and any related concerns/issues along with specific recommendations for resolution are documented in writing in the official award file and in the notice of award, if needed.

15.B: For Science Applications actions select "YES" to confirm that the application was reviewed in accordance with the SA non-duplication policies. For all other actions, select "N/A".

H. Review of Financial Assistance Actions

Prior to obligating funds, programs must ensure the review and approval of proposed financial assistance actions in accordance with the requirements of the Department of the Interior and Service Financial Assistance Review Process. Programs must maintain documentation of approvals in the official award file. See the Service's FA Review Google Site for guidance.

Step 5: Conduct recipient risk assessment

Follow the instructions in the **Recipient Risk Assessment Guidance** (Attachment 10) to complete a pre-award risk assessment for each recipient who will be awarded one or more awards from the program. Programs must document the results of their assessment on FWS Form 3-2462, ***Financial Assistance Recipient Risk Assessment*** and incorporate the appropriate monitoring activities into all **Recipient Risk Assessment Guidance**. Maintain the completed risk assessment in the official award file or centralized subject-matter file (may be preferred if issuing multiple awards to the recipient in a single fiscal year).

Documentation Required: On **FWS Form 3-2460**, select "YES" in the Item 16 Response box to confirm that **FWS Form 3-2462** was completed and that the appropriate monitoring activities were incorporated into the notice of award following the instructions in the **Recipient Risk Assessment Guidance**. Use the check boxes provided under Item 16 to document where the completed risk assessment for the intended recipient will be maintained.

Step 6: Verify intended recipient eligibility

The program or award administration office must verify the intended recipient's eligibility to receive a Federal assistance award. To do this, the program or award administration office must: 1) make sure that the entity has complied with, or is waived from, the System for Award Management (SAM) and Data Universal Numbering System (DUNS) registration requirements; and 2) confirm that the entity and any key project staff are not suspended or debarred from receiving Federal financial assistance.

NOTE: Employees performing this step must create and maintain an Individual User Account on SAM.gov. When applicants register on SAM.gov, they can opt out of the public search function. Opting out of the public search function means that public users cannot see their SAM.gov record. To see all SAM records, government employees must register for a SAM.gov Individual User Account with their government email address.

NOTE: The official U.S. government SAM website address is http://www.SAM.gov. There is NO cost to applicants/recipients to register in or use SAM. Non-Federal entities can register for free to do business with the U.S. government directly from this site.

A. SAM registration verification or waiver

This step does not apply to individuals applying for or receiving funds separate from a business or non-profit organization he/she may operate. Regulations require all entities except individuals that apply for or receive financial assistance awards to register and maintain current information in SAM, unless the Service waives the requirement. To maintain an active registration in SAM, recipients must review and update their SAM information at least annually after the initial registration, and more frequently when information changes. Before registering in SAM, an entity must register in DUNS.

The Service may only approve a waiver from the SAM/DUNS registration requirements if one of the following criteria is met:

1. We must protect information about the entity from disclosure to avoid compromising classified information or national security or jeopardizing the personal safety of the entity's clients, or
2. A foreign entity is applying for or receiving an award for less than $25,000, the project will be conducted outside of the United States, and we find it impractical for the entity to comply with the requirement.

If one of these criteria is met, the entity can be waived. To request a SAM/DUNS waiver, see the instructions in Service policy 516 FW 5. For SAM-waived entities, the completed and signed FWS Form 3-2451, ***Financial Assistance Recipient Data Universal Numbering System (DUNS)/System for Award Management (SAM) Registration Waiver*** reflecting the approval must be maintained in the award file. For SAM-waived foreign entities, once the cumulative total Federal award amount becomes equal to or more than $25,000, the waiver is no longer valid and the foreign entity must register in SAM.

To verify an entity's compliance with the SAM registration requirements, go to SAM.gov, log in, and search for the entity by the DUNS number provided by the applicant on their SF 424, *Application for Federal Assistance* form. The search by DUNS must return an Active Entity record. If an Active Entity record is not found, we must contact the entity to inform them that they must register in SAM or revalidate their expired SAM registration. To determine if the entity must either register or revalidate an existing registration, filter your search results to show both Active and Inactive records (the default search is to show only Active records). Once an Active SAM record is available for the entity, do the following:

- Review their registration expiration date to see if their registration is likely to expire before the award is issued.
- Review their SAM Core Data information to verify if the entity has one or more DUNS-Plus-4 designations. If they do, see if they have multiple CAGE codes associated with their DUNS number. If they do, the entity will have multiple vendor records in FBMS, one for each unique DUNS-CAGE code combinations. In these cases, we must contact the entity to find out which CAGE code should be associated with the award, as this will be important when selecting the correct FBMS vendor record in Step 7 of this guidance.

Click on either the "Save PDF" or "Print" icons on top of the search results screen, and then save/print a dated copy of the results. As applicable to the above circumstance, the required approved SAM waiver or SAM Entity Overview screen print dated prior to award showing an "Active" registration must be maintained in the official award file.

Documentation Required: On **FWS Form 3-2460**, select in the Item 17 Response box either:

"N/A-INDV" for awards to individuals, or

"YES", for awards to all other entity types to confirm that the entity was subject to the SAM registration requirement. Then select the applicable SAM registration circumstance from the drop down list provided under Item 17. For SAM-registered entities, enter their DUNS number in the corresponding form header field.

B. SAM Exclusions review

Department policies DOI-AAAP-0009 and DOI-AAAP-0039 require that we perform a SAM Exclusions check for both the intended recipient and any key/principal project staff person(s): 1) prior to selecting a final award recipient, and 2) on the same day and before the award is issued (i.e., released by the Agreements Officer in PRISM).

Service mandatory programs (see Definitions section, Table 3 of this guidance) are not required to perform two SAM Exclusions checks. Mandatory programs are required to perform and document one SAM Exclusions check on the same day and before the award is issued.

For all discretionary programs/awards, programs/award administration offices must perform both SAM Exclusions checks but are only required to document the final SAM Exclusions check as detailed below. Programs/Award administration offices that find an active exclusion during the initial SAM Exclusions check that prohibits the entity from receiving an award from the funding program must print a copy of the exclusion and maintain it as part of the rejected application record.

Perform the final SAM Exclusions check on the same day the award is issued, before released in PRISM. To conduct and document the final SAM Exclusions check, go to www.SAM.gov, log in, and:

1. **For SAM-registered entities**, search for the intended recipient by the DUNS number provided by the applicant on their SF 424, *Application for Federal Assistance* form. This search will return the same results as when completing Step 6.A. of this guidance for SAM-registered entities. If the SAM registration search results record saved/printed in Step 6.A. shows that there are no active exclusions for the intended recipient, no additional documentation is required. For every active exclusion record returned, you must carefully review the record to determine if the exclusion prohibits the entity from receiving a new award from the funding program. In some cases, exclusions are specific to a particular type of project or activity. If an active exclusions is found that prohibits the recipient from receiving a new award from the funding program, **STOP HERE**. **Do not make an award to a suspended or debarred entity!** For active exclusion records that prohibit the entity from receiving funds from the program, click on either the "Save PDF" or "Print" icons on top of the detailed active exclusion record screen, and then save/print a dated copy of the results and maintain it as part of the rejected application record.

   For all active exclusions records found that do not prohibit the entity from receiving funds from the program, click on either the "Save PDF" or "Print" icons on top of the detailed active exclusion record screen, and then save/print a dated copy of the results.

2. **For each SAM-waived entity (includes individuals) and each key/principal project person(s)**, click on the "Search Records" tab, enter their name in the "Quick Search" data entry field, and then click the "Search" button (or see the "Advanced Search-Exclusions" button on the "Search Records" to search for more than one name at a time). Review the search results to ensure that neither the intended recipient nor any of their key/principal project person(s) are suspended or debarred from receiving Federal funds under the program.

   For each search conducted that results in no active exclusions found for the entity or key/principal project person(s), click on either the "Save PDF" or "Print" icons on top of the search results screen, and then save/print a dated record of the results.

   For every active exclusion record returned, you must carefully review the record to determine if the exclusion prohibits the entity from receiving a new award from the funding program. In some cases, exclusions are specific to a particular type of project or activity. If an active exclusion is found that prohibits the entity from receiving a new award from the funding program, **STOP HERE**. **Do not make an award to a suspended or debarred entity!**

   For all active exclusions records found that do not prohibit the entity from receiving funds from the program, click on either the "Save PDF" or "Print" icons on top of the detailed active exclusion record screen, and then save/print a dated copy of the record.

Maintain all dated copies of final SAM Exclusions search and review results as described above in the official award file.

Documentation Required:
On **FWS Form** , select "YES" in the Item 18 Response box to confirm that a search of the SAM Exclusions database was conducted on the same day and before the award was issued for the intended recipient and key/principal project person(s). Select the applicable SAM Exclusions search result from the drop down list provided under Item 18.

Step 7: Identify FBMS vendor and verify payment method is established

We must establish a payment method for the expected recipient BEFORE releasing an award and obligating funds in FBMS to that recipient. A recipient's payment method is documented on their vendor record in FBMS. Releasing an award before the recipient's payment method is established on their FBMS vendor record will cause system errors and payment delays!

To complete this step, follow the Establishing a Recipient's Payment Method before Obligating Funds for a New Grant or Cooperative Agreement Award in FBMS.

Documentation Required: On **FWS Form 3-2460**, select "YES" Item 19 Response box to confirm that all applicable steps of the **Establishing a Recipient's Payment Method before Obligating Funds for a New Grant or Cooperative Agreement Award in FBMS** guidance were completed.

Step 8: Identify the CFDA number

All awards must be assigned a single, valid CFDA number. The CFDA number assigned to an award must match at least one of the CFDA number(s) identified in the NOFO (see Prerequisite section of this guidance) and Grants.gov Funding Opportunity (see Step 3.B. of this guidance). For more information on the CFDA, see the **CFDA Frequently Asked Questions**.

It is important that you assign the correct CFDA Number to the award! Assigning a CFDA number to an award documents the Service's authority to award the grant or cooperative agreement. See the Authorization section of the program's CFDA.gov profile for a list of authorizing legislation. Service programs, and the Service as a whole, use the CFDA number assigned to their awards as a means to filter or consolidate program data used to respond Congressional and Departmental information requests, produce required Congressional reports, and support annual budget justification exercises, among other reporting needs. Assigning an invalid CFDA number to an award will affect the accuracy of that program's reporting. If you have any questions regarding which CFDA number to assign to an award, contact the Service's CFDA Coordinator.

Documentation Required: On **FWS Form 3-2460**, enter the CFDA number and CFDA program title to be assigned to the award in the corresponding header fields.

Step 9: Complete a notice of award

For every award, we must provide a complete notice of award to the recipient. Awards must include all of the elements required in 2 CFR 200.210. The **Notice of Award Letter Template** (Attachment 11) addresses all of the required elements. The table below provides guidance on some of these elements:

Table 5: Notice of Award Elements

Element	Guidance
Award cover page or letter	The Service has two official formats for the award cover page/letter. Programs may use: 1) the PRISM Grant and Cooperative Agreement Cover Page or 2) a customized notice of award letter based on the **Notice of Award Letter Template**. **No other award formats/documents are authorized for Service use.** An authorized Service representative must sign award cover pages/letters (see Service policy 516 FW 3). When setting the line item and award period of performance dates, **do not set a funding line or award period of performance end date that exceeds the anticipated appropriation cancellation date**. Check with the appropriate program staff responsible for managing program budgets or funding codes prior to setting these dates to verify funds cancellation dates. For guidance on setting performance period dates, see the **Setting Performance Period Dates for Grant and Cooperative Agreements** (Attachment 9) guidance. Awards must include an indication of the timing and scope of expected performance by the non-Federal entity as related to the outcomes intended to be achieved by the program. In some instances, this may be limited to the requirement to submit performance reports. Where appropriate, the award may include specific performance goals, indicators, milestones, or expected outcomes (such as outputs, or services performed or public impacts of any of these) with an expected timeline for accomplishment. If the recipient's application contains such information, incorporating the application by reference into the award meets these requirements (see 2 CFR 200.210(d)). Programs sending the PRISM Grant and Cooperative Agreement Cover Page to a recipient must modify the form (see Step 11 of this guidance) and make sure the recipient receives all of the required elements not otherwise provided on the form, including, but not limited to: • Complete Service Project Officer contact information, • Detailed payment instructions, and • Detailed financial and performance reporting requirements, including reporting periods, due dates and submission instructions, as required under Service policies 516 FW 1.
General Terms and Conditions	A notice of award must include, either by citation or as an attachment, the Service's Financial Assistance Award Terms and Conditions.
Special Terms and Conditions	When special terms and conditions are applicable, they must be included in the notice of award. Do not include special terms/conditions that do not apply to the particular award being issued. Use the **Sample Financial Assistance Award Special Terms and Conditions** document as a starting point for developing any special terms and conditions for the award. Not all the suggested special terms and conditions will apply to every award.
Additional Information	Attach any additional information required by the program. It is not necessary to re-send the recipient their approved application, as all awards will be based on approved applications submitted by the applicant that match the award to be made in regards to funding amount and project scope (see Step 4 of this guidance).

Documentation Required: On **FWS Form 3-2460**, enter in the "Performance Period Start" header field either the actual performance period start date or "Signature date" (if the performance period will start on the date the notice of award cover sheet/letter is signed). Enter the performance period end date in the corresponding header field. A copy of the complete and signed notice of award must be maintained in the official award file.

Step 10: Compile required pre-award documentation

The following pre-award documentation is required, as applicable to the award:

- ✓ Completed and signed **FWS Form 3-2460, *Checklist for a New Financial Assistance Award***.

  Note: The form is electronically fillable. If the form is signed electronically, the signed form must be printed as a paper copy or saved as a new PDF document (use the "Save As" button on the top right of the form) so that the responses entered cannot be changed after the signature date.

  Note: Do not modify FWS Form 3-2460 to incorporate any additional items, program/award administration office-specific operating procedures, or for any other reason. Such items/procedures/needs must be documented separately.

- ✓ If a single source award, completed **FWS Form 3-2452, *Determination for Issuing a Single Source Financial Assistance Award***.
- ✓ For discretionary competitive programs not exempted from the Grants.gov posting requirement under 505 DM 2 AND all single source awards for $25,000 or more, evidence in the form of dated print screens that a complete Grants.gov NOFO was published.
- ✓ The recipient's complete approved application that: 1) includes complete and signed SF 424 Application (or OMB-approved alternate), SF 424 Assurances, and SF LLL Lobbying (if applicable) forms; 2) includes a complete SF 424, Budget form and a budget narrative (or OMB-approved alternates); and 3) matches the award to be made in regards to funding amount and project scope
- ✓ For discretionary awards, signed reviewer Conflict of Interest Certification forms as required in DOI-AAAP-0008.
- ✓ For discretionary awards, complete merit review documentation as required in DOI-AAAP-0009.
- ✓ Complete budget review documentation as required in DOI-AAAP-0062 and the Service's Budget Review Guidance.
- ✓ If contracting office or FASO/Policy Chief was consulted, the name and position of each person consulted, consultation date(s), and recommendation(s) received.
- ✓ If applicable, a copy of the applicant's current Negotiated Indirect Cost Rate Agreement.
- ✓ Evidence that all legal compliance requirements including National Environmental Policy Act (NEPA), Section 7 of the Endangered Species Act (ESA), and Section 106 of the National Historic Preservation Act (NHPA) were or will be met, and award was conditioned accordingly.
- ✓ If legal review from the Office of the Solicitor was requested, documentation of the request and any response received.
- ✓ For all entities reporting that they were required to submit a single audit report for their most recently closed fiscal year, the "Results from Query of Single Audit Database" print screen.
- ✓ Completed FWS Form **3-2462, Financial Assistance Recipient Risk Assessment.**

- ✓ If the AD-WSFR approved a DUNS/SAM waiver for the recipient, the documentation required in Service policy **516 FW 5**.
- ✓ If the entity is required to register in SAM, the SAM.gov print screen showing the entity has an Active registration.
- ✓ SAM.gov print screen(s) showing if active exclusions exist for intended recipient and their key/primary project person(s). For any Active Exclusion found, a copy of the complete exclusion record showing that the exclusion does not prohibit the recipient from receiving the award.
- ✓ A complete notice of award, including an award cover page or letter signed by the authorized Service representative (see Service policy **516 FW 3**).

Step 11: Complete Grants Purchase Request and PRISM Award processes

Follow your program/award administration office instructions for completing a Grants Purchase Request and a new award in PRISM. If you will send the completed **PRISM Grant and Cooperative Agreement Cover Page** form to the recipient as part of the notice of award, the form must be modified before it is sent to the recipient. See the **Modifying the PRISM Grant and Cooperative Agreement Cover Page** (Attachment 13) guidance document for more information.

Your best resources for resolving issues are the FBMS Work instructions and the training materials posted on the WSFR FASO-Systems Branch InsideFWS page. Open an FBMS Help Desk ticket when you are unable to resolve the issue from work instructions and training materials. To open an FBMS Help Desk ticket, send an email to FBMS_helpdesk@nbc.gov with a detailed description of the issue, including any relevant screenshots of system error messages and/or screens.

Step 12: Send Notice of Award to the recipient

Whenever possible, send the complete Notice of Award to the recipient electronically. Recipients are not required to co-sign award cover sheets/letters. Asking a recipient to co-sign the award adds an unnecessary burden and increases the award processing time. See Service policy 516 FW 3 and the applicable Service Financial Assistance Award Terms and Conditions for clarification on when a recipient accepts responsibility for the terms and conditions of the award.

Step 13: Create a PRISM Milestone Plan

A PRISM Milestone Plan is required for all awards issued after March 21, 2013. For instructions on creating a Milestone Plan, see the **Create a Milestone Plan Tutorial** posted on the Intranet at Create a Milestone Plan Tutorial.

Step 14: Establish an official award file

In general, maintain all pre-award documentation unique to an award in a single official award file. When sharing official file documentation between the program office and an award administration office, both offices are jointly responsible for ensuring that the appropriate award administration office and program office employees have access to the official award file documentation. This means offices must provide each other hard copies of any official file documentation as soon as it becomes available or upload the documents to a shared, electronically accessible space easily accessible by award administration and program office staff. The only exception to the standard of maintaining a single official award file is when the program can eliminate excessive duplication of effort by maintaining some documentation in centralized subject-matter files. However, some documents must *always* be maintained in the official award file. See the Required Documentation boxes throughout this guidance for more information on which documents must be maintained in the official award file.

All official records related to financial assistance programs and awards must be well marked, well maintained, accessible to all appropriate award administration and program office staff, and readily available upon request for reviews or audits.

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U.S. Fish and Wildlife Service

Checklist for a New Financial Assistance Award

Follow the instructions in the "Issuing a New Financial Assistance Award Guidance" posted on the Intranet at https://inside.fws.gov/go/post/FASOPOL-NewAwards to complete this form. Maintain the completed form in the official award file.

Grants.gov Funding Opportunity #: _____ **Program Application #:** _____
(Enter any program-generated application #)

CFDA Number: _____ **Program Title:** _____
The Service has authority to issue financial assistance awards under this program. See the Authorization section of the program's CFDA.gov profile for authorizing legislation.

Recipient Name: _____ **DUNS Number:** _____

Recipient Type (select from drop down)**:** _____

Project Title: _____

Perf. Period Start Date: _____ **Perf. Period End Date:** _____
(In perf. period start date field, enter "Signature date" or specific start date) (Enter date)

For each checklist item, select a response from the drop down list provided in the Response box. Where provided, select related statements from the drop down lists and use the checkboxes to indicate the location of required file documentation.

CHECKLIST ITEM	RESPONSE
1. Funding tool evaluation: The project to be funded is financial assistance and not a contract/acquisition. The primary purpose of the award is to support or stimulate activities that are not for the direct benefit/use by the Service.	
2. Award instrument determination: A determination was made. The financial assistance award instrument to be used is a (select from the drop down list):	
3. Single source award: This is a discretionary single source award meeting one or more criterion under 516 FW 6. A signed FWS Form 3-2452 will be maintained in the official award file.	
4. Grants.gov NOFO (select either "Posted" or "Not Posted", and then complete either 4A or 4B below, as applicable to the award)**:**	
A. Not posted: a NOFO was not posted on Grants.gov. The justification for not posting a NOFO to Grants.gov is that the award is (select from the drop down list):	
B. Posted: A complete NOFO for the program/single source award was posted on Grants.gov. The required print screens dated prior to award will be maintained in the (check one): ____ official award file or ____ centralized subject-matter file.	
5. Complete and final application: This award is made based on an approved application that: 1) includes complete and signed SF 424 Application (or OMB-approved alternate), SF 424 Assurances, and SF LLL Lobbying (if applicable) forms; 2) includes a complete SF 424, Budget form and a budget narrative (or OMB-approved alternates); 3) matches the award to be made in regards to funding amount and project scope; and 4) will be maintained in the official award file.	
6. Conflict of interest certifications: Not applicable to mandatory awards (select "N/A-MAND"). For this discretionary award, all staff and peer reviewers, evaluators, panel members, or advisors participating in the review/selection were provided a copy of DOI-AAAP-0008 and signed the required DOI conflict of interest certification. Signed certifications related to this award will be maintained in the (check one): ____ official award file or ____ centralized subject-matter file.	
7. Merit review: Not applicable to mandatory awards (select "N/A-MAND"). For this discretionary award, a merit review of this project was conducted following the requirements in DOI-AAAP-0009. All merit review documentation related to this award will be maintained in the (check one): ____ official award file or ____ centralized subject-matter file.	
8. Budget review: A budget review was conducted and documented following the requirements in DOI-AAAP-0062. All related documentation will be maintained in the (check one): ____ official award file or ____ centralized subject-matter file.	
9. Indirect cost rate circumstance: Not applicable to awards to individuals (select "N/A-INDV"). For this award to an entity other than an individual, the applicant's indirect cost circumstance was considered during the budget review. The final approved budget and notice of award reflect those considerations. The recipient is (select the applicable circumstance from the drop down list): All related documentation will be maintained in the (check one): ____ official award file or ____ centralized subject-matter file.	
10. Pre-award costs: Pre-award costs are approved under this award. The recipient's written pre-award cost request will be maintained in the official award file.	

U.S. Fish and Wildlife Service

Checklist for a New Financial Assistance Award

CHECKLIST ITEM	RESPONSE
11. Section 106 NHPA review: A Section 106 NHPA review was conducted. The NHPA circumstance for this award is (select from the drop down list): All related documentation will be maintained in the (check one): ____ official award file or ____ centralized subject-matter file.	
12. NEPA review: A NEPA review was conducted. The NEPA circumstance for this award is (select from the drop down list): All related documentation will be maintained in the (check one): ____ official award file or ____ centralized subject-matter file.	
13. Section 7 ESA review: A Section 7 ESA review was conducted. The Section 7 ESA circumstance for this award is (select from the drop down list): All related documentation will be maintained in the (check one): ____ official award file or ____ centralized subject-matter file.	
14. Legal review: An Office of the Solicitor review was requested. A copy of the request and any response received will be maintained in the official award file.	
15. Overlap/Duplication review: **A.** Not applicable to mandatory awards (select "N/A-MAND"). For this discretionary award, the applicant's required duplication statement was reviewed and any related documentation will be maintained in the official award file.	
B. For this Science Applications award, the SA-ARD certifies coordination with USGS-CSC has shown no duplication with CSC-funded research.	
16. Risk assessment: FWS Form 3-2462 was completed. Monitoring activities will be incorporated into the notice of award following the requirements in the Service's "Recipient Risk Assessment Guidance". The completed form will be maintained in the (check one): ____ official award file or ____ centralized subject-matter file.	
17. SAM.gov registration status: Not applicable to awards to individuals (select "NA-INDV"). For this award to an entity other than an individual, the recipient's SAM.gov registration status was reviewed prior to award. The entity (select from the drop down list): As applicable to the above circumstance, the required approved SAM waiver or SAM Entity Overview screen print dated prior to award showing an "Active" registration will be maintained in the official award file.	
18. SAM.gov Exclusions search: A search of the SAM Exclusions database was conducted for the intended recipient and key/principal project personnel on the same day as and prior to funds obligation. The results were that (select from the drop down): The required dated SAM Exclusions search/review screen prints documenting the search/review results will be maintained in the official award file.	
19. Payment method establishment: All steps required in the "Establishing a Recipient's Payment Method Guidance" are complete.	
20. Notice of award: A notice of award, either on the PRISM Cover Page or as a letter following the "Notice of Award Letter Template", was generated and signed by the authorized Service representative. A copy will be maintained in the official award file.	

Certifications and Signatures:

I, as the last point of review before this award is passed to the Agreements Officer for obligation, certify that all pre-award actions and documentation that the program is required to complete are complete.

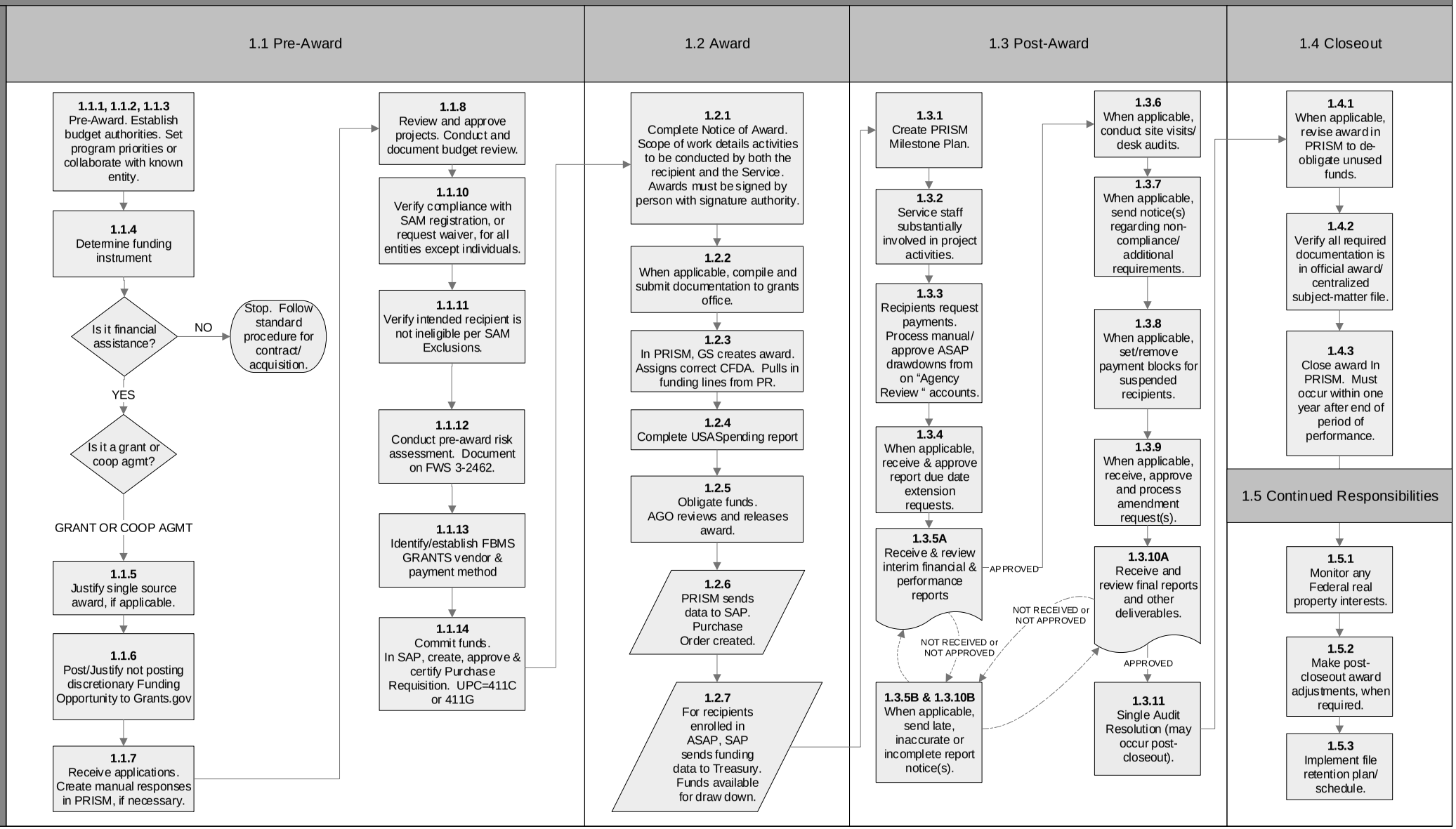
I, as the last point of review before funds are obligated, certify that all required pre-award actions and documentation are complete.

Program Representative Sign and Date

Printed Name of person signing

Agreements Officer Sign and Date

Printed Name of person signing

NOTE: To save a locked or "flattened" version of this form once completed, print the file to PDF by selecting File>Print>Adobe PDF Printer (from the Printer drop down list). Following these steps will remove all fillable features and save the unique data entered on the form at the time it is printed.

U.S. Fish and Wildlife Service
Process Flowchart
Financial Assistance (Grants and Cooperative Agreements)