U.S. Fish & Wildlife Service

Basic Financial Assistance Management Course

2013 Workbook

Agenda	1
Goals and Objectives (CM)	2
Understanding Grants and Cooperative Agreements (CM)	3
Award Management Process (SK)	4
Compliance (SK)	5
Pre-Award (CM)	6
Award: Notice of Award (SK)	7
Post Award: Managing & Monitoring (CM)	8
Post Award: Reporting Requirements (SK)	9
Award Closure (SK)	10
Post Closure: Ongoing Responsibilities (CM)	11
Handouts	12

Goals and Objectives

Training Program Goal

The goal of the 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 Management Course is to provide a basic knowledge of Federal requirements in submitting, reviewing, approving, managing, and audting USFWS financial assistance awards.

Course Goal

More effective award management through

- partnering
- knowledge
- communication
- consistency

Course Objectives

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

1. Describe the Financial Assistance Policy and Oversight (FAPO) Office organization and functions.
2. Describe the award process.
3. Describe the award management roles and responsibilities of USFWS and our partners.
4. Use guidance and other information resources.

Introduction to Grants and Cooperative Agreements

Objectives:

1. Identify the proper award instrument.
2. Become familiar with the core financial assistance management regulations for USFWS programs.

Exercise: Evaluate the Funding Tool

Use **505 DM 2 (DM)** and the **FAPO Issuing a New Financial Assistance Award Guidance (FAPO)** to answer the questions below. Cite your references.

1. Name three funded activities of Program Offices within the USFWS. (FAPO)

   Acquisitions, interagency agreement, financial assistance, FAPO#1A

2. If the appropriate funding tool is something other than Financial Assistance, what is the required course of action? (FAPO)

   Stop and contact the appropriate office within your region

   (Contracting?)FAPO#1A

3. What are the three legal award instruments used by the USFWS? What is the principal purpose of each? (DM)

   Procurement contract, grant agreement, cooperative agreement. 505DM2.6.

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

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

   Coop - same as grant, but WITH substantial involvement.

4. Who determines the appropriate Financial Assistance award instrument and where do they go to determine which instrument to use? (FAPO)

   The Program Office determines appropriate FA award, FAPO #2

   The Program's authorizing/funding legislation, or use FAPO New Award Guidance. FAPO #1B

5. What is the key difference between a Grant and a Cooperative Agreement (FAPO)?

   Presence or absence of substantial involvement. (FAPO#1B.)

Exercise: Evaluate the Funding Tool cont'd

6. What is Substantial Involvement? Give examples. (FAPO, DM)

   FAPO #1B (Table on pg 6), 505 DM 2.9 B. (2) and (3).

7. When is a Cooperative Agreement the appropriate award instrument? (DM)

   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 505 DM 2.6 C.

8. Are routine monitoring activities (e.g. site visits, reporting requirements, preaward plan approval) considered substantial involvement? Why or why not? (FAPO)

   No. These routine monitoring activities are standard Federal monitoring activities ("Federal stewardship responsibilities" and "general administrative requirements") common to all FA (grants and coops), FAPO #1B.

Substantial Involvement

Substantial Involvement occurs when the Recipient and USFWS participate together in the management and/or performance of the activity/project. The scope of work is programmatic in nature and may provide benefits that otherwise would be unavailable to the Recipient.

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

Substantial Involvement is **NOT**:

- Preaward plan approval
- Site Visits
- Reporting requirements
- Correction of Recipient deficiencies
- Compliance oversight
- OMB administrative requirements

505 DM 2.9 B. | FAPO New Award Guidance (Step 1B)

Defining an Award's intended purpose

Per the OIG, one of the primary purposes of 31 U.S.C. § 6301-6308[1] (which addresses federal agencies' proper use of procurement contracts, grants, and cooperative agreements) is to *"curb the misuse of financial assistance agreements in procurement situations."*[2] In other words, federal agencies are legally mandated to uphold proper procurement policies of the U.S. Government and not circumvent those policies through improper awarding of federal monies via grants or cooperative agreements.

The Purpose of these three award instruments are as follows:

- 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 direct benefit to USFWS.

[1] Federal Grant and Cooperative Agreement Act of 1977
[2] DOI OIG Report # W-IN-MOA-0086-2004 (January 2007), p. 5.

Authorized by Public Law?

Federal agencies must have the 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 FAPO and the Office of the Solicitor (SOL) are readily available[3] 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 Six.

"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 the correct legal authority used to award the grant or cooperative agreement.

LCC audit found one LCC consistently citing the Federal Grant and Cooperative Act of 1977, which has no grant making authority. Additionally, 505 DM 2 specifically states that Act has no legal authority to award financial assistance. Another LCC cited the LWCF, which also has no grant-making authority.

31 U.S.C. § 6301-6308 | 505 DM 2.8 – 2.9

[3] 505 DM 2.8D states that SOL will normally provide legal reviews within seven workdays.

Governing and Administrative Regulations

Grants and cooperative agreements administered by FWS are governed by 43 CFR 12—referred to as The Common Rule. This Rule incorporates relevant OMB Circulars along with the Department of Interior's guidance on Financial Assistance program administration.

Additionally, other core award management regulations are used by DOI's bureaus in managing specific activities related to Financial Assistance.

Review the following Federal regulations and list their section titles and purposes.

1. 43 CFR 12 Subpart C and F

   Uniform Administrative Requirements for Grants and Coops to State and Local Governments – Uniform admin for Educational Institutions, Hospitals, Non-Profits

2. A-133

   Audits of States, Local Govts, and Non-Profits

   Single audit of entities expending federal awards.

3. 2 CFR 220

   Cost principles for educational institutions

4. 2 CFR 225

   Cost principles for States, local governments and Indian Tribes

5. 2 CFR 230

   Cost principles for non-profit organizations

6. 48 CFR 31

   Contract Cost Principles and Procedures (Federal Acquisition Regulation, FAR).

Learning Points

- ✓ Program Offices are responsible for determining and implementing the proper award instrument for their Program's funding activities.
- ✓ Substantial Federal Involvement in the agreement activity differentiates grants from cooperative agreements.
- ✓ All grants and cooperative agreements adhere to a common set of regulations: Administrative Requirements (43 CFR 12), Cost Principles (2 CFR 225/220/230) and Audit Requirements (A-133).

OIG Audit Examples of Incorrect Selection of an Award Instrument

LCC DOI OIG Audit ER-IN-MOA-0015-2011 (June 2013)

1. Use of a Cooperative Agreement for Contractual Services

The Appalachian LCC awarded Virginia Polytechnic Institute and State University (Virginia Tech) an $84,174 cooperative agreement for support services[1], which included office space, computer support, and other administrative activities.

The audit finding questioned the use of a cooperative agreement for what was determined to be service-related activities. The auditors considered it a contracting action, citing the Federal Grant and Cooperative Agreement Act of 1977, which states[2]:

> An executive agency shall use a procurement contract as the legal instrument reflecting a relationship between the United States Government and a State, a local government, or other recipient when—
> **(1)** 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 United States Government; or
> **(2)** the agency decides in a specific instance that the use of a procurement contract is appropriate.
>
> –31 U.S.C. § 6303 "Using Procurement Contracts"

[1] These support services provided to the LCC by the University.

[2] http://www.law.cornell.edu/uscode/text/31/6303

OIG Audit Examples of Incorrect Selection of an Award Instrument

LCC DOI OIG Audit ER-IN-MOA-0015-2011 (June 2013)

2. Improperly awarding a Cooperative Agreement instead of a Grant Agreement

The Southern Rockies LCC awarded the University of California-Davis a $99,875 cooperative agreement for a project related to adaptive management capacity on Navajo Nation lands. Since no substantial Federal involvement appeared in the statement of work, this agreement would have been more appropriately funded as a grant.

Auditor's Comments

"FWS performed no legal reviews prior to awarding any of these financial assistance agreements. Had FWS performed an appropriate legal review, these issues very likely would have been identified and corrected."

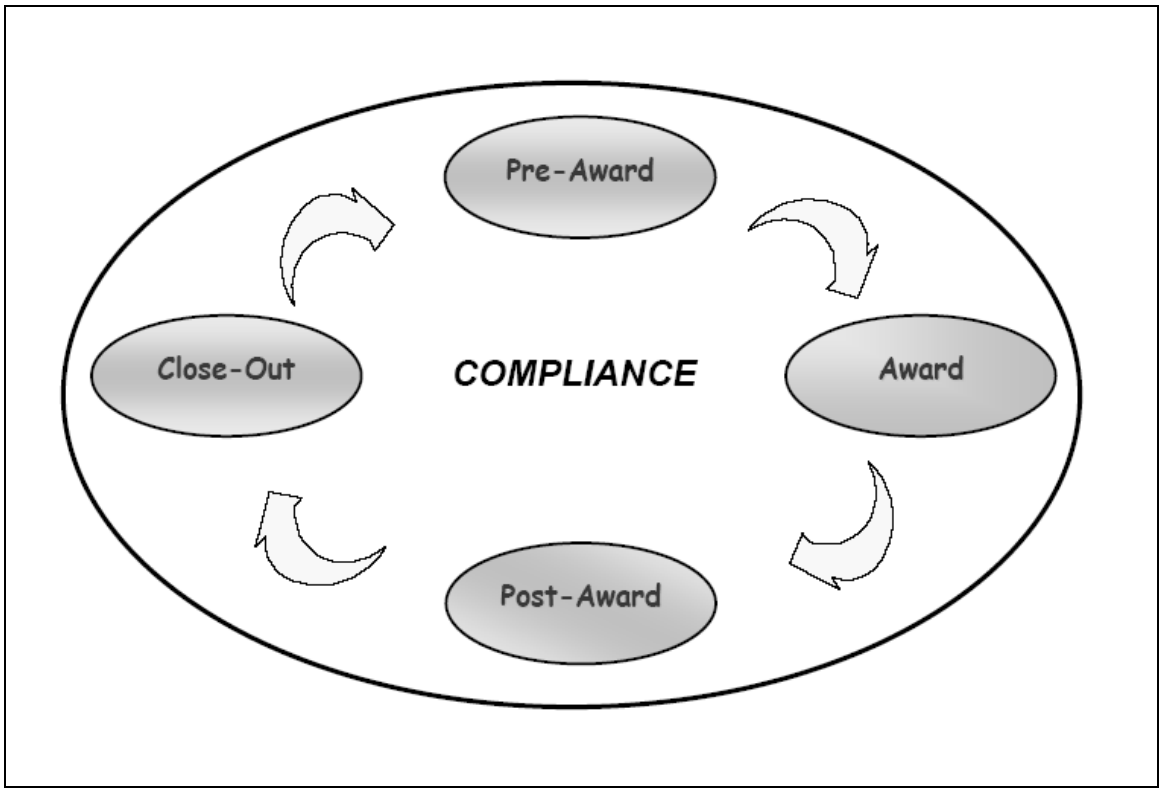
Responses to audit – FWS did not concur, stating VT and UC were supporting the public good by supporting the mission of the LCCs (a group consisting of FWS, state agencies, non-profits) and therefore not service-specific. OIG did not agree, but considered changing the agreements at this point not "in the best interest of the government."

Award Management Process

Objectives:

1. Become familiar with the Award Management Process.
2. Understand the cooperation, communication, and coordination required to support the Award Management Process.
3. Describe the roles and responsibilities in award management.

The Award Life Cycle



The award management process follows the life cycle of an award. Various activities are performed during each process phase.

Consider your roles and responsibilities in managing Federal awards throughout their life cycle. In addition, consider the people that you will interact and communicate with to effectively manage the award.

Notes:

Award Life Cycle Phases

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

Award: Once an award is approved the Program Office sends the official award letter to the Recipient. Included in letter are: the authorized award amount, terms and conditions, and start and end dates of performance period. This is the legally binding document.

43 CFR 12 follows the Award Management Process in its content layout.

Post-Award: Recipient begins work and charges allowable costs, submits payment requests via ASAP, 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 discovered). The Program Office monitors 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.

Close-Out: Recipient finishes the work, processes the final payment request, prepares and submits the final performance and financial reports. The Program Office receives final reports, determines status of undisbursed funds, real property, equipment and inventory, and completes award file.

FAPO maintains a Closeout Checklist for its financial assistance awards. (Handout in Tab 10)

Post Close-Out: Address any compliance concerns. Monitor land and equipment use, if applicable. Records maintained.

Notes:

Learning Points

- ✓ The Award Management Process is a logically 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 role is to review, approve, implement and provide oversight of the award.
- ✓ Many people, Federal and Recipient, are involved in the Award Management Process.
- ✓ The Award Management Process requires communication and cooperation to effectively and efficiently manage awards.

Compliance

Objectives:

1. Review and determine Federal compliance issues and general award administrative requirements.
2. Identify and discuss specific compliance documentation requirements.
3. Explain the purposes and general requirements of the Statement of Assurances.
4. Understand the NEPA documentation process.
5. Identify the issues that prevent using Categorical Exclusions.
6. Determine the information needed to evaluate the effect on Listed, Proposed to be listed, Candidate Species and/or Critical Habitat.
7. Discuss the importance of this information in the Section 7 evaluation process.
8. Review the National Historic Preservation Act compliance requirements.
9. Discuss various program/project compliance requirements.

Program Specific Compliance Requirements

Each federal financial assistance (FA) program has specific compliance and eligibility requirements in its enabling legislation or funding announcement.

- Purpose of the FA Programs
- Eligible Awardees
- Eligible / Ineligible Projects and Activities
- Spending Mandates, Matching requirements, Funding Limitations
- Special Conditions
- Governing Guidance (CFR, Rules, etc.)

Program specified compliance may be found in the program's enabling legislation or funding announcement.

Notes:

Exercise: Statement of Assurances

The SF-424B and D are used to assure compliance with statutory requirements for nonconstruction (form B) or construction (form D) financial assistance programs. The Federal awarding agencies and OMB use information reported on this form for general management of Federal assistance awards programs.

Work as a group to review the Statement of Assurances. Use the Statement of Assurances forms (SF424B, SF424D) found in the Toolkit (**BFA > OMB Forms**).

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

   SF-424D (Construction) 1, 2, 3, 4, 6, 10, 15, 17, 18.

2. What happens if the Awardee does not comply with the laws or regulations listed on the Statement of Assurances?

   Funding would cease, expenditures would not be reimbursed, future financial assistance funding will be at risk, audit findings.

National Environmental Policy Act

The purpose of the NEPA process is to consider detailed information concerning every significant environmental effect on the human environment. Additionally, the process ensures the public plays a role in both the decision-making process and the decision implementation.

Complying with the NEPA process is relatively simple and unimposing for the majority of work proposed under awards administered by USFWS. However, the process does require that specific steps be followed and documented to support conclusions about how the federal action will affect the human environment.

The general flow for documenting a NEPA decision is depicted on the *NEPA Process & Documentation* (Handout **BFA 5-3**). Working through the NEPA decision making process requires evaluating several factors before implementing federally-funded projects.

> The Human Environment is the natural and physical environment and the relationship of people with that environment
>
> **-40 CFR 1508.14**

NEPA Factors

- Project Scope
- Potential for Significant Impact on the Human Environment
- Public Interest and/or Controversy Generated

The effect of these factors determines which of the three documentation processes must be followed in complying with NEPA requirements.

Methods of Documenting NEPA Compliance

- Categorical Exclusion (CE)
- Environmental Assessment (EA)
- Environmental Impact Statement (EIS)

NEPA compliance requirement #11 on SF424B and #15 on SF424D

516 DM 8 | 43 CFR 46

Section 7 of the Endangered Species Act

Federally-funded actions involving listed, proposed, and candidate species will promote the conservation of those species to the greatest extent practical under Federal law.

- Section 7(a)(1): All Federal agencies must determine how to use their existing authorities to further the purposes of the ESA.
- Section 7(a)(2): All Federal agencies—using the best scientific and commercial data available—must insure that any action they authorize, fund, or carry out is not likely to
  - Jeopardize a listed, proposed, or candidate species.
  - Adversely modify designated critical habitat.

> An Action includes activities or programs of any kind authorized, funded, or carried out, in whole or in part, by Federal agencies in the United States or upon the high seas.
>
> **-50 CFR 402.02**

Listed = listed as an ES. Proposed = formally proposed in Fed Reg for ES

Candidate = Service identified species to be proposed for listing as ES.

How Does USFWS Comply with Section 7 of ESA?

Approve only awards that meet conditions.

- Identify species
- Identify actions and location
- Evaluation of effects: by FWS Ecological Services
- No effect
- May affect
  - Not likely to adversely affect
  - Is likely to adversely affect

Section 7 compliance requirement #11 on SF424B and #15 on SF424D

Make a Recommendation/Determination

No Species Present

- Nature of work not on the ground.
- There are no species in the location of groundwork; work is non-destructive. If work is destructive add caveat that work will stop if endangered species/habitat are discovered.

Species Present:

Work in area with potential for Endangered Species.

- **No Effect:** Activity does not / will not interfere within particular time/season/habitat.
- **Is Not Likely to Adversely Affect:** A Take is unlikely. Describe possible effects, and ways to avoid take.
- **Is Likely to Adversely Affect:** A Take is likely. Formal consultation with ES required.

A **Take** is to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or to attempt to engage in any such conduct".

Dealing with a "Likely to Adversely Affect" Determination

- Modify the proposal by changing actions, locations, timing, etc.
- Description of how the Take will be avoided must be thoroughly documented in proposal.
- Elevate high-risk project to Ecological Services Field Office for review and possible formal consultation.

Avoid Section 7 Pitfalls!

- Consider potential effects during the development of the proposal.
- Provide separate information for each different action and species where there are different recommendations.

National Historic Preservation Act

Section 106 of the National Historic Preservation Act requires federal agencies to account for undertakings on historic properties.

The Section 106 process is

- Consultation with a State's Historic Preservation Office (SHPO) and/or Tribal Historic Preservation Office (THPO).
- Required if the project/action is an undertaking with potential to cause effects on historic properties.

Historic Property Examples

- Prehistoric or historic district, site, building or structure.
- Artifacts, records, and remains related and located within such properties.

What is an "Undertaking"?

Any project, activity, or program funded in whole or in part by a Federal agency, including those (1) carried out by or on behalf of a Federal agency, (2) carried out with Federal financial assistance, or (3) requiring a Federal permit, license, or approval.

What is the Service's Responsibility?

Program Offices consult with their Regional Historic Preservation Officer, who may, depending on the activity, work with the appropriate SHPO/THPO.

What is SHPO/THPO's Responsibility?

Provide to the Service a written response indicating (1) agreement with a finding of no historic properties present, **or** (2) no adverse effects on historic properties, **or** (3) determine actions that the agency can take to resolve adverse effects.

Section 106 compliance requirement #13 on SF424B and #17 on SF424D

Awardee assists Awarding agency in compliance of this Act (see SoA)

National Historic Preservation Act | 36 CFR 800

Additional Project Dependent Compliance

The work being performed in the award or the project type may have specific project-dependent compliance that must be considered and documented.

- Permits
- Engineering Diagrams
- Appraisals
- Third Party Agreements
- Intergovernmental Review of Federal Programs (EO 12372)
- State Single Point of Contact
- www.whitehouse.gov/omb/grants_spoc
- Lobbying
- SF-LLL Disclosure of Lobbying Activities

Notes:

Learning Points

- ✓ Compliance requirements include administrative, environmental, historical, cultural and non-discrimination.
- ✓ Compliance requirements are found in the enabling legislation, governing program guidance, administrative requirements and the Service Manual Chapters.
- ✓ The Statement of Assurances documents the Recipient's acceptance of the compliance requirements listed on the assurance form.
- ✓ Compliance requirements will vary depending upon the project type.
- ✓ The NEPA process assesses a project's impact on the human environment.
- ✓ Federal funds cannot be used on a project until a NEPA decision is made and documented.
- ✓ The three types of NEPA documentation processes are Categorical Exclusion, Environmental Assessment, and Environmental Impact Statement.
- ✓ The scope, potential for significant impact on the human environment, and the public interest and/or controversy of a project will determine the NEPA documentation process.
- ✓ The NEPA process requires documenting the effect a project has on endangered species.
- ✓ The Section 7 process supports the NEPA decision.
- ✓ National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties.

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Expiration Date: 06/30/2014

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.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED March 18, 2014

OMB Approval No. 0348-0042

ASSURANCES - 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 (0348-0042), 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 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 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 interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property aquired 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 progress 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 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).

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 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.

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.

14. Will comply 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.

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.

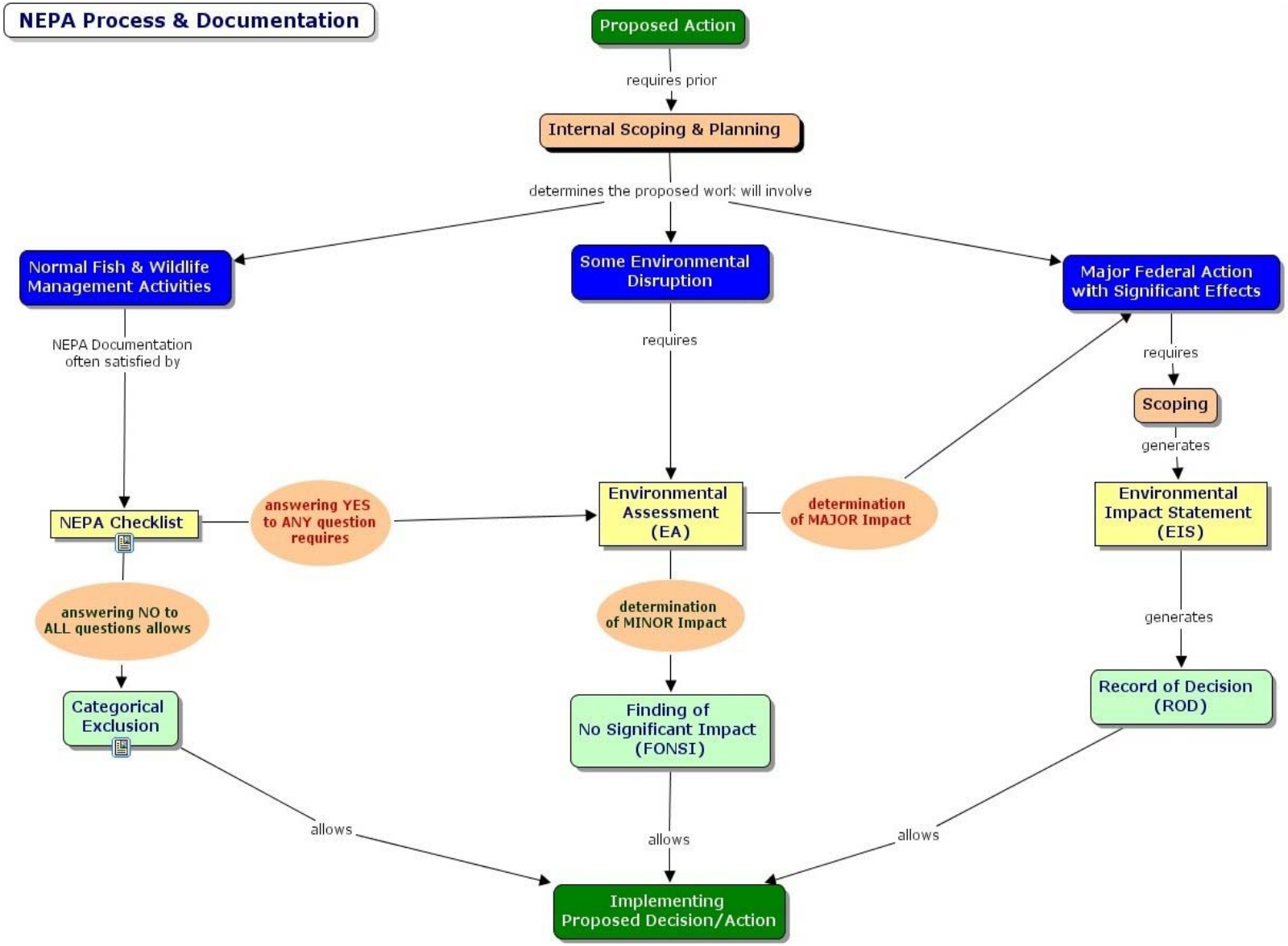
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1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

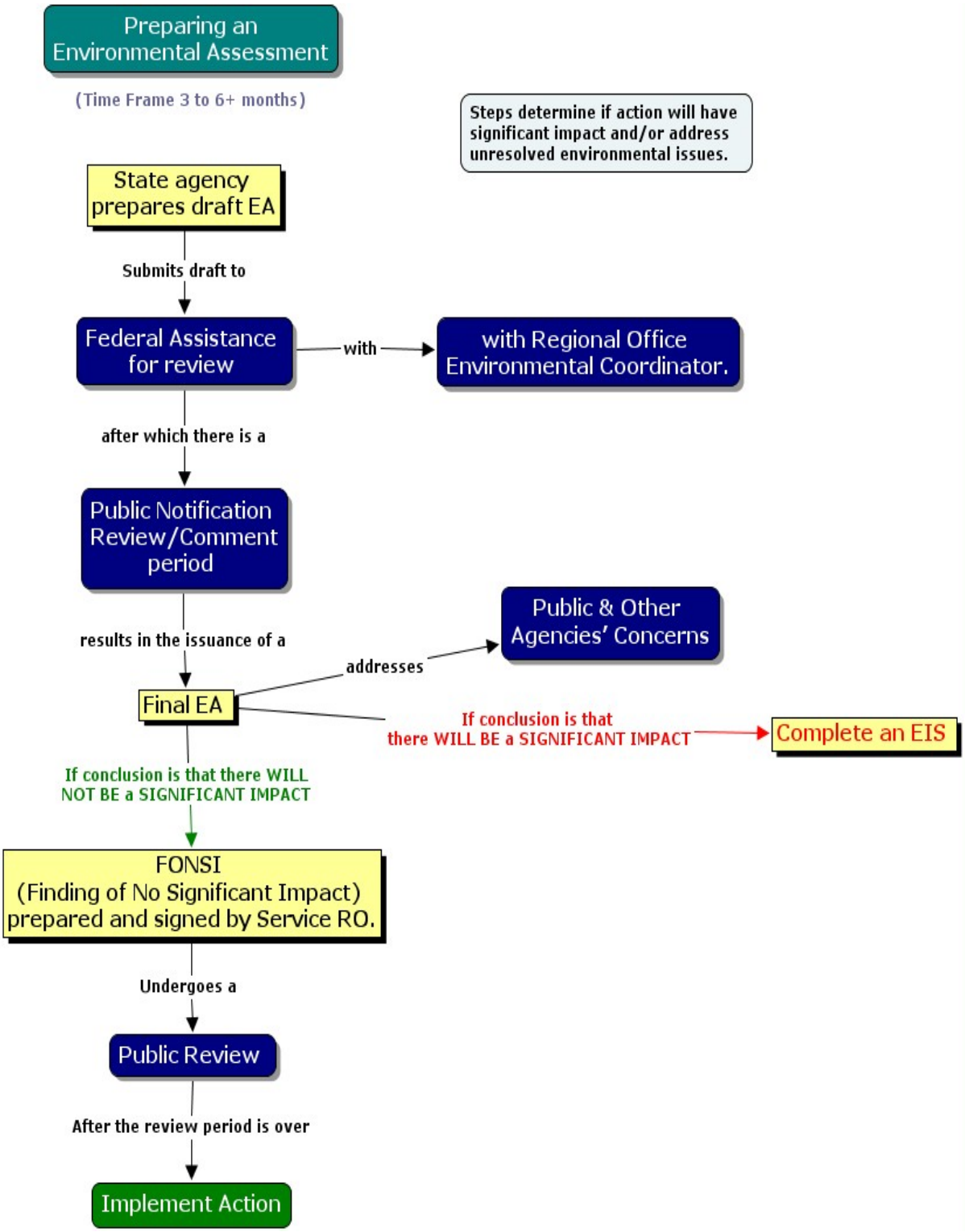
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

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

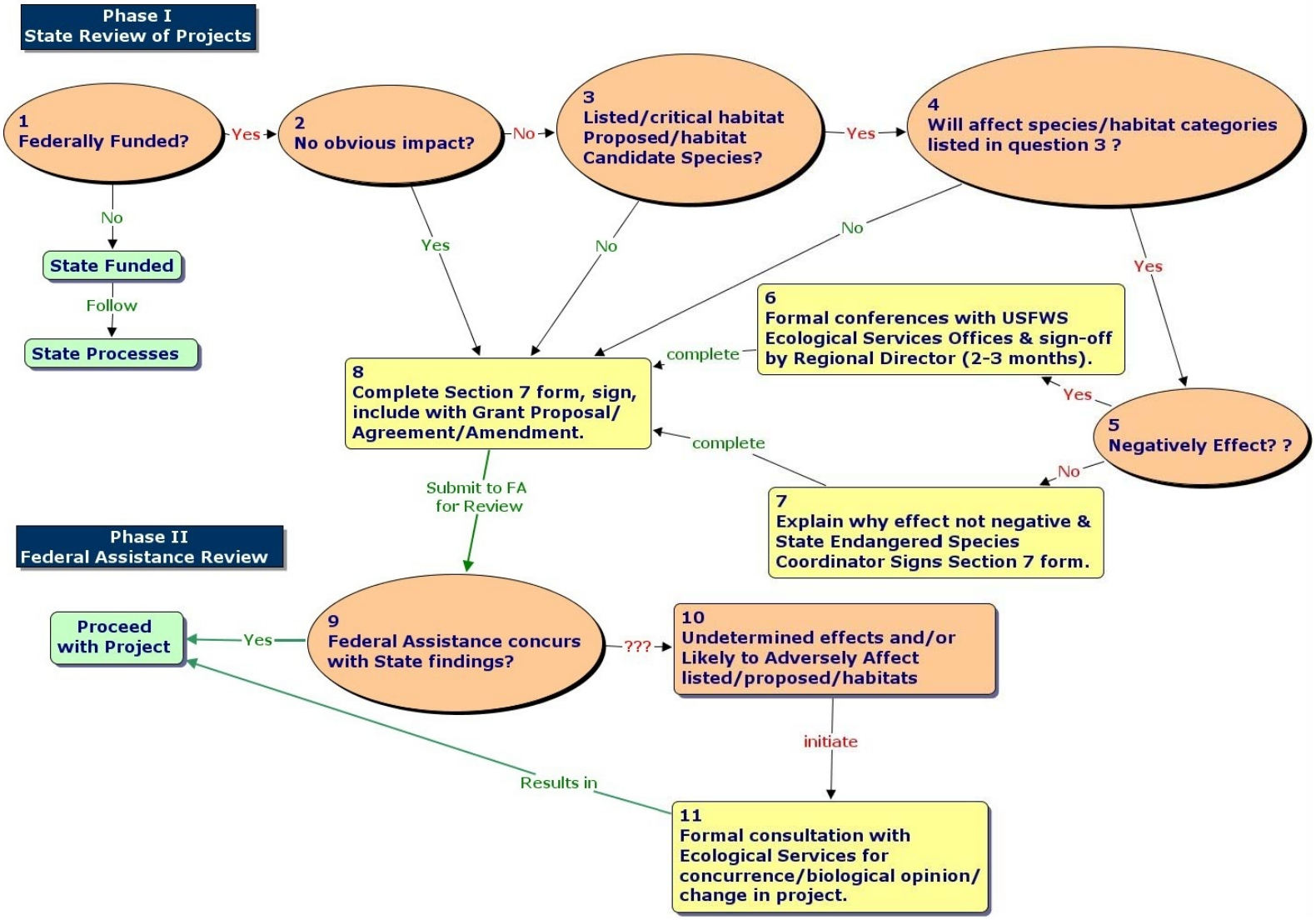
SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

Print Form


NEPA Process & Documentation
Proposed Action
requires prior
Internal Scoping & Planning
determines the proposed work will involve
Normal Fish & Wildlife Management Activities
Some Environmental Disruption
Major Federal Action with Significant Effects
NEPA Documentation often satisfied by
requires
requires
Scoping
generates
NEPA Checklist
answering YES to ANY question requires
Environmental Assessment (EA)
determination of MAJOR Impact
Environmental Impact Statement (EIS)
answering NO to ALL questions allows
determination of MINOR Impact
generates
Categorical Exclusion
Finding of No Significant Impact (FONSI)
Record of Decision (ROD)
allows
allows
allows
Implementing Proposed Decision/Action


Preparing an Environmental Assessment
(Time Frame 3 to 6+ months)
Steps determine if action will have significant impact and/or address unresolved environmental issues.
State agency prepares draft EA
Submits draft to
Federal Assistance for review
with
with Regional Office Environmental Coordinator.
after which there is a
Public Notification Review/Comment period
results in the issuance of a
Final EA
addresses
Public & Other Agencies' Concerns
If conclusion is that there WILL BE a SIGNIFICANT IMPACT
Complete an EIS
If conclusion is that there WILL NOT BE a SIGNIFICANT IMPACT
FONSI (Finding of No Significant Impact) prepared and signed by Service RO.
Undergoes a
Public Review
After the review period is over
Implement Action

Section 7 Compliance Process



§ 46.210 Listing of Departmental categorical exclusions.

The following actions are categorically excluded under paragraph 46.205(b), unless any of the extraordinary circumstances in section 46.215 apply:

(a) Personnel actions and investigations and personnel services contracts.

(b) Internal organizational changes and facility and bureau reductions and closings.

(c) Routine financial transactions including such things as salaries and expenses, procurement contracts (e.g., in accordance with applicable procedures and Executive Orders for sustainable or green procurement), guarantees, financial assistance, income transfers, audits, fees, bonds, and royalties.

(d) Departmental legal activities including, but not limited to, such things as arrests, investigations, patents, claims, and legal opinions. This does not include bringing judicial or administrative civil or criminal enforcement actions which are outside the scope of NEPA in accordance with 40 CFR 1508.18(a).

(e) Nondestructive data collection, inventory (including field, aerial, and satellite surveying and mapping), study, research, and monitoring activities.

(f) Routine and continuing government business, including such things as supervision, administration, operations, maintenance, renovations, and replacement activities having limited context and intensity (e.g., limited size and magnitude or short-term effects).

(g) Management, formulation, allocation, transfer, and reprogramming of the Department's budget at all levels. (This does not exclude the

preparation of environmental documents for proposals included in the budget when otherwise required.)

(h) Legislative proposals of an administrative or technical nature (including such things as changes in authorizations for appropriations and minor boundary changes and land title transactions) or having primarily economic, social, individual, or institutional effects; and comments and reports on referrals of legislative proposals.

(i) Policies, directives, regulations, and guidelines that are of an administrative, financial, legal, technical, or procedural nature; or whose environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis and will later be subject to the NEPA process, either collectively or case-by-case.

(j) Activities which are educational, informational, advisory, or consultative to other agencies, public and private entities, visitors, individuals, or the general public.

(k) Hazardous fuels reduction activities using prescribed fire not to exceed 4,500 acres, and mechanical methods for crushing, piling, thinning, pruning, cutting, chipping, mulching, and mowing, not to exceed 1,000 acres. Such activities:

(1) Shall be limited to areas—

(i) In wildland-urban interface; and

(ii) Condition Classes 2 or 3 in Fire Regime Groups I, II, or III, outside the wildland-urban interface;

(2) Shall be identified through a collaborative framework as described in ‘‘A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment 10-Year Comprehensive Strategy Implementation Plan;’’

(3) Shall be conducted consistent with bureau and Departmental procedures and applicable land and resource management plans;

(4) Shall not be conducted in wilderness areas or impair the suitability of wilderness study areas for preservation as wilderness; and

(5) Shall not include the use of herbicides or pesticides or the construction of new permanent roads or other new permanent infrastructure; and may include the sale of vegetative material if the primary purpose of the activity is hazardous fuels reduction. (Refer to the ESM Series for additional, required guidance.)

(l) Post-fire rehabilitation activities not to exceed 4,200 acres (such as tree planting, fence replacement, habitat restoration, heritage site restoration, repair of roads and trails, and repair of damage to minor facilities such as campgrounds) to repair or improve lands unlikely to recover to a management approved condition from wildland fire damage, or to repair or replace minor facilities damaged by fire. Such activities must comply with the following (Refer to the ESM Series for additional, required guidance.):

(1) Shall be conducted consistent with bureau and Departmental procedures and applicable land and resource management plans;

(2) Shall not include the use of herbicides or pesticides or the construction of new permanent roads or other new permanent infrastructure; and

(3) Shall be completed within three years following a wildland fire. § 46.215

§ 46.215 Categorical exclusions: Extraordinary circumstances.

Extraordinary circumstances (see paragraph 46.205(c)) exist for individual actions within categorical exclusions that may meet any of the criteria listed in paragraphs (a) through (l) of this section. Applicability of extraordinary circumstances to categorical exclusions is determined by the Responsible Official.

(a) Have significant impacts on public health or safety.

(b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (EO 11990); floodplains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas.

(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)].

(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

(e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

(g) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.

(h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species or have significant impacts on designated Critical Habitat for these species.

(i) Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.

(j) Have a disproportionately high and adverse effect on low income or minority populations (EO 12898).

(k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007).

(l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and EO 13112).

Section 106 National Historic Preservation Act Evaluation Form

Project Description (brief description of project—continue on additional sheets if needed)

Project Name/Type: _____

County/State: _____ On USFWS Land?: _____

Service Activity (WSFR, NAWCA, etc) _____

Project Location: Township(s) _____ N or S Range(s) _____ E or W Section(s): _____

Total Project Area (in Acres): _____

USFWS Project Leader/Station: _____ Phone #: _____

If there is a Non-Governmental Partner (NGO) please name: _____

_____ **Check here If your project is not proposing to alter buildings or disturb ground that is likely to contain archaeological sites (e.g. replacing carpeting, digging in the middle of a wetland, working in an already impacted area) or the sites/buildings we are proposing to disturb/alter cannot be historic properties (see FAQs for additional information and consult with your RHPO).**

Mandatory Attachments (on separate sheets)

1. USGS Topographical map and aerial photo, ensuring that the project boundaries are **exact**.
2. Details of anticipated project activities i.e. ground/building disturbance (add maps as necessary)
3. Only relevant sections of design drawings showing disturbance (e.g. plan views)
4. Land use history and environmental setting of the project area (add maps as necessary)

_____ **Check here is there has been a field survey done in the project area already**. (If not, ignore this section) If so, who conducted it and when? Did they find any buildings/sites? If so, please see the next section. **Please attach any information you have regarding any previous field survey(s).**

_____ **Check here is there are known buildings/sites*in the project area** (If not, ignore this section) *Sites are such places as artifact scatters, mounds or earthworks, cemeteries, privy pits, old foundations, ruins, bridges, water control structures, historic roads/trails and trash pits/piles.

Elements needed to be furnished to the Regional Historic Preservation officer if there are known buildings/sites in the project area:

1. Age of building(s)/site(s) or date(s) built: _____RPI #(s)_____
2. Attach ground level photographs of both inside and outside of buildings/sites
3. Attach close-up aerial photo or sketch map illustrating the placement of the buildings/sites in the project area, key the ground photos to the aerial photo/sketch map
4. Attach detailed descriptions of the buildings/sites with emphasis on their size, floor plans and architectural elements. Individually, what kind of physical shape are they in (good, fair, poor)?

Submitted by: _____ Date: _____ Phone Nbr: _____

Section 106 FAQ

Does my proposed project need to comply with historic preservation laws?

Any individual project conducted, funded, licensed, permitted or approved by any program within the federal government (called an 'undertaking') needs to be reviewed under Section 106 of the National Historic Preservation Act (NHPA) to see if it might have the potential to affect sites/buildings eligible for listing to the National Register of Historic Places. This law applies to projects both on and off federal lands.

I don't think my project will affect historic properties, how do I know?

Initial review focuses on the "potential" to affect a "historic property" (a site/building eligible for the National Register). Some projects have little to no potential to affect historic properties for two main reasons: (1) they are not proposing to alter buildings or disturb ground that is likely to contain archaeological sites (e.g. replacing carpeting, digging in the middle of a wetland, working in an already impacted area) or (2) the sites/buildings we are proposing to disturb/alter cannot be historic properties. In order to be a potential historic property, the law says that a site/building generally must be at least 50 years old and have "integrity" (the physical ability to convey a strong sense of time and place). Heavily remodeled/rotted buildings and sparse archaeological sites confined with plowzones of agricultural fields, while possibly old enough, are generally regarded as having little integrity.

Are their exemptions for certain projects under NHPA?

There are no exemptions allowed under NHPA.

Can I delegate my compliance with NHPA to someone else?

The review noted on this form is done by the Regional Director via their representative the Regional Historic Preservation Officer (RHPO). However significant portions of the actual NHPA review can be delegated by USFWS to state, local or tribal governmental agencies who have **qualified**, meaning they must meet the Secretary of the Interior standards for archaeological and historic preservation http://www.cr.nps.gov/local-law/arch_stnds_0.htm, historic perseveration staff. **But** we can **only legally** delegate inherently governmental responsibilities to non-federal government agencies if we have a signed Programmatic Agreement in place. We cannot under **any** circumstance delegate these responsibilities to a non-governmental organization or even to the State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO).

Who in USFWS is responsible to see that we are in compliance with Section 106 of NHPA for our projects?

According to USFWS policy (FW 614) it is the ultimate responsibility of the Regional Director. Practically however, day-to-day compliance with these and other preservation laws fall to you the Project Leader. To help you, each Region maintains a technical subject matter expert, the RHPO.

What if the project does have the potential to affect historic properties?

To facilitate a timely review of these kinds of projects, the Project Leader needs to send the RHPO sufficient information to enable him/her to assess the degree to which the project may affect historic properties (and whether any known site/building within the project area is, in fact, a historic property). This information will likely need to be augmented in many instances with a field survey of some kind. The RHPO can help with preparing a Scope of Work for such services that will need to be paid for out of your project dollars. Once sufficient information is collected the RHPO will consult with outside parties that partner with federal agencies under NHPA (e.g. SHPOs, THPOs etc). The law provides these outside parties with a reasonable amount of time to comment on the findings of the field survey and the RHPO's opinion (at least 30 calendar days from their receipt of the information). No objections within the 30 days is generally accepted as equaling concurrence. Any clarifications/disagreements however, will certainly elongate this comment period—sometimes significantly.

NATIONAL PARK SERVICE

NATIONAL REGISTER CRITERIA FOR EVALUATION

Criteria for Evaluation

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

A. That are associated with events that have made a significant contribution to the broad patterns of our history; or

B. That are associated with the lives of significant persons in or past; or

C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

D. That have yielded or may be likely to yield, information important in history or prehistory.

Criteria Considerations:

Ordinarily cemeteries, birthplaces, graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

a. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or

b. A building or structure removed from its original location but which is primarily significant for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or

c. A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building associated with his or her productive life; or

d. A cemetery that derives its primary importance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or

e. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or

f. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or

g. A property achieving significance within the past 50 years if it is of exceptional importance.

- This exception is described further in NPS "How To" #2, entitled "How to Evaluate and Nominate Potential National Register Properties That Have Achieved Significance Within the Last 50 Years" which is available from the National Register of Historic Places Division, National Park Service, United States Department of the Interior, Washington, D.C. 20240.

Pre-Award

Objectives:

1. Identify and explain the purpose of the Award Proposal Package components.
2. Determine reason for compliance and other supporting documents in Proposal Package.
3. Determine applicant eligibility.
4. Describe the communication / personnel involved in developing, reviewing and approving the Award Proposal.

Identifying the CFDA Number

The Program Office must identify the Catalog of Federal Domestic Assistance (CFDA) number under which the program/project is being funded. Use of pseudo-CFDA numbers is prohibited (see handout **BFA 6-1**).

If the program **does not** have a CFDA number, select the general USFWS CFDA number that most closely matches the award activities.

- 15.649 - Training and Technical Assistance projects
- 15.650 - Research Grants
- 15.664 - Congressionally mandated or directed awards and Fish and Wildlife Coordination and Assistance programs

How is the CFDA used?

- A-133 Single Audit
- Grants.gov
- FAADS
- USASpending.gov
- Recovery.gov

Inform students about CFDA FAQ located on FAPO website and in iPad (BFA > Misc)

Still unsure which CFDA program is applicable?

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

Refer to DOI OIG memo to the Recovery Oversight office regarding the DOI's failure to ensure proper documentation of its CFDA numbers.

www.cfda.gov | 507 DM 1 | 505 DM 2.6 | FAPO New Award Guide #7

Single Source Awards

A funding opportunity specifically awarded to an appropriate partner based on demonstrable criteria, e.g.

- Unsolicited proposal
- Continuation of activity
- Statutorily designated
- Unique Expertise
- 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; mandatory formula award programs are not applicable to this requirement.

What is region process? Eg, R6 (1) PO makes initial determination (2) R6 grant officer validates. Must document reason, even if continuation

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?

The Program office **must** justify issuing an award without competition (single source award), regardless of award amount.

505 DM 2.14 | 516 FW 6 | FAPO New Award Guidance #2

Posting the Funding Opportunity

The program office must post a funding opportunity for all **discretionary** programs regardless of the funding amount.

This posting must include

- a synopsis
- a complete application package (to include instructions)

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

Not sure if your Program is discretionary or mandatory? Go to www.cfda.gov, locate your program, and check under 'Section 060: Types of Assistance' to find out

Mandatory programs may use Grants.gov to receive applications

Funding Opportunity Posting Exemptions

- Award is under $25,000 and 100-percent of eligible applicants reside outside of the US.
- Single source award under $25,000.
- 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.

See FAPO's New Award Guidance #5 for specific instructions on posting funding opportunities.

505 DM 2.12 | FAPO New Award Guidance #3

Reviewing and Approving the Application Package

Program Offices are responsible for (1) receiving, (2) reviewing, and (3) approving application packages. Included in the application package are proposal documents outlining in sufficient detail the scope of work, objectives, costs, and other required information for the proposed project(s). FAPO's Notice of Funding Availability and Application Instructions (Tab 12) provides guidance on the required elements for financial assistance applications.

The Project Narrative – What are you evaluating?

- Statement of Need.
- Problem, Issue or Opportunity.
- Goals and Objectives.
- SMART objectives (**S**pecific, **M**easureable, **A**chievable, **R**elevant, **T**ime-bound).
- Project Activities, Methods, Timetable (Scope of Work).
- Who, What, When and Where?
- Costs - Consistent across all documents.
    - Cost effectiveness.
    - Applicable cost principles.
    - Approved indirect rate.
    - Pre-award costs.
- Compliance
    - Compliance documentation agrees with work described in proposal?
    - Project-dependent compliance?

See DIG-2013-06 for DOI's cost review guidance (in iPad).

Notes:

Specific, Measureable, Achievable, Relevant, Timebound

Scope of Work = Strategy

Exercise: Reviewing the Application Package

Using the FAPO New Award Guidance (**FAPO**), New Award Checklist (**NAC**) USFWS Signature Autority Policy (**516 FW 3**), and NOFA Application Instructions (**NOFA**), answer the following questions. Cite your references.

1. Which FA Applicants are exempt from having a Dun & Bradstreet Data Universal Number System (DUNS) number and from being registered in the System for Award Management (SAM)? (FAPO)

Individuals and foreign entities, FAPO #5B. Refer to new policy on DUNS And SAM, 516 FW 5 (back of Tab 6).

2. List the required documents for an application. Are NEPA, Section 7, and Section 106 documents required as well? (NOFA) (NAC)

SF-424, Project Narrative, Budget, Assurances, Lobbying disclosure, if applicable, Single Audit, if applicable, compliance docs, other supporting docs, as needed. Application Instructions, § II

Yes, compliance documentation must be submitted. New Award Checklist

3. What information must be submitted when requesting pre-award costs? (FAPO)

Reason for beginning work prior to award start date, description of activities underway, associated costs by categories and amounts, dates of costs, FAPO #4 A.3.

4. When is an Applicant required to have an A-133 Single Audit Report? Where can the Program Office go to retrieve those reports? (FAPO)

Domestic recipient expending ~~$500K+~~ $750K+ in federal award funds in a FY. PO can go to Federal Audit Clearinghouse-Single Audit Database, FAPO #4 E.

Exercise: Reviewing the Application Package cont'd

5. If an Applicant is listed on the Excluded Parties list, can the Program Office approve that Applicant's application package? Why or why not? (FAPO)

No. The parties on the list are barred from receiving federal funds, including Funds distributed via financial assistance. FAPO#5 D.

6. How do Recipients receive payment of award funds? Can this option be waived, and if so, under what circumstances? (FAPO)

ASAP. Yes, it can be waived upon approval by DOI, FAPO #7.8. UPDATE: MOVED FROM FAPO NEW AWARD GUIDANCE. FINALIZING IN POLICY - 516 FW 4.

7. In what ways does a Recipient accept a Federal Financial Assistance award? (516 FW 3)

Start the work, draw down funds, accept the award via electronic means NOA template (516FW3.9)

Learning Points

- ✓ Unless exempt, funding opportunities must be posted to Grants.gov.
- ✓ Awards cannot be approved without submission of appropriate documents.
- ✓ Unless exempt, all applicants must have a valid DUNS number and an active registration in System for Award Management (SAM).
- ✓ USFWS must verify with the Excluded Parties List (in SAM) that the recipient is not ineligible to receive Federal awards.
- ✓ Recipients expending $750,000 or more in Federal funds in a fiscal year must submit an A-133 Single Audit report to the Federal Audit Clearinghouse. USFWS must verify submission.
- ✓ Cost information must be consistent across the award documentation.
- ✓ If charging indirect costs the recipient must have an approved indirect cost rate from their cognizant Federal agency.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

In Reply Refer To:
FWS/WSFR/AIM/ 044557

APR 0 7 2010

Memorandum

To: Service Directorate

From: ACTING Director

Subject: Conversion of Pseudo Codes to Catalog of Federal Domestic Assistance (CFDA) Numbers and Service Financial Assistance Programs Identifying or Obtaining CFDA Numbers
(Response due no later than July 31, 2010)

Summary of Required Actions

Effective immediately, do not issue financial assistance (FA) awards (grants and cooperative agreements) using pseudo codes or Temporary Program Numbers (TPNs).

In addition, all Service FA programs managing awards under pseudo codes or TPNs must convert to a current or newly assigned CFDA number no later than July 31, 2010. At the discretion of the awarding program Division, active awards may:

a) Be amended to identify an appropriate Service CFDA number;

b) Complete the close out process by July 31, 2010; or

c) Complete an application* for a new CFDA number
*(*Allow four weeks for the CFDA application process to be completed)*

For the Service, the CFDA is a 5-digit number (15.600s series) that uniquely ties an award to its source of funds and authorizing legislation. CFDA determinations must be documented and must be made in consultation with relevant national or regional offices of Program, Finance, Budget, and/or Contracting and General Services. These steps will ensure the exercise of internal management controls; accuracy in the use of appropriate accounts and activity codes identified in the legislative authority of each financial assistance program; and documentation of the official award file for audit purposes. For a guide to the relationship between CFDAs and Sub-activity Codes, please refer to the Chart provided at http://wsfrprograms.fws.gov/Subpages/FACT/fact.html.

Attachments

TAKE PRIDE IN AMERICA

Background – Federal Information Distribution and Standardization Initiatives and Department Policy

The Federal Program Information Acts (P.L. 95-220 and P.L. 98-169) provide for the efficient and regular distribution of information about Federal domestic assistance programs. Under the requirements of revised Office of Management and Budget (OMB) Circular A-89 (http://www.whitehouse.gov/omb/rewrite/circulars/a089/a089.html), the General Services Administration (GSA), OMB, and executive branch agencies that administer domestic assistance programs are to carry out their statutory responsibilities. Federal standardization and transparency principles were enacted for the effective management of financial assistance awards in 1999 under the Federal Financial Assistance Management Improvement Act (P.L. 106-107) and reinforced in 2006 under the Federal Assistance Accountability and Transparency Act (P.L. 109-282).

The Department of the Interior's (DOI) Policy and Guidance, 507 DM 1, revised March 29, 2006, requires that:

1) All federally funded assistance programs administered by the Department obtain Catalog of Federal Domestic Assistance (CFDA) numbers, and
2) Any pseudo codes being used be converted to a CFDA number designated to the awarding Bureau.

In November 2009 the Department's Office of Inspector General (OIG) issued a report, Recovery Oversight Advisory – Concerns About Catalog of Federal Domestic Assistance Numbers, ROO-ROA-MOA-1013-2009. The report identified DOI's failure to use mandated CFDA numbers and the potential negative impact the lack of CFDA designation has on enforcement, notably recipient reporting under Section 1512 of the American Recovery and Reinvestment Act of 2009 (P.L.111-5).

Why Is Elimination of Pseudo Codes Now A High Priority?

The elimination of pseudo codes is a critical step toward fulfilling the Service's compliance with DOI policy and Federal laws. Using the correct CFDA number is important because it uniquely identifies the source of funds for: a) funding opportunities announced on www.Grants.gov; b) the award document; c) recipient progress and financial reporting; d) audit reports (e.g., A-133); and e) related sub-awards. As a result, the CFDA number is perhaps the most essential component for identifying, reporting, tracking, and auditing Federal financial assistance funding and activities.

The need to make this a priority relates directly to the Service's accurate reporting of expenditures to the Federal Assistance Awards Data System (FAADS) and www.USASpending.gov; as well as in preparation for deployment into the Department's on-

line Financial and Business Management System (FBMS) in FY11. The cleansing of FA data and conversion to valid CFDA numbers are essential features of the Service's transition into the grants management component of FBMS. Future awards and transactions will not be processed without a valid CFDA number.

Service Requirements

Awards (grants, cooperative agreements, direct payments, and direct appropriations) using pseudo codes and FA programs without a CFDA number are required to identify an appropriate CFDA number or obtain a new program CFDA number regardless of program size or reoccurrence. The following timeline and attached tracking tool will help you meet the July 31, 2010 deadline:

	Action(s)
Apr -- May	Conduct an assessment to identify all active awards using pseudo codes or TPNs
May – June	As necessary, 1) Amend active awards to reflect an appropriate CFDA number, **OR**
	2) Begin the award closeout process, **OR**
	3) Apply for a new program CFDA number
June – July	Complete the closeout process of awards using pseudo codes or TPNs
	Issue awards under newly designated program CFDA numbers

Listed below are the pseudo codes previously used by the Service:

15.FFA	Fisheries
15.FFB	Fish and Wildlife Enhancement
15.FFC	Refuges and Wildlife
15.FFE	Research/Issues
15.FFF	Automated Data Processing Projects
00.000	Otherwise Not Listed
99.999	Unknown

Depending on the authorizing legislation, many of the awards issued under the pseudo codes identified above may be eligible to use one of two generic CFDA numbers designated to the Service in 2007 (see Controls and Monitoring Guidance for the Use of Service-wide, Generic CFDA Numbers, FWS/CFM/031763). The Service-wide generic CFDA numbers are:

- 15.649 – Training and Technical Assistance (https://www.cfda.gov/index?s=program&mode=form&tab=step1&id=9f772e830b0037323a790eba84cbb88d), and
- 15.650 – Research (https://www.cfda.gov/index?s=program&mode=form&tab=step1&id=2057228d8fd7655fa0d9e376d4db7d54).

Prior to selecting any CFDA number, first, use the hyperlink to the Catalog of Federal Domestic Assistance for a list of the Service's financial assistance programs (https://www.cfda.gov/index?s=agency&mode=form&tab=program&id=000710afb4d72c15f9fc20a83f7319d0&cck=1&au=&ck=). Review each Program Profile and determine whether

the program's activity is funded under the Authorization (040) and the Account Identification (121).

Second, if the FA activity is a one-time, project-unique, small dollar value (>$500K), and of limited duration, consider whether it might qualify under one of the two Service-wide generic CFDA numbers (15.649 – Training/TA, 15.650 – Research) designated in 2007 (see FWS/CFM/031763).

Resources to Help You With Conversion or CFDA Application Processes

To assist financial assistance programs with these processes, the Service makes the following resources available for your use:

- Service financial assistance programs with current CFDA numbers at:
  - http://wsfrprograms.fws.gov/Subpages/FACT/fact.html
    Click outreach materials – FA Reference Tools - Service CFDAs as of Nov09
  - GSA's webpage of Service CFDA numbers
    https://www.cfda.gov/index?_so_list_froma345e59a09d0aa1d5eef16228ddd7b4c=120&_so_list_froma345e59a09d0aa1d5eef16228ddd7b4c_page=7&

and

- Instructions and application form to complete for a new program CFDA number.
  Allow 4 weeks for the CFDA application process to be completed.
  - CFDA Application Toolkit at
    http://wsfrprograms.fws.gov/Subpages/FACT/fact.html
    Click outreach materials – CFDA Application Toolkit

Please consult with Lois Paul, Office of Financial Assistance Coordination at 703.358.2459 or lois_paul@fws.gov for further guidance in:

- ✓ Determining whether the use of one of the two generic CFDA numbers is appropriate for your program, and
- ✓ Completing an application for a new program CFDA number.

OIG Audit Examples of Questioned Indirect Costs

LCC DOI OIG Audit ER-IN-MOA-0015-2011 (June 2013)

Audit Finding:

FWS entered into a $2 million sole-source cooperative agreement with WMI, a private, nonprofit, scientific and educational organization, to support conservation efforts for the North Atlantic and Appalachian LCCs. FWS used WMI for scientific advice and management of FWS grant agreements.

In fact, more than 98 percent of the costs of this agreement covered grant administration, a service that is of direct benefit to the Government. Under its cooperative agreement, WMI distributed grant money after the LCCs had selected the awardees. WMI did not participate in the selection and acted only as a passthrough for funds.

We question all indirect costs charged by WMI in this agreement. WMI charged an indirect, overhead cost rate of 10 percent of the direct grant costs, in the amount of $182,947). WMI's approved provisional indirect cost rate agreement (by DOI's National Business Center as the cognizant or financially responsible agency) for the relevant period was 67 percent of direct salaries and fringe benefits only. As direct salaries listed in WMI's budget were zero, the related indirect costs to the Government also would be zero.

FWS Response:

We agree that the budget documentation with WMI indicates that indirect cost was inaccurately assessed. We are coordinating with WMI to get detailed information about the 10% service surcharge to determine whether payback is required.

Single Source Awards and the Appearance of Conflict of Interest

LCC DOI OIG Audit ER-IN-MOA-0015-2011 (June 2013)

Audit Finding

At the Southern Rockies LCC, we found that FWS reported five awards to State agencies on Grants.gov as having been competed through the LCC but that were, in fact, awarded without competition. No sole-source justification was prepared for these awards.

These five award recipients regularly partner with Southern Rockies and hold positions on the LCC'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 sole-source justification. Our interviews indicated that the grants officer was unaware that the five agreements had been awarded without competition. These awards to State agencies, which support the agencies' participation in the LCCs (e.g., capacity grants), should be appropriately justified and documented as sole-source awards.

FWS Response

FWS partially concurred with the recommendation. In its response, FWS indicated that in some instances, sole-source awards are the only option for LCC projects (e.g., awards to States). Therefore, FWS does not concur with the portion of the recommendation to limit the use of sole-source awards.

OIG Followup Comment

OIG's recommendation stands as written since we believe the recommendation does allow FWS discretion in the use of sole-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.

Award: Notice of Award

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.
3. Discuss obligating funds for awards.

Notice of Award

Following the Program Office review and approval of application package –

- Award is obligated
- NOA sent to Awardee
- Award information
  - Terms of acceptance
  - Special conditions

Common Special Conditions

- 10% Rule
- Preaward Costs
- Program Income
- Level of cost accounting
- Reporting

Upon receipt of NOA, the Recipient –

- Reviews the NOA elements
- Accepts award if there no errors
  - Acceptance constitutes agreement to comply with all award elements

Key Elements of the Transmittal Memo

- Federal Identifier and/or revision number
- Dates
- Federal Share Authorized
- Terms of Acceptance
- Special Provisions/Conditions
- Signature of Authorized Federal Personnel

If Program Offices elect to use the Prism-generated Grant or Cooperative Agreement Cover Page form, they **MUST** follow the guidance in the FAPO New Award Guidance #8.

505 DM 2.10 B(1) | FAPO New Award Guidance #8

Exercise: Notice of Award

Use the **Common Rule**, **FAPO New Award Guidance (FAPO)**, **FAPO NOA Template (NOA)**, and the **NOFA Application Instructions (NOFA)** to answer the questions below. Cite your references.

1. How is the award start date established? Where is it documented? (FAPO)

   Specifically documented in Award letter.

   Sometimes default start date is date NOA is signed. Anticipated start date annotated in NOFA (II. Award Information). Applicant proposes start date, usually in connection with PO anticipated dates.

   See Attachment 7 of FAPO New Award Guidance.

2. Expenditures must occur during which period to be eligible for reimbursement? (Common Rule)

   The begin/end date of the award, aka the performance period or funding period or grant period on Award Letter. Exception is pre-award costs that are approved in Award or contracts approved during award period.

   12.63 “period of availability of funds”

3. What happens if the Recipient begins work prior to approval of the award application? (FAPO)

   Grantees may begin work whenever they choose. If grant is not approved grantee is responsible for costs incurred. If grant effective date is later than start date requested, prior costs are not eligible for reimbursement.

   Exception is pre-award costs (FAPO #4A.3.).

4. Are Recipients required to sign the NOA? (FAPO)

   No. (FAPO #11; 516 FW 3.9B)

Exercise: Notice of Award (cont'd)

5. What are some reasons pre-award costs may be approved? What information should the applicant provide about proposed pre-award costs? (FAPO)

   Applicant properly demonstrated costs were necessary and reasonable; are allowable.

   Reasons for beginning work prior to award, description of activities, costs by categories and amounts, dates of costs.

   FOLLOWUP QUESTION: Where are these costs to be documented? In official award file and on the FAPO new award checklist.

6. Give examples of the DOI standard terms and conditions? (NOFA)

   2 CFR 25 Central Contractor Registration and Data Universal Numbering System. 2 CFR 170 Reporting Subawards and Executive Compensation

   43 CFR 12 Administrative Requirements

   43 CFR 43 Drug Free Workplace

7. What are some examples of special conditions that may be placed on awards? (NOA)

   High Risk Determination

   Conditioning work based on receipt of a permit/ compliance documentation

   Approving pre-award costs

   Program income disposition instructions

   Real Property easements/ acquisition / lease specific instructions

   Equipment disposal instructions or use limitations

Learning Points

- ✓ The Notice of Award is the legal awarding document for financial assistance.
- ✓ The NOA (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 uses of funds.
- ✓ Only costs incurred during the performance period are eligible for reimbursement.
- ✓ Conditional statements clarify the terms and conditions of the award.

Post Award: Implementing, Managing and Monitoring the Award

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 to be revised and what documentation to provide.

Federal Funding And Transparency Act (FFATA) of 2006

As of October 1, 2010, 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.

Reporting must be done by the end of the month ***following*** the month of award obligation.

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 the following

- Individuals unrelated to any business or nonprofit organization.[1]
- Any entity with less than $300K from previous tax year's gross income.
- Reporting that would disclose classified information.
- Awards under the Recovery Act.

www.USASpending.gov | www.fsrs.gov | Handout 8-1

[1] OMB M-09-19 (June 1, 2009) requests reporting of awards (1) less than $25K, or (2) to individuals, be aggregated, but still reported. See memo in iPad for more information.

Award Implementation

After receipt of the NOA

- The Recipient
  - Reviews the NOA elements / disseminates information.
  - Establish accounting to manage and monitor award.
  - Establish measures to manage and monitor grant performance.

- The Program Office
  - Tracks Recipient activity primarily via financial and performance reports.
  - Participates in award activities as outlined in award and program requirements (e.g. substantial programmatic involvement if cooperative agreement, additional administrative requirements for high risk awardees, etc.).

Notes:

Accounting for and Using Program Income

Determining Program Income

Program Income Criteria.

1. Gross income received by Recipient or Subrecipient.
2. Directly generated by award-supported activities.
3. Earned during the award period.

Program income **may be net** of incidental costs if authorized by Federal regulations or award.

43 CFR 12.65(b) | 43 CFR 12.902 “Program Income”

Disposition of Program Income

Program income is retained by the Recipient/Subrecipient and can be used in one of three ways.

- **Additive** – Add to award obligation.
- **Deductive** – Subtract from award obligation.
- **Cost Share** – Use as non-federal match.

Education institutions and non-profits use the **additive** method for research awards *by default*.

43 CFR 12.65(g) | 43 CFR 12.924(b)-(d)

Declaring and Reporting Program Income

- Anticipated program income must be estimated in the award application.
- Must be reported on the Federal Financial Report (SF-425).

Income after the Award period

- Recipient/Subrecipient has no further obligation to the awarding agency ***unless*** specified in program legislation or award condition.

43 CFR 12.65(h) | 43 CFR 12.924(e)

Notes:

Payment Requests and Processing

Automated Standard Application for Payments (ASAP)

- USFWS to use for all financial assistance (grant and cooperative agreement) payments to domestic recipients.
- FAPO is currently enrolling recipients in ASAP who have open grants and cooperative agreements.

Only the SF-270 (SF-271 for construction awards) or an authorized electronic format (e.g. ASAP) is authorized for requesting reimbursement payments.

SF-270 – Request for Advance or Reimbursement

- OMB-approved form used to request payment.
- Only to be used by Recipients unable to enroll in ASAP or have a special award condition requiring use of the SF-270.

43 CFR 12.81(d)(2) | 43 CFR 12.922 (m)(1)

Notes:

Revising an Award

Programmatic Changes

- Addition, deletion, or change in a project objective or job.
- Change in key personnel.
- Extension of funding period.
- Increasing or decreasing Federal funds.
- Revising the Federal participation.

When revising an award for an addition or modification of a project, compliance may need to be addressed.

43 CFR 12.70(c)-(d) | 43 CFR 12.925(c)

The 10% rule

Cumulative transfers in project budget categories that exceed ten percent must be approved by awarding agency.

- Applies only to non-construction projects where Federal share exceeds $100,000.
- May be waived by awarding agency.

43 CFR 12.70(c) | 43 CFR 12.925(c) and (e)

Exercise: Managing and Monitoring the Award

Answer the questions below using **43 CFR 12**. Cite your references.

1. Who is primarily responsible for monitoring award activities for compliance with federal rules and regulations?

   43 CFR 12.80(a), 43CFR 12.951(a)

   Also 2 CFR 225 App A, 2.a(1)-(2)

   See DOI Guidance Release 2009-04F (iPAD).

2. Is the submission of documentation verifying costs required when requesting reimbursement of federal funds?

   Only for High Risk awardees, 43 CFR 12.52, 12.914, 12.952.

   If these are not applicable, only the SF270 (or electronic alternative) is

   authorized, 43 CFR 12.81(d)(2), 12.922(m)(1).

3. During the implementation of the award, it is determined that one of the objectives cannot be achieved. Rather than let the funding go unused they decide to add a new objective. Is this permitted?

   43 CFR 12.70(d); 12.925(b)(1)

4. What tools would you use to monitor projects?

   43 CFR 12.80, 43 CFR 12.951

   Performance and financial reports, site visits, correspondence, etc.

   See DOI Guidance Release 2009-04F (iPAD).

Exercise: Cost Principles

Answer the questions below using the **Cost Principle** regulations (**2 CFR 220/225/230)**. Cite your references.

1. Where in the following CFRs are the Factors Affecting Allowability of Costs located?

   a. 2 CFR 220 _____

   b. 2 CFR 225 _____

   c. 2 CFR 230 _____

2. In your own words, list 2 CFR 225's Factors Affecting Allowability of Costs (Try keeping each factor to eight words or less).

   Necessary and reasonable; allocable; authorized / Not prohibited; compliance with federal regulations; consistency; conformance with GAAP; not included in cost/match of other federally funded activities; net of applicable credits; adequately documented.

3. What does Reasonable mean? Allocable? Applicable Credits?

   Reasonable – "does the cost reflect what a prudent person would pay for the same goods or services?" Generally recognized in govt; integrity in practices; market prices; acted with prudence; no significant deviations from established practices. Allocable – Chargeable to an objective in accordance with relative benefits. Applicable credits – reduction of expenditures with allocable credit going to federal award. May also be a netting of credit items.

Exercise: Cost Principles cont'd

4. Can a university charge to a federal financial assistance award the cost of posting a job position on a job recruitment website?

   Yes, as an advertising cost (SIC#1c(1)) on pg 53 and as recruiting personnel To meet workload requirements under the award, with certain restrictions. (SIC#42 "Recruiting costs")

5. Can state agencies match federal financial assistance awards with salaries and wages of its employees? If so, what are the requirements?

   Yes. Must be supported in the same manner as those claimed as allowable costs under Federal awards.

6. How may a state agency charge travel costs to their federal financial assistance award?

   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 & is consistent for non-federal travel activities. Selected Cost #43

7. The Nature Conservancy should use which Cost Principle? The Oak Ridge Associated Universities consortium?

   Nature Conservancy uses 2 CFR 230.

   ORAU uses FAR. See 2CFR230.20(c) and Appendix C.

8. Which Cost Principle CFR applies to a council of governments incorporated as a non-profit?

   2 CFR 225.

9. Which Cost Principle CFR applies to hospitals?

   45 CFR 74, Appendix E (43 CFR 12.927).

Compliance Requirements for the Subrecipient

Subaward or Contract?

Recipients, like federal awarding agencies, must properly determine if they are awarding contracts or subaward agreements, as federal regulations differ for subaward and contract administration. 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.

Public Policy Requirements

Public policy requirements are

- Laws enacted by Congress
- Regulations issued by Federal agencies

Public Policy Examples

American Disabilities Act

Civil Rights Act

Hatch Act

Administrative Requirements

- Administrative requirements should be listed / referenced in the subaward.
- Subrecipients follow recipient's Common Rule, but their own Cost Principles.

ENTITY TYPE	COMMON RULE	COST PRINCIPLES
State, Local Governments	43 CFR 12 Subpart C	2 CFR Part 225
Non-profit Organizations	43 CFR 12 Subpart F	2 CFR Part 230
Educational Institutions	43 CFR 12 Subpart F	2 CFR Part 220
Hospitals	43 CFR 12 Subpart F	45 CFR 74 App E
For profit organizations	Awarding Agency determines	FAR 48 CFR 31

Compliance Requirements for the Subrecipient cont'd

Audit Requirements

- Subrecipients expending $750,000 or more in Federal awards in a fiscal year are subject to the Single Audit Act.
- Recipient is responsible for determining if Subrecipient meets this threshold.
- Subrecipient is responsible for notifying Recipient regarding presence or absence of audit findings affecting Recipient's award.
- Federal Audit Clearinghouse website: http://harvester.census.gov/sac/.

Subrecipients that do not meet Single Audit Threshold may be audited by Recipient via program audits, site visits and document reviews.

43 CFR 12.66 | 43 CFR 12.926 | 2 CFR 215.26

Notes:

Raising the threshold to $750K retains 99% of federal financial assistance Recipients while reducing the number of eligible recipients by 5000. This relieves the burden of audit oversight by both recipient and federal agencies allowing more focus on where most federal dollars at risk.

Learning Points

- ✓ Awards require managing and monitoring of fiscal, program and compliance concerns throughout the award period.
- ✓ Anticipated changes as a result of managing and monitoring awards may require revising the award.
- ✓ Cost principles establish allowability of costs and may vary depending on type of recipient.
- ✓ Subrecipient monitoring is the responsibility of the recipient.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

In Response Reply To:
FWS/AWSR/AIM: 050702

FEB 23

Memorandum

To: Service Directorate

From: Deputy Director

Subject: Guidance for Federal Funding Transparency of Service Grant and Cooperative Agreements (Federal Funding Accountability and Transparency Act (FFATA) of 2006)

Federal Funding Accountability and Transparency Act (FFATA) was signed on September 26, 2006 with the intent to reduce wasteful spending in government by empowering every American with the ability to view Federal awards via a single, searchable website. That website is www.USASpending.gov.

Attached is the final guidance for implementing the prime recipient and subaward reporting requirements of FFATA. It supersedes the Director's memo signed on December 15, 2010, "Interim Guidance for Implementation of Prime Recipient and Subaward Reporting Requirements under the Federal Funding Accountability and Transparency Act (FFATA)."

Please contact Mr. Hannibal Bolton, Assistant Director, Wildlife and Sport Fish Restoration Program, at 202-208-7337 if you have any questions.

Thank you for your assistance in ensuring the Service's compliance to this Act.

Attachment

Guidance for Federal Funding Transparency of Service Grant and Cooperative Agreements (Federal Funding Accountability and Transparency Act of 2006 (FFATA))

1. **What is the purpose of this document?** The purpose of this document is to inform Service programs that issue grant and cooperative agreement awards of the subaward and executive compensation data reporting requirements under FFATA for their prime recipients. Due to limitations with the Federal Financial System, the Service was unable to implement the requirements of FFATA until Fiscal Year 2012. Funds obligated before October 1, 2011 will not show up in the reporting system. This means recipients of grants and cooperative agreements are not expected to retroactively report on awards issued by the Service before October 1, 2011.

2. **What is the scope of this guidance?** This guidance applies to all Service programs that issue grant and cooperative agreement awards ***except*** awards:

   a. Funded through the American Recovery and Reinvestment Act. These awards will continue to be reported through FederalReporting.gov;
   b. Issued to individuals who apply for or receive an award as a natural person, i.e., unrelated to any business or nonprofit organization that he or she may own or operate in his or her name;
   c. To entities that had a gross income, from all sources, of less than $300,000 in the entities' previous tax year; and
   d. For which the required reporting would disclose classified information.

3. **What are the authorities for this guidance?** The authorities for this guidance are:

   a. FFATA (P.L. 109-282);
   b. Central Contractor Registration (CCR) and Data Universal Numbering System (DUNS) (2 CFR Part 25);
   c. Reporting Subawards and Executive Compensation (2 CFR Part 170);
   d. Office of Management and Budget Circular A-133, Section 210, "Subrecipient and Vendor Determinations;" and
   e. Department of the Interior (Department) Director of the Office of Acquisition and Property Management's Memorandum, "Compliance with the Federal Funding Accountability and Transparency Act Relative to Financial Assistance Programs," dated August 18, 2008.

4. **What is a FFATA prime recipient?** A FFATA prime recipient is the primary organization, either a State, local government, nonprofit, university, or small business that receives a grant or cooperative agreement award directly from the Service.

5. **What is a sub-award?** A sub-award is a legal instrument used by a prime recipient to obtain support for the performance of any portion of a grant or cooperative agreement award received directly from the Service. A sub-award may be a contract or a grant/cooperative

agreement award. The distinction between a contract and a grant/cooperative agreement depends on the characteristics of the relationship. In general a:

a. Grant/cooperative agreement award is issued if the recipient:

   i. Has its performance measured against whether the objectives of the prime recipient's grant or cooperative agreement from the Service are met;
   ii. Has responsibility for programmatic decision making;
   iii. Has responsibility for adherence to applicable Federal program compliance requirements; or
   iv. Uses the grant or cooperative agreement funds to carry out a program of the organization as compared to providing goods or services for the prime recipient.

b. Contract is issued if the recipient:

   i. Provides goods or services within normal business operations;
   ii. Provides similar goods or services to many different purchasers;
   iii. Operates in a competitive environment;
   iv. Provides goods or services that support the grant or cooperative agreement; and
   v. Is not subject to compliance requirements of the grant or cooperative agreement.

6. **What are the requirements that the Service must meet under FFATA?** The Service must meet the following requirements under FFATA:

   a. Communicate to prime recipients that they and their subaward recipients must obtain a DUNS number through www.dnb.com. Only individuals who apply for or receive a grant or cooperative agreement award as a natural person, i.e., unrelated to any business or nonprofit organization he or she may own or operate in his or her name, are exempt from obtaining a DUNS number;
   b. Communicate to prime recipients that they must register in the CCR website, www.ccr.gov, and renew and revalidate their CCR information every 12 months from the date of registration. Only individuals who apply for or receive a grant or cooperative agreement award as a natural person, i.e., unrelated to any business or nonprofit organization he or she may own or operate in his or her name, are exempt from the CCR registration requirement;
   c. Communicate to prime recipients the requirements for subaward and executive compensation reporting (see Question 8 for exemptions); and
   d. Enter accurate data in the FAADS screen on the PRISM award in the Financial and Business Management System (FBMS).

7. **How must the Service communicate the FFATA requirements to prime recipients?** The Service must include reference to the Department's standard terms and conditions listed in http://www.doi.gov/pam/TermsandConditions.html in award documents.

8. **What are the reporting requirements for prime recipients under FFATA?** Prime grant and cooperative agreement recipients are responsible for two types of reporting:

a. Reporting on sub-grants and cooperative agreements greater than or equal to $25,000. The data elements that prime recipients are expected to report about sub-grants and cooperative agreements greater than or equal to $25,000 are:

   i. Name of the entity receiving the sub-award;
   ii. Amount of the sub-award;
   iii. Funding agency;
   iv. Catalog of Federal Domestic Assistance Program number;
   v. Program funding source;
   vi. Award title descriptive of purpose of the funding action;
   vii. Location of the sub-recipient (including Congressional district);
   viii. Primary place of performance (including Congressional district); and
   ix. DUNS number of the sub-recipient and its parent.

b. Reporting for themselves and for sub-recipients receiving awards greater than or equal to $25,000 the total compensation and names of the top five executives ***only*** if:

   i. More than 80 percent of annual gross revenues were from the Federal government, and those revenues are greater than $25 million annually; and
   ii. Compensation information is not already available to the public through periodic reporting filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. sections 78m(a), 78o(d) or section 6104 of the Internal Revenue Code of 1986.

9. **How must the prime recipient report executive compensation information?** The prime recipient must register and report executive compensation information in either www.ccr.gov or www.fsrs.gov.

10. **When must the prime recipient report sub-award information?** The prime recipient must report sub-award information by the end of the month following the month in which the subaward was issued. For example, if the sub-award is issued on December 15, 2011, the prime recipient must report the subaward information by January 31, 2012.

11. **How must the prime recipient report sub-award information?** The prime recipient must register and report sub-award information via the FFATA Subaward Reporting System (FSRS), www.fsrs.gov. The FSRS pre-populates recipient information, to the maximum extent possible, from the CCR and award information from monthly Department of the Interior reporting to FAADS Plus. The information entered by the prime recipient is subsequently published on the public website, www.USASpending.gov.

12. **Do prime recipients still need to report on sub-awards if a Service grant or cooperative agreement award is initially greater than or equal to $25,000 but funding is subsequently deobligated such that the total award amount is less than $25,000?** Yes. The sub-award reporting requirement continues throughout the performance period of the grant or cooperative agreement award.

13. **What if the original award was less than $25,000 but a funding amendment increases the total award amount above $25,000?** Once the cumulative total Federal award amount is equal to or greater than $25,000, the prime recipient is required to report under FFATA.

14. **Where can I get more information about the FFATA requirements for prime recipient and subaward reporting?** More information regarding the FFATA requirements for prime recipient and subaward reporting is available at www.USASpending.gov/sub-award-documents and at www.fsrs.gov.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

In Reply Refer To:
WSFR/AIM

[Recipient contact name and title]
[Recipient organization name]
[Recipient address]

Subject: Notice of Amendment [insert next sequential amendment #] to Financial Assistance Award [enter original award DCN]

Dear Mr. /Ms. [recipient contact name],

Your organization's request for award amendment to U.S. Fish and Wildlife Service (USFWS) Award [enter DCN] under CFDA # [enter CFDA and Title] is approved effective [enter date]. This award is amended as follows:

[Enter specific details on the approved amendment(s):

If to extend the period of performance end date, sample text: The original performance and budget period of this award has been changed to extend the end date from [insert current award end date] to [insert new end date]. The new performance and budget period of this award is [enter award start date] through [enter new end date].

If amendment is to supplement/augment, or otherwise modify the original scope of work, provide specific details on the supplemental activities or on the modifications being made to the original activities.

If amendment is to add funding, include details on how funds are to be used. Specify all new goals, objectives, and/or activities to be conducted using the new funds.

If amendment does not include adding new funds, include the statement: this amendment is made at no additional cost to the U.S. Government.]

This award is funded as follows: [Retain this section even if no new funds are added. Update as appropriate to reflect new funding or change in Federal/Share recipient match. Break out award amounts by amendment number. Insert new rows as needed to represent each previously made amendment to add funds].

USFWS **Recipient**

Amendment [insert #]:	$0.00	$0.00
Original Award:	$0.00	$0.00
Award Total:	**$0.00**	**$0.00**

[Revise or re-insert here any Federal share/recipient match requirements from original award.].

[Revise or re-insert here any program income use and reporting requirements from original award.]

Terms of Acceptance:
[If no changes are being made to the original award terms, conditions or provisions, insert the following text: All terms of acceptance and all standard or special conditions or provisions applicable to the original award are also applicable to, and are hereby incorporated by reference into, this amendment.]
The default terms and conditions statement [edit as needed]:

Acceptance of a Federal Financial Assistance award from the Department of the Interior (DOI) carries with it the responsibility to be aware of and to comply with the terms and conditions of award per http://www.doi.gov/pam/TermsandConditions.html. Acceptance is defined as starting work, drawing down funds, or accepting the award via electronic means. Awards are based on the application submitted to and approved by the USFWS. Awards are subject to the terms and conditions incorporated either directly or by reference in the following:

- Program legislation, regulation, and provisions.
- Special terms and conditions
- Code of Federal Regulations(CFR)/Regulatory Requirements:
    - 2 CFR Part 25, Central Contractor Registration and Data Universal Numbering System
    - 2 CFR Part 170, Reporting Subawards and Executive Compensation
    - 2 CFR Part 1400, Government-wide Debarment and Suspension (Nonprocurement)
    - 2 CFR Part 175, Trafficking Victims Protection Act of 2000
    - 43 CFR 12(A), Administrative and Audit Requirements and Cost Principles for Assistance Programs
    - 43 CFR 12(C), Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Government
    - 43 CFR 12(F), Uniform Administrative Requirements for Grants and Cooperative Agreements with Institutions of Higher Education, Hospitals, other Non-Profit and Commercial Organizations (includes foreign recipients)
    - 43 CFR 43, Government-wide Requirements for a Drug-Free Workplace
    - 43 CFR 18, New Restrictions on Lobbying
    - 305 DM 3, Integrity of Scientific and Scholarly Activities

[If changes are being made to the original award terms, conditions or provisions, include details of the new or changed terms, conditions, provisions and then insert the following text: All other terms of acceptance and all standard or special conditions or provisions applicable to the original award remain unchanged and are also applicable to, and are hereby incorporated by reference into, this amendment.

Special Conditions and Provisions:
Update or remove section, as needed.

Reporting Requirements:

[Enter any changes to the original award reporting requirements resulting from this amendment. Extensions of period of performance end date may change the reporting requirements provided in the original award. If so, complete this table:

Financial and Performance Report Periods:	**Financial and Performance Report Due Dates:**
Award signature date- [insert end of period]	[insert corresponding due date]

If none of the original reporting requirements have changed as a result of the amendment, enter: All reporting requirements as detailed in the original notice of award are also applicable to and are hereby incorporated by reference into this amendment].

Send all required reports to the USFWS Project Officer, identified below.

The USFWS Project Officer for this award is:	**The Recipient Project Officer for this award is:**
[Enter program PO name and title] [Enter complete mailing address] Telephone: [enter phone number] Email: [enter email address]	[Enter Recipient PO name and title] [Enter complete mailing address] Telephone: [enter phone number] Email: [enter email address]

Contact [insert USFWS Project Officer name] with any questions. Please include the USFWS document number assigned to this award in all written communications.

Sincerely,

Lori Bennett, Program Analyst
Division of Administration and Information Management
Wildlife and Sport Fish Restoration Program

Clear Data

Save As

FAPO Award Amendment Checklist

Fill in all fields. If field is not applicable, enter "0" (numerical/currency fields) or "N/A" (text fields).

Award Number (DCN): _____ Current Amendment #: _____ Current Award Total: _____

New Award Num (DCN): _____ Assign new number only if (de) obligating funds in FFS Change Amount (use +/-): _____

Outstanding Balance (not paid to Recipient): _____ Amended Award Total: _____

Cost Code-ABC for funds to be (de) obligated by Pgm in FFS: _____

Award Start Date: _____ Current Award End Date: _____ New Award End Date: _____

Recipient Name: _____ DUNS Number: _____

Project Title: _____

CFDA Number: _____ CFDA Program Name: _____

Program Contact: _____ Telephone: _____

_____ _____

Signature of Program Approver/Date Signature of Funds Certifier/Date

(required only when increasing/decreasing funding)

Indicate the type of amendment to be made:	YES	N/A	NOTES
1. Extend period of performance ONLY.			
2. Increase funding (with or without time extension and/or scope of work supplementation/augmentation). If yes, complete the following:			
A. Select the request type category [select from list] (See *FAPO Award Amendment Instructions* for definitions)			
B. If outstanding balance is > $0, was the original obligation made in IDEAS?			
C. If oustanding balance is > $0, has the period of availability expired?			
3. Decrease funding (not a closeout action).			

Checklist items for amendment to increase/decrease funding ONLY:	YES	N/A	NOTES
Confirm if indirect costs were included on the proposed amendment budget.			
If yes, confirm that a copy of their submitted/approved indirect cost rate agreement proposal is attached.			

Checklist items for ALL amendments	YES	N/A	NOTES
1. Confirm if recipient is exempt from DUNS registration due to being either is an individual/a natural person, OR a foreign entity that does not already have a DUNS number and receiving funds in an amount less than $25,000 for activities performed outside the United States.			
2. Confirm if recipient is exempt from CCR registration due to being either an individual/natural person, OR a foreign entity not already registered in CCR and receiving funds in an amount less than $25,000 for activities performed outside the United States.			
3. Confirm that all required documentation as described in the *FAPO Award Amendment Instructions* is included in the award amendment package to be sent to FAPO Branch Chief.			

Approved :

_____

Signature of FAPO Grants Management Analyst/Date

Post-Award
The Additive Method

Application (SF-424)			Financial Report (SF-425)		
Federal	$	90,000	Total Expenditures	$	124,000
Applicant		30,000	Less: Program Income		(4,000)
Program Income		4,000	Adjusted Total Outlays	$	120,000
Total	$	124,000	Federal (75%)	$	90,000
			Applicant (25%)	$	30,000

Amount Obligated: $90,000

All obligated funds are liquidated

Post-Award
The Deductive Method

Application (SF-424)			Financial Report (SF-425)		
Federal	$	90,000	Total Expenditures	$	120,000
Applicant		30,000	Less: Program Income		(4,000)
Program Income		4,000	Adjusted Total Outlays	$	116,000
Total	$	120,000	Federal (75%)	$	87,000
			Applicant (25%)	$	29,000

Amount Obligated: $90,000

Notice that $3,000 of the obligation remains unliquidated

Post-Award
Deductive - Misapplied Overmatch

Application (SF-424)			Financial Report (SF-425)		
Federal	$	90,000	Total Expenditures	$	160,000
Applicant		30,000	Less: Program Income		(4,000)
Program Income		4,000	Adjusted Total Outlays	$	156,000
Total	$	120,000	Federal (75%)	$	90,000
			Applicant (25%)	$	30,000
			Overmatch	$	36,000

Amount Obligated: $90,000

Post-Award

Deductive - Properly Applied Overmatch

Application (SF-424)		
Federal	$	90,000
Applicant		30,000
Program Income		4,000
Total	$	120,000

Amount Obligated: $90,000

Financial Report (SF-425)		
Total Expenditures	$	160,000
Less: Excess Allowable		(40,000)
Adjusted Total Outlays	$	120,000
Less: Program Income		(4,000)
Adjusted Total Outlays	$	116,000
Federal (75%)	$	87,000
Applicant (25%)	$	29,000
Overmatch	$	40,000

Post Award: Reporting

Objectives:

1. Identify reporting requirements.
2. Explain the ramifications of late reports.

Federal Financial Report (SF 425)

- Hard copy, electronic (scanned or faxed).
- Signature of authorized representative (may be electronic).

Copy of the SF-425 in back of this module

Performance Report

- No standard or printed form.
- Required information.
- Submitted via paper or electronic format.

Frequency

- Annual, semi-annual, or quarter reporting periods.
- Final reports 90 days after award close.
- Due date extensions may be requested via letter, fax or email.
- Approved extension via letter, fax or email
- USFWS may approve one extension up to 90 days.

USFWS may require reports quarterly or more frequently under certain conditions. This will be clearly stated in pre-award, award or post-award.

516 FW 1,2 | 43 CFR 12.80-12.81 | 43 CFR 12.951-12.952

Remedies for Non-Compliance

No report received by due date?

- Notify recipient within 30 calendar days that due date has passed.
  - Inform recipient of possible non-compliance and sanctions.
  - Request immediate receipt of report within 10 calendar days, or award will be suspended, with a possible termination of award if not report is received 30 days from suspension, and
  - Further withholding of any other pending awards in affected Service program until all reports are received.

No report received by end of 10 calendar days?

- Suspend payments and obligations of affected award for 30 calendar days.
- Send notification to recipient of suspension.

Report or explanation is not received after 30 day suspension?

- Convert suspension to termination.
- Withhold other pending awards
- Send notification to recipient of termination and suspension of future award obligations.

The USFWS must immediately lift any suspensions upon receipt and approval of delinquent reports. Terminations, however, are final and cannot be reinstated.

516 FW 1.14 and 1.16

516 FW 1,2 | 43 CFR 12.83,12.962 | 2 CFR 215.62

Performance Reports

There is no standard report format, but each report must include

- Comparison of actual accomplishments to the period's objectives.
- Whether or not the goals and objectives were met (Slippage), with explanation.
- When appropriate:
  - Analysis and explanation of cost overruns.
  - High unit costs.
- Program- or award-specific reporting requirements.
  - Examples include land acquisitions and research.

Reasons for Slippage may include

- Weather
- Permits
- Contractors
- Budget
- Key Personnel changes

516 FW 2.9 | 43 CFR 12.80(2),12.951(d) | 2 CFR 215.51(d)

Exercise: Reporting Requirements

1. Under FBMS how is the USFWS going to track report due dates?

Milestones in FBMS

2. Who is responsible for preparing and submitting the performance and financial reports?

Recipient/subrecipient

3. What are the ramifications to the USFWS if we fail to enforce the reporting requirements?

DOI increases control over Service FA programs to ensure compliance

Learning Points

- ✓ Financial and Performance reports have specific, required reporting periods.
- ✓ Performance reports have specific information requirements.
- ✓ There are consequences for not complying with reporting requirements.

1.1 What is the purpose of this chapter?

A. This chapter provides the information U.S. Fish and Wildlife Service (Service) employees working with grant and cooperative agreement awards need so that we can:

(1) Record related expenses in the proper period,

(2) Monitor costs and progress in accomplishing goals and objectives of approved awards through recipients' timely submission of accurate and complete reports, and

(3) Close awards after receipt of accurate and complete reports.

B. The chapter also helps us to carry out:

(1) The Department of the Interior's (Department) Guidance Release 2009-04: Policy Regarding Financial Status Reporting Requirements Related to Grants and Cooperative Agreements, and

(2) The Office of Management and Budget's (OMB) 2008 requirement that all Federal awarding agencies use the *Federal Financial Report*, Standard Form (SF) 425. (Previously we used SF 269/269A and the *Report of Federal Cash Transac*tions, SF 272/272A.)

1.2 What are the objectives and scope of this chapter?

A. Objectives: Our objectives are for Service staff to consistently communicate fiscal reporting requirements to applicants and award recipients and to make sure that these requirements are met.

B. Scope: This chapter covers all Service programs that award grants and cooperative agreements.

1.3 What are the authorities for this chapter?

A. Administrative and Audit Requirements and Cost Principles for Assistance Programs (43 CFR 12, specifically Subparts A, C, and F).

B. Cost Principles for Education Institutions (2 CFR 220).

C. Cost Principles for State, Local, and Indian Tribal Governments (2 CFR 225).

D. Cost Principles for Non-Profit Organizations (2 CFR 230).

E. Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (2 CFR 215).

F. Financial Reporting for Grants and Cooperative Agreements: Federal Financial Report (Federal Register, Vol. 72, No. 235, December 7, 2007).

G. U.S. Department of the Interior Guidance Release 2009-04, Financial Status Reporting Requirements Related to Grants and Cooperative Agreements.

H. Paperwork Reduction Act (44 U.S.C. 3501 *et seq*.).

I. Controlling Paperwork Burdens on the Public (5 CFR Part 1320).

1.4 Who is responsible for financial reporting for Service grant and cooperative agreement awards?

Table 1 1: Responsibilities for Financial Reporting for Grant and Cooperative Agreement Awards	
These employees…	**Are responsible for…**
A. The **Director**	Making sure that the Service has effective policy in place for administering the Servicewide grant and cooperative agreement programs.
B. The **Assistant Director – Wildlife and Sport Fish Restoration Program**	**(1)** Developing policy for the financial reporting requirements for programs that administer grant and cooperative agreement awards, and **(2)** Making sure that the program offices in the Regions and Headquarters have the information needed to manage the grants and cooperative agreements that they award.
C. Directorate Members	Making sure that the Service programs that award funds through grants and cooperative agreements comply with the this policy by: **(1)** Clearly stating financial reporting requirements in all applicable award notices and communications, **(2)** Monitoring those awards to track progress in accomplishing goals and objectives and compliance with the terms and conditions of the awards, **(3)** Making sure that recipients correct any noncompliance in a timely manner, **(4)** Deobligating any remaining funds and closing the award after receipt of final reports, **(5)** Properly documenting and maintaining award files, and **(6)** Complying with the OMB regulation to receive and maintain current information collection approval for all applicant and recipient documentation.

1.5 Who must monitor recipients' financial reporting, and what does monitoring involve?

A. The Service program responsible for the administration of the awards must monitor the recipients' financial reporting.

B. Monitoring includes, but is not limited to:

(1) Tracking report due dates and report receipt dates in the Financial and Business Management System (FBMS) PRISM system through a Milestone Plan for each award,

(2) Reviewing reports for completeness and accuracy,

(3) Returning incomplete or inaccurate reports to the recipient within 30 calendar days of receipt with a clear written description of why the report is being returned,

(4) Providing timely notice about and obtaining overdue reports with due concern for recipient rights and program needs (see section 1.13).

(5) Maintaining documentation generated while monitoring submission of financial reports in the official award file, and

(6) Using complete and accurate reports to determine whether or not the recipient met award requirements.

1.6 Does the Service require recipients to pass the reporting requirements in this chapter to sub-recipients? We do **not** require recipients to pass the reporting requirements in this chapter to sub-recipients. We do require the recipient to have a process to manage and track funds that pass to sub-recipients since the recipient must report these funds in the financial report.

1.7 What notice must the Service give applicants and recipients on financial reporting requirements? We must clearly state Federal financial reporting requirements in pre-award, award, and post-award notices. These notices must identify the required report formats, reporting frequency, and due dates and describe sanctions for noncompliance. We must obtain prior approval from OMB to:

A. Collect information or documentation in addition to what is required on OMB-approved Standard Forms, or

B. Use project- or program-specific reporting forms/formats.

1.8 What form does the Service require recipients to use for reporting the status of funds under an award?

A. We require recipients to report on the status of funds using:

(1) A printed SF 425, *Federal Financial Report*, with the date and signature of the recipient's authorized representative;

(2) A printed SF 425 with the representative's signature and date 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.

(3) An electronically submitted scanned or faxed copy of (1) or (2), or

(4) 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 specific to the awarding program as long as OMB has approved the requirements.

1.9 What are the requirements for the frequency of financial reporting?

A. We require recipients to send us final reports for all awards no later than 90 calendar days after the award period or termination of award support, whichever comes first (see section 1.11 for information about waivers of these requirements).

B. We also require recipients to send us interim financial reports for awards that last longer than four full quarters (12 months). We may require recipients to submit these reports annually, semiannually, or quarterly (see below).

(1) Annually: The annual reporting period is dependent on the award's performance start date. We must receive annual interim financial reports no later than 90 calendar days after the annual interim report end date. Table 1-2 shows the schedule:

Table 1 2: Schedule for Annual Interim Financial Reports

Award Performance Start Date	Annual Interim Report End Date	Annual Interim Report Due Date (90 days after report end date)
January 1	December 31	March 31
January 2- March 31	March 31	June 29
April 1	March 31	June 29
April 2- June 30	June 30	September 28
July 1	June 30	September 28
July 2- September 30	September 30	December 29
October 1	September 30	December 29
October 2 – December 31	December 31	March 31

(2) Semiannually: The semiannual interim reporting period always ends December 31, March 31, June 30, or September 30. We must receive semiannual interim financial reports no later than 30 calendar days after the last day of each semiannual interim reporting period. Table 1-3 shows the schedule:

Table 1 3: Schedule for Semiannual Interim Financial Reports

Award Performance Start Date	Semiannual Interim Report End Date	Semiannual Interim Report Due Date (30 days after report end date)
January 1	June 30	July 30

Table 1 3: Schedule for Semiannual Interim Financial Reports		
Award Performance Start Date	**Semiannual Interim Report End Date**	**Semiannual Interim Report Due Date (30 days after report end date)**
January 2- March 31	September 30	October 30
April 1	September 30	October 30
April 2- June 30	December 31	January 30
July 1	December 31	January 30
July 2- September 30	March 31	April 30
October 1	March 31	April 30
October 2 – December 31	June 30	July 30

(3) Quarterly: The quarterly interim reporting period always ends December 31, March 31, June 30, or September 30. We must receive quarterly interim reports no later than 30 calendar days after the last day of each quarterly interim reporting period. Table 1-4 shows the schedule:

Table 1 4: Schedule for Quarterly Interim Financial Reports		
Award Performance Start Date	**Quarterly Interim Report End Date**	**Quarterly Interim Report Due Date (30 days after report end date)**
January 1	March 31	April 30
January 2- March 31	June 30	July 30
April 1	June 30	July 30
April 2- June 30	September 30	October 30
July 1	September 30	October 30
July 2- September 30	December 31	January 30
October 1	December 31	January 30
October 2 – December 31	March 31	April 30

1.10 May the Service require interim financial reports more frequently than quarterly?

A. Yes. We may require reports more frequently than quarterly if the 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 award,

(5) Is not otherwise responsible, or

(6) Receives advances totaling $1 million or more each year. This condition is only applicable to the submission of financial reports by State, tribal, and local governments.

B. Before we may require more frequent reports, we must notify the recipient by letter, fax, or email and explain the:

(1) Nature of the additional requirements,

(2) Reason for 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.

C. As soon as a recipient corrects any condition(s) that require additional reporting, we must immediately remove the additional requirements and notify the recipient by letter, fax, or email.

1.11 What reporting requirements may the Service waive and what are the procedures for waiving them?

A. Final reports: We may not waive final reports.

B. Annual interim financial reports: We may waive annual interim financial reports from a recipient who is exempt or waived from using the U.S. Treasury's Automated Standard Application for Payments (ASAP) system because they submit an SF 270, *Request for Advance or Reimbursement*, or an SF 271, *Outlay Report and Request for Reimbursement for Construction Programs* when requesting payments.

1.12 May the Service extend the due date of financial reports?

A. We may extend the due date of a financial report if we receive a request through a letter, fax, or email **no later than 1 day before** the original due date of the report. The request must identify:

(1) The type of report for which the recipient requests an extension,

(2) The requested revised due date, and

(3) A justification for the extension.

B. The maximum extension we may approve is 90 days, unless a longer period is justified by a catastrophe that significantly impairs the recipient's operations.

C. We must notify the recipient by letter, fax, or email if we approve a request for extension of the due date of a report.

D. We must also keep extension requests and the final decision on these requests on file.

1.13 What happens if the Service does not receive a required financial report by the due date or agreed-upon extension date?

A. If we do not receive a required financial report by the due date or agreed-upon extension date, we must issue a letter, fax, or email notice of noncompliance (with appropriate return receipt) as soon as practical, but no later than 30 calendar days after the due date or agreed-upon extension date has passed. The noncompliance notice must state:

(1) The recipient is noncompliant with the Federal financial reporting terms 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 will make no further obligations and payments on the award and we will suspend the award until we receive all reports;

(3) We reserve the right, without further notice, to convert the suspension to a termination of the award if we do not receive the required report within 30 calendar days of the recipient's receipt of the suspension notice; and

(4) We will withhold any other pending awards that the affected Service program would make 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 financial report or an acceptable explanation for its tardiness, we must:

(1) Suspend payments and additional obligations for the financial assistance award for 30 calendar days, and

(2) Send a suspension notice to the recipient of this action.

C. If within 30 calendar days of the recipient's receipt of the suspension notice we still do not receive the financial report or an acceptable explanation for its tardiness, we must:

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

(2) Withhold any other pending awards that the affected Service program would make to the recipient until we receive all required reports, and

(3) Send a termination notice to the recipient of this action.

1.14 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.

1.15 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, after careful consideration, allow reimbursement of allowable and eligible costs during a suspension or termination only if:

A. The costs cannot be reasonably avoided;

B. The costs were from obligations made by the recipient 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 those costs.

1.16 What happens when the Service receives and approves a required report from a recipient who was suspended?

A. Once we receive the required financial report and verify that it is complete and accurate, we must immediately lift all suspensions we imposed on the recipient.

B. We must notify the recipient (with appropriate return receipt) through mail, fax, or email that we have lifted the suspension.

/sgd/ Rowan W. Gould
DEPUTY DIRECTOR

Date: March 18, 2013

2.1 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 so that we can:

A. Monitor progress in accomplishing goals and objectives of approved awards through recipients' timely submission of accurate and complete performance reports, and

B. Close awards after receipt of accurate and complete performance reports.

2.2 What are the objectives and scope of this chapter?

A. Objectives: Our objectives are for Service staff to consistently communicate performance reporting requirements to applicants and award recipients and to make sure that these requirements are met.

B. Scope: This chapter covers all Service programs that award grants and cooperative agreements.

2.3 What are the authorities for this chapter?

A. Administrative and Audit Requirements and Cost Principles for Assistance Programs (43 CFR 12, specifically Subparts A, C, and F).

B. Paperwork Reduction Act (44 U.S.C. 3501 *et seq*.).

C. Controlling Paperwork Burdens on the Public (5 CFR Part 1320).

2.4 Who is responsible for performance reporting for Service grant and cooperative agreement awards?

Table 2 1: Responsibilities for Performance Reporting for Grant and Cooperative Agreement Awards

These employees…	Are responsible for…
A. The **Director**	Making sure that the Service has effective policy in place for administering the Servicewide grant and cooperative agreement programs.
B. The **Assistant Director – Wildlife and Sport Fish Restoration Program**	**(1)** Developing policy for performance reporting requirements for programs that administer grant and cooperative agreement awards, and **(2)** Making sure that the program offices in the Regions and Headquarters have the information needed to manage the grants and cooperative agreements that they award.
C. Directorate Members	Making sure that the Service programs that award funds through grants and cooperative agreements comply with this policy by: **(1)** Clearly stating performance reporting requirements in all applicable award notices and communication, **(2)** Monitoring those awards to track progress in accomplishing goals and objectives and compliance with the terms and conditions of the awards, **(3)** Making sure that recipients correct any noncompliance in a timely

Table 2 1: Responsibilities for Performance Reporting for Grant and Cooperative Agreement Awards	
These employees…	**Are responsible for…**
	manner, **(4)** Deobligating any remaining funds and closing the award after receipt of final reports, **(5)** Properly documenting and maintaining award files, and **(6)** Complying with the Office of Management and Budget (OMB) regulation to receive and maintain current information collection approval for all applicant and recipient documentation.

2.5 Who must monitor recipients' performance reporting, and what does monitoring involve?

A. The Service program responsible for the administration of the awards must monitor the recipients' performance reporting.

B. Monitoring includes, but is not limited to:

(1) Tracking report due dates and report receipt dates in the Financial and Business Management System (FBMS) PRISM system through a Milestone Plan for each award,

(2) Reviewing reports for completeness and accuracy,

(3) Returning incomplete or inaccurate reports to the recipient within 30 calendar days of receipt with a clear written description of why the report is being returned,

(4) Providing timely notice about and obtaining overdue reports with due concern for recipient rights and program needs (see section 2.18),

(5) Maintaining documentation generated while monitoring submission of performance reports in the official award file, and

(6) Using complete and accurate reports to determine whether or not the recipient met award requirements.

2.6 Does the Service require recipients to pass the reporting requirements in this chapter to sub-recipients? We do **not** require recipients to pass the reporting requirements in this chapter to sub-recipients. The recipient is responsible for meeting the award requirements and may require their sub-recipients to submit performance reports to monitor award progress.

2.7 What notice must the Service give applicants and recipients on performance reporting requirements? We must clearly state Federal performance reporting requirements in pre-award, award, and post-award notices. These notices must identify required report formats, reporting frequency, and due dates and describe sanctions for noncompliance.

2.8 What are the requirements for collecting information from applicants and recipients of financial assistance programs?

A. The Paperwork Reduction Act requires that when a Federal agency collects information, those collections must minimize duplication and burden on the public, have practical utility, and support the proper performance of the agency's mission. OMB must review and approve the collection of the following types of information from applicants and recipients (see 5 CFR 1320):

(1) Application project and budget narratives and any other required documentation other than that found on Governmentwide-approved application forms (Standard Form (SF) 424 "Family");

(2) Program-specific application forms;

(3) Recipient technical/progress/performance reporting;

(4) Any other program or project-specific reporting required other than the information on 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

(5) Revisions to project and budget narratives and written requests required prior to award amendment other than that found on Governmentwide-approved application forms (SF 424 Family).

B. The Service financial assistance programs that OMB has already approved are posted on www.reginfo.gov.

C. Contact the Service Information Collection Clearance Officer in the Division of Policy and Directives Management for guidance on obtaining OMB approval to collect information from financial assistance applicants and recipients.

2.9 If a program does not have OMB information collection clearance, are the recipients exempt from submitting performance reports? No. Regulations (43 CFR Part 12) require financial assistance recipients to submit performance and other types of award reporting. However, the Paperwork Reduction Act and OMB regulations state that we cannot penalize a recipient with the consequences listed in sections 2.18 to 2.21 if OMB has not approved the collection of information. It is important to immediately seek OMB approval for the collection of information associated with applications and recipient reporting requirements. A Service program that fails to obtain required performance reports from a recipient is violating this reporting policy and will have to develop an action plan to correct the violation.

2.10 Can the Service exempt a recipient from performance reporting if he or she is an individual who receives a grant or cooperative agreement award from the Service separate from a business or non-profit organization he/she may operate? Yes, but only if the awarding program has another way of monitoring the award at least annually and documenting progress as part of the file. The program must enter a Milestone Plan in FBMS that reflects the program's monitoring schedule (see section 2.5B(1)).

2.11 What format does the Service require recipients to use for reporting performance? Recipients may submit performance reports in paper or electronic format. We do not require that they use a Federal form. See section 2.8 for OMB requirements for information collection.

2.12 What information must we require recipients to include in performance reports? We must require the following information in performance reports:

A. A comparison of actual accomplishments to the goals and objectives established for the reporting period, the results/findings, or both;

B. If the goals and objectives were not met, the reasons why;

C. Other important information including, when appropriate, analysis and explanation of cost overruns or high unit costs compared to the benefit received to reach an objective; and

D. Any additional requirements specified in program legislation.

2.13 What are the requirements for the frequency of performance reporting?

A. We require recipients to send us final reports for all awards no later than 90 calendar days after the award period or termination of award support, whichever comes first.

B. We require recipients to send us interim performance reports for awards that last longer than four full quarters (12 months). Depending on the awarding program, we may require recipients to submit these reports annually, semiannually, or quarterly.

(1) Annually: The annual reporting period is dependent on the award's performance start date. We must receive annual interim performance reports no later than 90 calendar days after the annual interim report end date. Table 2-2 shows the schedule:

Table 2 2: Schedule for Annual Interim Performance Reports

Award Performance Start Date	Annual Interim Report End Date	Annual Interim Report Due Date (90 days after report end date)
January 1	December 31	March 31
January 2- March 31	March 31	June 29
April 1	March 31	June 29
April 2- June 30	June 30	September 28
July 1	June 30	September 28
July 2- September 30	September 30	December 29
October 1	September 30	December 29
October 2 – December 31	December 31	March 31

(2) Semiannually: The semiannual interim reporting period always ends December 31, March 31, June 30, or September 30. We must receive semiannual interim performance reports no later than 30 calendar days after the last day of each semiannual interim reporting period. Table 2-3 shows the schedule:

Table 2 3: Schedule for Semiannual Interim Performance Reports		
Award Performance Start Date	**Semiannual Interim Report End Date**	**Semiannual Interim Report Due Date (30 days after report end date)**
January 1	June 30	July 30
January 2- March 31	September 30	October 30
April 1	September 30	October 30
April 2- June 30	December 31	January 30
July 1	December 31	January 30
July 2- September 30	March 31	April 30
October 1	March 31	April 30
October 2 – December 31	June 30	July 30

(3) Quarterly: The quarterly interim reporting period always ends December 31, March 31, June 30, or September 30. We must receive quarterly interim reports no later than 30 calendar days after the last day of each quarterly interim reporting period. Table 2-4 shows the schedule:

Table 2 4: Schedule for Quarterly Interim Performance Reports		
Award Performance Start Date	**Quarterly Interim Report End Date**	**Quarterly Interim Report Due Date (30 days after report end date)**
January 1	March 31	April 30
January 2- March 31	June 30	July 30
April 1	June 30	July 30
April 2- June 30	September 30	October 30
July 1	September 30	October 30
July 2- September 30	December 31	January 30
October 1	December 31	January 30
October 2 – December 31	March 31	April 30

2.14 May the Service allow the recipient to use alternate due dates from those on the reporting schedules above? Yes, we may allow the recipient to use alternate due dates if we obtain a valid justification for changing the date and make sure that the suggested date(s) allows for reporting progress at least annually. We must include the recipient's request in the award file and specify the approved new interim report date(s) in the notice of award.

2.15 May the Service require interim performance reports more frequently than quarterly?

A. Yes. We may require reports more frequently than quarterly if the 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 award, or

(5) Is not otherwise responsible.

B. Before we may require more frequent reports, we must notify the recipient by letter, fax, or email and explain the:

(1) Nature of the additional requirements,

(2) Reason for 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.

C. As soon as a recipient corrects any condition(s) that require additional reporting, we must immediately remove the additional requirements and notify the recipient by letter, fax, or email.

2.16 Can the Service waive performance reporting requirements? We may not waive final or interim performance reports for recipients unless they are exempt from providing performance reports (see section 2.10). Even if a performance report is for a multiyear award and there was no activity during the reporting period, we may not waive the report. Instead, the recipient should provide a brief annual interim performance report to document the inactivity and the reasons for it.

2.17 May the Service extend the due date of performance reports?

A. We may extend the due date of a performance report if we receive a request through a letter, fax, or email **no later than 1 day before** the original due date of the report. The request must identify:

(1) The type of report for which the recipient requests an extension,

(2) The requested revised due date, and

(3) A justification for the extension.

B. The maximum extension we may approve is 90 days, unless a longer period is justified by a catastrophe that significantly impairs the recipient's operations.

C. We must notify the recipient by letter, fax, or email if we approve a request for extension of the due date of a report.

D. We must also keep extension requests and the final decision on these requests on file.

2.18 What happens if the Service does not receive a required performance report by the due date or agreed-upon extension date?

A. If we do not receive a required performance report by the due date or agreed-upon extension date, we must issue a letter, fax, or email notice of noncompliance (with appropriate return receipt) as soon as practical, but no later than 30 calendar days after the due date or agreed-upon extension date has passed. The noncompliance notice must state:

(1) The recipient is noncompliant with the Federal performance reporting terms 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 will make no further obligations and payments on the award and we will suspend the award until we receive all reports;

(3) We reserve the right, without further notice, to convert the suspension to a termination of the award if we do not receive the required report within 30 calendar days of the recipient's receipt of the suspension notice; and

(4) We will withhold any other pending awards that the affected Service program would make 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 performance report or an acceptable explanation for its tardiness, we must:

(1) Suspend payments and additional obligations for the financial assistance award for 30 calendar days, and

(2) Send a suspension notice to the recipient of this action.

C. If within 30 calendar days of the recipient's receipt of the suspension notice we still do not receive the performance report or an acceptable explanation for its tardiness, we must:

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

(2) Withhold any other pending awards that the affected Service program would make to the recipient until we receive all required reports, and

(3) Send a termination notice to the recipient of this action.

2.19 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.

2.20 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, after careful consideration, allow reimbursement of allowable and eligible costs during a suspension or termination only if:

A. The costs cannot be reasonably avoided;

B. The costs were from obligations made by the recipient 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 those costs.

2.21 What happens when the Services receives and approves a required report from a recipient who was suspended?

A. Once we receive the required performance report and verify that it is complete and accurate, we must immediately lift all suspensions we imposed on the recipient.

B. We must notify the recipient (with appropriate return receipt) through mail, fax, or email that we have lifted the suspension.

/sgd/ Rowan W. Gould
DEPUTY DIRECTOR

Date: March 28, 2013

Award Closure

Objectives:

1. Describe the actions and documentation that initiate award closure.
2. Determine disposition of remaining award funds.
3. Describe the communication and people involved in award closure.

Award Closure Process

The Recipient must submit a:

1. Final Payment Request
2. Performance Report
3. Federal Financial Form (SF-425)

DOI requires at least one copy of final publications produced under financial assistance be sent to the National Resource Library.

-481 DM 4

The Program Office is responsible for:

1. Monitoring accomplishments (performance reports, site visits, etc.).
2. Processing the Federal Financial Report (SF-425).
3. Closing the award.

See Handout BFA 10-1 (back of Tab 10) for the FWS Financial Assistance Award CLOSEOUT Checklist.

43 CFR 12.90 | 43 CFR 12.971-972 | 2 CFR 215.71

Learning Points

- ✓ Award closure is initiated by submitting the final financial and performance reports.
- ✓ Submission and acceptance of 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 Financial Assistance Award CLOSEOUT Checklist

Award Number (DCN): _____ **Recipient Name:** _____

	Actions	YES	N/A	NOTES
1.	Was the final technical/performance report (and any other expected products) received, reviewed, and found acceptable?			
2.	Was the final SF-425 (Federal Financial Report) received, reviewed, and found acceptable? • Did recipient refund the FWS for any unencumbered cash advances? • Were mandated recipient cost-sharing or matching commitments met? • Have all authorized adjustments, including final indirect cost rates and Federal share amounts, been settled? • Did the recipient use and report program income in accordance with the program income option specified in the award? • Were SF-425 totals reconciled with the financial system?			
3.	Were any undisbursed funds no longer needed for the project deobligated?			
4.	For real property purchased/provided with Federal funds under this award, has the recipient submitted all relevant documentation as required/specified in the award (may include, but is not limited to: land acquisition closing, inventory report, and/or notice of record or lien), and were written disposition instructions provided to the recipient?			
5.	For equipment provided/purchased with Federal funds under this award, were written disposition/transfer instructions provided to the recipient?			
6.	Were any unused or residual supplies inventory (i.e., purchased with Federal funds and in aggregate exceed $5,000) transferred to another Federally sponsored project, or was FWS compensated for its share?			
7.	Has the recipient submitted an invention disclosure, and has FWS provided written instructions to the recipient on title, election, patent, and utilization reporting responsibilities as required by the Bayh-Dole Act?			
8.	Is the official award file complete* and on file in the program office?			

*** The following documents, as applicable, must be maintained in the official award file:**

✓Copy of Notice of Intent justifying posting funding opportunity on Grants.gov as single source (per 505 DM 2.14)

✓Written justification (as per 505 DM 2.12) for not posting funding opportunity & application package on Grants.gov (if applicable to entire program, single copy can be maintained at program/funding opportunity level)

✓ Final, signed new and amendment application forms (e.g., SF-424 and others) and attachments (e.g., narratives, Negotiated Indirect Cost Rate agreement, other)

✓ Evidence that recipient has not been debarred or suspended and is eligible to manage Federal funds. Print screen of EPLS query from Excluded Parties List (https://www.epls.gov) is sufficient.

✓ Evidence that recipient is current, i.e., Single Audit reports for previous 2 FYs ago, in submitting to Federal Audit Clearinghouse. This requirement applies to recipients expending $500K or more in Federal funds in a fiscal year. Print screen of query from the Federal Audit Clearinghouse- http://harvester.census.gov/sac-is sufficient.

✓ Documentation of CCR registration exceptions

✓ Evidence that recipient met all program-specific pre- and post-award compliance requirements (e.g, NEPA, ESA Section 7, NHPA, other)

✓ Documentation supporting high risk recipient determination

✓ Copies of signed award and amendment letters

✓ Documentation of any payment/performance issues or any other unique situtation impacting project progress and/or requiring FWS/Recipient action to correct or resolve

✓ Copy of any other product resulting from project

✓ Site visit reports and any other written evaluation of performance, including any relevant audit reports

✓ Copy of real property, equipment, and/or supplies disposition instructions

✓ Completed FWS Financial Assistance Award Closeout Checklist

✓ Any other program or project-specific documentation required to complete the award record

The appropriate FWS employee(s) completed all actions required to prepare this award for closeout. This award is hereby closed.

_____ _____

FWS Program Representative Date

The Washington Post

Back to previous page

Feds spend at least $890,000 on fees for empty accounts

By David A. Fahrenthold, Published: April 24

If you are a federal worker on furlough this week — or an airline passenger delayed by federal furloughs — you might want to save your blood pressure and go read another story.

This one is about all the money the U.S. government spends on . . . nothing.

It is one of the oddest spending habits in Washington: This year, the government will spend at least $890,000 on service fees for bank accounts that are empty. At last count, Uncle Sam has 13,712 such accounts with a balance of zero.

They are supposed to be closed. But nobody has done the paperwork yet.

So even as the sequester budget cuts have begun idling workers and frustrating travelers, the government is required to pay $65 per year, per account to keep them on the books.

In this time of austerity, the accounts are a reminder of something that makes austerity hard: expensive habits, built into the bureaucracy in times of plenty. The Obama administration has spent the past year trying to close these accounts, with only some success.

“If anyone had kept open a bank account with no money, and was getting a charge every month, they would do everything they could to close it,” said Thomas A. Schatz of the watchdog group Citizens Against Government Waste. But, he said, the government hasn’t shown the same kind of urgency with taxpayers’ money.

“It’s just lack of attention to detail. And poor management,” he said. “And, clearly, the fact that no one gets penalized for paying money to keep the accounts open.”

The money spent on the empty accounts is a tiny fraction of the federal budget. But, in its own way, it is something special: Washington’s waste, a rare specimen of cost untainted by any reward.

The Pentagon once paid $435 for a hammer, after all. But at least in that case it got a hammer.

Here, when the money is spent, “there’s no benefit whatsoever,” said Sen. Tom Coburn (R-Okla.), who has joined Sen. Thomas R. Carper (D-Del.) in pushing the Obama administration to close these accounts faster.

Administration officials said they’re trying. Last year, the Office of Management and Budget urged agencies to crack down on these “zero balance” accounts. And this year, it proposed a wide-scale push for better oversight.

“We have worked with agencies to improve the timely closeout of grants,” Danny Werfel, the controller at the OMB, said in an e-mail. “Agencies have made noteworthy progress so far, with the number of zero-balance accounts falling by more than 50 percent since the end of fiscal year 2011.” Back then, the total was more than 28,000.

Here is how the government winds up spending money on nothing:

First, a federal agency gives a grant. It doesn't just write a check; it creates an account within a large, government-run depository. The grantee can draw money from it. The agency that created the account is charged a monthly fee, which goes to the government depository and is used to cover the costs of operating it.

Then, at some point, it's over. The money runs out. Or the grant's time limit expires. The agency is given notice: It's time to close the account.

But that takes work. An agency is first required to audit the account, to make sure the money was spent properly. (In rare cases, some money is returned to the grantee and the dead account comes alive again.) That's generally supposed to happen within 180 days. If it doesn't happen, however, there is no formal consequence. So sometimes it doesn't happen. OMB officials say some grants, such as those involving homeland security and complex building projects, could require unusually long audits.

"Construction grants, as another example, may require additional time for grantees to consolidate and submit invoicing information from multiple parties to meet agency close-out reporting requirements," Werfel said in testimony prepared for Congress.

Right now, about 7 percent of the 202,000 government grant accounts are devoid of money. These sit on the books, costing about $5.42 per month. The service fees are the same, whether an account is full or empty.

Last year, the Government Accountability Office found that all that nothing was costing about $2.1 million a year.

"Agencies paying fees for expired accounts with [a] zero dollar balance are paying for services that are not needed," the watchdog agency noted.

Around Washington, there are plenty of problems like this one — old bugs, built into the machine of government, that make spending money seem easier than saving it. Things such asthe red tape that delays the sale of excess government buildings, or the long-standing tolerance of duplication. Currently, for instance, six government agencies have begun separate projects to do the same thing: build a computer program to track personnel background checks.

Last summer, the Obama administration sought to fix this bug. It sent a memo to agencies that said, "Focus first on closing out expired grants that are several years past their end dates or have no remaining funds."

In some places, it apparently didn't work. The U.S. Agency for International Development has the same number of empty accounts now as it did in 2011. The Fish and Wildlife Service didn't provide new numbers, despite a request from The Washington Post.

But in other places, it did. The Agriculture Department eliminated 74 percent of its empty accounts, saving $90,000 per year. The National Park Service closed all 705 of its empty accounts.

The Department of Health and Human Services also had success. It had been paying for 21,000 empty accounts but the total is now 9,286 — a major cut, but still an expense of about $604,000 per year.

Could the agency get that number lower?

Officials answered this way: They could never imagine getting it to zero. The government would always have to spend something on nothing.

"We will continue our efforts to accelerate grant closeouts," said Nancy Gunderson, who oversees grants at HHS. "These accounts are a normal part of the grants business cycle and will never be totally eliminated."

Discuss this topic and other political issues in the politics discussion forums.

Sponsored Links

What is Reverse Mortgage?
Over 62? Enjoy Financial Security with a Reverse Mortgage.
www.LendingTree.com

4 ODD blood pressure fighters
Easily fight high blood pressure naturally with these 4 foods.
http://www.bloodpressurenormalized.

Don't Buy an Annuity
Until You Watch This Special Video Report!
SeniorAnnuityAlert.com

Buy a link here

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Requiring Recipients to Send Publications to the Department of the Interior (Department) Library

The Department requires that at least one copy of all final publications (as defined in 481 DM 4) produced under a grant or cooperative agreement be sent to the Natural Resource Library. 481 DM 4 states that we shall determine whether a publication is suitable for the library by applying the following criteria:

The publication IS of value for: public information and awareness; educational use; scientific, technical or research use; and

The publication is NOT: limited to official use only; classified for reasons of national security; for administrative, operational or proprietary use only; issued periodically and regularly compiled totally at a later date; a preliminary draft, working paper, press release, open file or other ephemera; a map or chart; of local interest only; or otherwise readily available (e.g., publicly accessible on the Internet).

The library will accept publications on compact disc (CD). All publications must be sent to the library by courier mail. Hard copy publications sent by regular U.S. Postal Service delivery are often damaged and CDs are destroyed by the Department mail irradiation system. If a final publication qualifying for transmittal to the library is expected to be produced under the award and you want the recipient to send the publication to the library, include the following provision:

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 where to send financial and performance reports.

Post Closure: Ongoing Responsibilities

Objectives:

1. Identify responsibilities for award-purchased capital expenditures.
2. Identify monitoring requirements.
3. Discuss record retention requirements.

Real Property

- Title vests with recipient/subrecipient.
- Used for originally authorized purpose.
- Approval required before disposing of or encumbering title or other interests.

Education Institutions and Non-Profits may, *with approval*, use federal award-acquired real property for other federally-sponsored, like-purposed activities **after** original purpose is served.

43 CFR 12.932(b)

Term of Easement

- Non-perpetual real property interest.
- Recipient **required** monitoring **when** terms and duration **exceed** award period.

Disposal

- Recipient **must** request approval.
- Disposal methods include:
  - Retention of Title – Recipient compensates awarding agency.
  - Sale of Property – Recipient compensates awarding agency.
  - Transfer of Title – Either to awarding agency or approved third party.

43 CFR 12.71 | 43 CFR 12.932(c) | 2 CFR 215.32(c)

Equipment

Requirements for equipment *usage*, *management*, and *disposal* are determined by the type of recipient.

- State Governments – follow own State laws and procedures.
- All other entities – Adhere to federal regulations.

43 CFR 72(b) | 43 CFR 12.72(c)-(e) | 43 CFR 12.934 | 2 CFR 215.34

Federally-owned Property

Federally-owned property (real or equipment) is titled with the Federal Government and used by award recipients to assist in meeting award objectives. Recipients utilizing federally-owned property use and manage, and dispossess according to applicable Common Rule for real property and equipment.

43 CFR 12.72(f)-(g),12.90(b)(5),12.933(a) | 2 CFR 215.33, 215.34(f)-(g)

Exempt Property

Examples of Exempt Property include special purpose equipment used to conduct basic or applied research by non-profit organizations or educational institutions.

Exempt property is tangible personal property acquired **at least** partially with federal funds that the awarding agency, if statutorily authorized, may vest title in the recipient. The terms may be conditioned when deemed appropriate by the awarding agency, or may result in no further obligation to the Federal Government.

- Applicable usage and management regulations apply until title is vested in recipient and no further Federal nexus exists.
- Exempt property guidance only for educational institutions and non-profits.

43 CFR 12.933(b) | 2 CFR 215.33(b) | 2 CFR 200.312(c)

Other Post Grant Closure Responsibilities

Audits and Program Reviews

- Single Audits/Program/Discretionary Audits
- Recipients and Subrecipients

417 FW 1B | 43 CFR 12.66,12.926,12.951(a), 12.972(a)(3)

Managing and Monitoring

- Ongoing compliance requirements.
- Extended or Delayed Award Conditions.

Examples include property management (e.g. term easements, land/ equipment usage), program-specific requirements, audit follow ups, excess payments, etc.

43 CFR 12.91,12.972 | 2 CFR 215.72

Record Retention

- Files on routine operations and daily to—to 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.
- 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 USFWS Disposition Record Schedule (283 FW 2) includes both retention schedules and grant case file document requirements.

283 FW 2 | General Record Schedule 3 | 43 CFR 12.82,12.953

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 is was originally purchased.
- ✓ Program income issues often arise as a result of real property.
- ✓ 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.
- ✓ Awardees should maintain an inventory of equipment showing the purchase price, date of purchase, funding source and other pertinent accounting information.
- ✓ Generally awardees 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.
- ✓ Service record disposition policy has different requirements depending on records type.

Contracts, Grants, and Agreements (CONT)

CONT-200 Real Property Files (Procurement) (GRS/3/1)

Title papers documenting the acquisition of real property (by purchase, condemnation, donation, exchange, or otherwise), excluding records relating to property acquired prior to January 1, 1921.

a. Records relating to property acquired after December 31, 1920, other than abstract or certificate of title.

Retention: TEMPORARY. Dispose 10 years after unconditional sale or release by the Government of conditions, restrictions, mortgages or other liens.

b. Abstract or certificate of title.

Retention: Transfer to purchaser after unconditional sale or release by the Government of conditions, restrictions, mortgages, or other liens.

Records relating to property acquired prior to January 1, 1921, are not covered by this item and must be scheduled by submission of a Standard Form (SF) 115 to NARA.

CONT-410 Memorandum of Agreement Files (NC1-22-78-1/09)

Cooperative agreements, letters of agreement, all other documents with a similar purpose, amendments thereto, and associated substantive materials, negotiated with other Federal agencies, state agencies, or private organizations concerning services rendered to or received from such bodies. See "International Treaty, Convention, and Agreement File" in this schedule for memoranda of understanding between the Service and its foreign counterparts.

a. Record copy

Retention: TEMPORARY. Destroy 3 yrs after expiration or cancellation.

b. All other copies

Retention: TEMPORARY. Destroy when memorandum expires or is cancel.

CONT-425 International Treaty, Convention, and Agreement File (NC1-22-78-1/54)

Includes copies of all treaties, conventions, and agreements to which the United States Government is a party and for which the Service has substantial responsibilities for implementation. Also included is a record copy of each memorandum of understanding executed between the Service and its counterpart agency abroad.

a. Record copy of memorandum of understanding and associated legal and technical materials. (arranged by treaty)

Retention: PERMANENT. Offer to NARA when the agreement expires or is superseded.

b. Copies of treaties, conventions, and agreements.

Retention: TEMPORARY. Destroy when no longer needed.

c. Material reflecting routine, repetitive, or housekeeping activities.

Retention: TEMPORARY. Destroy when 3 yrs old or no longer needed.

CONT-510 Routine Procurement Files (GRS/3/3A1A)

Contract, requisition, purchase order, lease, and bond and surety records, including correspondence and related papers pertaining to award, administration, receipt, inspection and payment (other than those covered in items 1 and 12).

a. Procurement or purchase organization copy, and related papers.

a(1) Transaction dated on or after July 3, 1995 (the effective date of the Federal Acquisition Regulations (FAR) rule defining simplified acquisition threshold).

a(1)a Transactions that exceed the simplified acquisition threshold and all construction contracts exceeding $2,000.

Rention: TEMPORARY. Destroy 6 years and 3 months after final payment.

a(1)b Transactions at or below the simplified acquisition threshold and all construction contracts at or below $2,000.

Rention: TEMPORARY. Destroy 3 years after final payment.

c. Other copies of records described above used by component elements of a procurement office for administrative purposes.

Retention: TEMPORARY. Destroy upon termination or completion.

CONT-550 Duck Stamp Contest Agreements (N1-022-05-01/136)

Display and participation agreement and reproduction rights agreement signed and submitted by artists entering the Federal Duck Stamp Contest. These agreements give the Federal Government the rights to display and license submitted artwork.

Retention: TEMPORARY. Destroy 6 years after artwork is returned to artist.

Artwork is returned to artists after contest.

CONT-581 Administrative Claims Files (GRS/6/10A)

a. Claims against the United States. Records relating to claims against the United States for

moneys that have been administratively (1) disallowed in full or (2) allowed in full or in part, and final payment of the amount awarded, EXCLUDING claims covered by subitem c. below.

Retention: TEMPORARY. Destroy when 6 years, 3 months old.

CONT-610 State Fish and Wildlife Conservation Grant Case Files (N1-022-05-01/93)

Grant case files for grants made to state and territory fish and wildlife departments funded by the excise taxes on sporting equipment and supplies authorized by 16 USC 669 and 16 USC 777. Grants are for conservation and restoration of wild birds, fish, and mammals, and to acquire, develop and manage habitats. Contains grant application, grant agreements, grant modifications, backup narrative documents, approval letter, reports, administrative correspondence, certifications, disbursement information, and final financial reports.

a. Grant Case File.

Retention: TEMPORARY. Destroy 6 years after completion of grant.

b. Historical Grant Case Files. Grant case files selected annually by the project director as permanent because the grant established a precedent for changing policy, received extensive media coverage, was reviewed at length in USFWS annual report, and/or was the subject of extensive litigation.

Retention: PERMANENT. Transfer to NARA 6 years after grant is completed.

CONT-612 Wildlife and Habitat Conservation Grant Case Files (N1-022-05-01/95)

Wildlife and habitat conservation grant project files for grants issued under the provisions of various Federal laws, treaties, and international conventions such as the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, the National Coastal Wetlands Conservation Grant, the North American Wetlands Conservation Act, the Endangered Species Act, or in cooperation with another agency such as the United States Agency for International Development. These grants provide funds to promote conservation and to preserve, restore, or enhance wildlife habitat, but do not create real property conservation easements or other long-term Government rights and interests in real property (see "Habitat Conservation Real Property Grant Case Files" in this schedule). May include grant applications, grant modifications, grant reports, grant final products, administrative correspondence, certifications, and disbursement information.

a. Grant Case File. Grant case file documents and materials that document the award and administration of grant.

Retention: TEMPORARY. Destroy 6 years after completion of grant.

b. Historical Grant Case Files. Grant case files selected annually by the project director as permanent because the grant established a precedent for changing policy, received extensive media coverage, was reviewed at length in USFWS annual report, and/or was the subject of extensive litigation.

Retention: PERMANENT. Transfer to NARA 6 years after grant is completed.

Unsuccessful grant applications and grant administration files are covered by the General Records Schedule. [GRS/3/13 and 14]

CONT-620 Grant Application Files (N1-022-05-01/89)

Applications, memoranda, correspondence, and other records relating to the decision to accept grant proposals (i.e., staff, reviewer, and panelist comments); and correspondence between the staff and applicant.

Retention: TEMPORARY. Transfer application to appropriate grant case file upon acceptance.

Unsuccessful applications are covered by the General Records Schedule. [GRS/3/13]

CONT-625 Unsuccessful Grant Application Files (GRS/3/13)

Applications, correspondence, and other records relating to unsuccessful (rejected or withdrawn) applications.

Retention: TEMPORARY. Destroy 3 years after rejection or withdrawal.

CONT-630 Grant Administrative Files (GRS/3/14)

Correspondence and/or subject files relating to routine operations and daily activities in administration of the grant program.

Retention: TEMPORARY. Destroy when 2 years old.

CONT-632 General Correspondence Files (GRS/3/2)

Correspondence files of operating procurement units concerning internal operation and administration matters not covered elsewhere in this schedule.

Retention: TEMPORARY. Destroy when 2 years old.

CONT-634 Grant Tracking Databases (N1-022-05-01/92)

Grant tracking databases not described elsewhere in this schedule. Databases containing information on grants pertinent to the activity maintaining the database. Contains grant amounts, grant numbers, proposal numbers, project officer name, and grant recipient. Databases are used as a grant administration management tool and are not used to initiate payments or revocations. Grant tracking databases include the Bird Habitat Conservation grants and proposals tracking database containing grant award and administration information including, grant and matching funds amounts, fiscal information, grantee name, location information, project type, accomplishments, current status, and land acquisition information.

a. Input Documents. Draft working copies, summary sheets, copies of information, input forms,

and other materials used solely as source data for database entries not required to be filed as records elsewhere.

Retention: TEMPORARY. Destroy after data have been entered into the database and verified.

b. Database Entries. Database records maintained within the database on an online system and regularly backed up to digital media.

Retention: TEMPORARY. Delete grant item entries at the end of each fiscal year for grants that have a completion or termination entry date 6 years old.

c. Reports.

c(1) Convenience and Reference Reports. Periodic and on demand reports printed to paper or digital media containing portions, summaries, and analyses of the data and used for convenience, reference, or distribution.

Retention: TEMPORARY. Destroy when no longer needed.

c(2) Record and Case File Reports. Periodic and on demand reports printed to paper or digital media containing portions, summaries, and analyses of the data and filed in a case file or as a record copy and used to document a program, activity, or decision.

Retention: Retain for the specified retention period of case file or records where reports are filed.

Unsuccessful grants and systems documentation are covered by the General Records Schedule.

CONT-636 Grant Tracking and Transaction Systems (N1-022-05-01/91)

Grant tracking and transactions systems used to track grants and initiate payments and other grant transactions. Systems may also track and report grant number, grantee identification information, type of grant, performance reports, relevant dates, funding information, obligation and payment information, and summary accomplishment information. Grant tracking and transaction systems include the Federal Aid Information Management System (FAIMS) database that tracks Federal Aid grants and communicates with a Health and Human Services, USFWS electronic funds transfer server to make payments, and communicates with the DOI Federal Financial Service (FFS) automated system for fund status information.

a. Input Documents. Draft working copies, summary sheets, copies of information, input forms, and other materials used solely as source data for database entries not required to be filed as records elsewhere.

Retention: TEMPORARY. Destroy after data have been entered into the database and verified.

b. Database Entries. Database records maintained within the database on an online system and regularly backed up to digital media.

Retention: TEMPORARY. Delete grant item entries at the end of each fiscal year for grants that have a completion or termination entry date 6 years old.

c. Reports.

c(1) Convenience and Reference Reports. Periodic and on demand reports printed to paper or digital media containing portions, summaries, and analyses of the data and used for convenience, reference, or distribution.

Retention: TEMPORARY. Destroy when no longer needed.

c(2) Record and Case File Reports. Periodic and on demand reports printed to paper or digital media containing portions, summaries, and analyses of the data and filed in a case file or as a record copy and used to document a program, activity, or decision.

Retention: Retain for the specified retention period of case file or records where reports are filed.

Systems documentation is covered by the General Records Schedule. [GRS 20/11A]

CONT-640 Grant Product Files (N1-022-05-01/90)

Final products produced and delivered as part of a USFWS sponsored grant, such as artwork, photographs, training manuals, video tapes, reports, master's theses, audio tapes, and transcripts of radio shows.

a. Grant Office Copy. Final grant product if delivered to grant program office as specified by grant agreement and used solely to document compliance with grant provisions.

Retention: TEMPORARY. Destroy with grant case file 6 years after completion of grant.

b. Program Office Copy.

Retention: TEMPORARY. Destroy when 10 years old unless needed for further reference.

c. Historical Final Products. Record copy of final grant product not otherwise delivered to program office, library, or other recipient. Final products selected annually by the project director as permanent because the product contains new research or conclusions, typifies a significant new method, documents a litigious process, received substantial media attention, or received substantial attention in USFWS annual report.

Retention: PERMANENT. Transfer to NARA 6 years after grant is completed.

CONT-651 Duck Stamp Contest System (DSCS) (N1-022-05-01/138)

Database used to track National Duck Stamp Contest contestants' information and contest scoring. Includes name, address, entry number, game species, medium, entry fee money order or cashiers check number, and contact information. Also used to print mailing labels to return artwork. Database also

contains a "Judging System" module that provides judges an entry form for scoring Duck Stamp Contest entries. The module records scoring results, calculates scoring points totals, and is used to produce reports.

a. Input Documents. Working copies, copies of entry forms, and other materials used solely as source data for database entries.

Retention: TEMPORARY. Destroy after data have been entered into the database and verified.

b. Database Records. Database records maintained within the database on an online system and regularly backed up to digital media.

Retention: TEMPORARY. Delete entries 10 years after contest ends.

c. Reports. Periodic and on demand reports printed to paper or digital media and used for reference and distribution.

Retention: TEMPORARY. Destroy when 2 years old or when no longer needed, whichever is later.

Systems documentation is covered by the General Records Schedule. [GRS 20/11A]

CONT-652 Duck Stamp Contest Quarterly Royalty Report (N1-022-05-01/137)

Duck stamp art royalties reports and documentation. Includes financial information, licensing agreement, terms and conditions, and other materials pertaining to licensing and collecting royalties.

Retention: TEMPORARY. Cutoff at end of year and destroy when 6 years old.

CONT-660 Habitat Conservation Real Property Grant Case Files (N1-022-05-01/94)

Wildlife conservation grant project files for grants issued under the provisions of various Federal laws, treaties, and international conventions that acquire, restore, or preserve real property for wildlife habitat. These grants create a Federal long-term interest in the property in the form of an easement or other encumbrance. May include grant applications, grant modifications, grant reports, property assessments, copies of deeds, easement information, administrative correspondence, certifications, and disbursement information.

a. Grant Case File. Grant case file documents and materials that document the award and administration of grant, excluding the documents necessary to document the Government's long-term rights and interests in grant associated real property.

Retention: TEMPORARY. Destroy 6 years after completion of grant.

b. Easement and Encumbrance Documents. Materials that document conservation easements or agreements that otherwise stipulate how property may and may not be used as a term of the grant. These materials document the Government's long-term rights and interests in the use of the

property and may be filed separately from the grant case file.

Retention: TEMPORARY. Destroy 6 years after final termination of easement or other encumbrance.

c. Historical Grant Case Files. Grant case files selected annually by the project director as permanent because the grant established a precedent for changing policy, received extensive media coverage, was reviewed at length in USFWS annual report, and/or was the subject of extensive litigation and excluding the easement and encumbrance documents described in item (b) above.

Retention: PERMANENT. Remove any easement or other encumbrance documentation that is still applicable and file appropriately. Transfer remaining portion of file to NARA 15 years after grant is completed.

Unsuccessful grant applications and grant administration files are covered by the General Records Schedule. [GRS/3/13 and 14]

Enforcement (ENFR)

ENFR-100 Investigative Case File (NC1-22-78-1/55)

Files are classified according to the fish and wildlife law violated. Each classification has its own identity code and each case thereunder is further individualized by a number assigned to it. A case file contains the name, address, place and date of birth, and any other appropriate information concerning one or more individuals being investigated as a result of a violation of any law for which the Service has enforcement responsibility. Also includes the results of investigative action.

a. Paper records

a(1) When reduced to microform.

Retention: TEMPORARY. Destroy when accuracy of microform has been verified.

a(2) When not reduced to microform.

Retention: TEMPORARY. Transfer to a Federal records center 5 yrs after close of case. Destroy 20 yrs after close of case.

b. Microforms records.

Retention: TEMPORARY. Destroy in Service 20 yrs after close of case.

ENFR-110 Law Enforcement Management Information System (LEMIS) (N1-022-05-01/63)

Database on a server in Denver, Colorado, containing an import/ export declaration module and an investigations module. The import/ export declaration module contains summary information from the

GENERAL RECORDS SCHEDULE 3

Procurement, Supply, and Grant Records

Agency procurement and supply records document the acquisition of goods and non-personal services, controlling the volume of stock on hand, reporting procurement needs, and related supply matters which are part of daily procurement operations. The basic procurement files reflect a considerable range of procedure, from simple, small purchases to complicated prime contractor and subcontractor operations.

Any records created prior to 1895 must first be offered to the National Archives and Records Administration (NARA) for appraisal before applying the disposal instructions. Frequently copies of procurement papers become integral parts of the other files in the agency, such as project files of various types or general subject files pertaining to program operations; such copies are not covered by this schedule because they cannot be considered and evaluated separately from the files of which they are a part.

The General Accounting Office (GAO) no longer requires agencies to maintain a separate file of contracts for site audit. The agency contract files maintained in the contracting officer's office are accessible to GAO auditors and have generally been used by them in the past.

When a claim is filed by or against the Government, records relating to the claim should be retained without regard to the otherwise applicable records retention schedules which would have authorized destruction of the records prior to the time when the claim is finally resolved unless the agency has received written approval from the GAO (44 U.S.C. Section 3309 and 62 Comp. Gen. 42 (1982)). A claim is finally resolved: (1) when it is disallowed and the time for appealing the denial or instituting suit on the claim has expired; or (2) when it is allowed and paid or the amount offered in compromise is accepted and paid; or (3) when the amount found due and owing proves uncollectible because time limits for collecting the indebtedness through legal proceedings or by way of setoff have expired.

Records documenting procurement and supply in the agencies are largely standardized by various regulations of the Comptroller General and the Administrator of General Services. The physical arrangement of the transaction files themselves differs in the various agencies, however. In all agencies the official contract files, for example, contain a minimum core of specified documents, but there are also other documents that vary in accordance with what the individual agency deems to be best for its own operating purposes.

The key procurement file is the transaction case file containing the formal contract or informal purchase order or lease instruments and all related papers. The documents flowing into the transaction file differ in detail, but they include, in addition to the purchase document, specifications, bids, schedules of delivery, the initiating requisition, invoices, and correspondence. Other copies of these documents, made for expediting and other administrative

purposes, are scattered throughout the inspection, shipping, expediting, and other units of the agency procurement organization.

Other files related to the procurement and supply function include reports used for supply management purposes by the agency creating the records as well as the staff agency involved with Government-wide programs. They also include local requisition and stock inventory files and other minor supply papers. Of a specialized character in the procurement field are the title papers documenting the acquisition of real property (by purchase, condemnation, donation, exchange, or otherwise). These papers are required by the Government as long as the property remains in Government hands or if it has been sold or released -- conditionally or with recapture clauses. When properties are disposed of by quitclaim deeds, this fact should be confirmed prior to the disposal of title papers, since the title evidence might be needed by the Government to defend the title in the event the properties were disposed of by deeds containing general or special warranties.

It should also be ascertained that the title evidence relates only to the properties which were sold by the Government. In many instances, lands acquired by the Government are disposed of in different size parcels, and if the Government retains the title to any portion the title evidence should be retained.

This schedule does not apply to Interior Department records relating to the public domain or to the title opinion files of the Department of Justice.

This schedule includes some of the common agency records relating to grant programs. Since many Federal agencies conduct grant programs which document projects contracted between the agency and an outside party, these records are included as an adjunct to the procurement and supply records.

1. Real Property Files. [See note after item 1b.]

   Title papers documenting the acquisition of real property (by purchase, condemnation, donation, exchange, or otherwise), excluding records relating to property acquired prior to January 1, 1921.

   a. Records relating to property acquired after December 31, 1920, other than abstract or certificate of title.

      Dispose 10 years after unconditional sale or release by the Government of conditions, restrictions, mortgages or other liens.

   b. Abstract or certificate of title.

      Transfer to purchaser after unconditional sale or release by the Government of conditions, restrictions, mortgages, or other liens.

[**NOTE**: Records relating to property acquired prior to January 1, 1921, are not covered by the GRS and must be scheduled by submission of a Standard Form (SF) 115 to NARA.]

2. General Correspondence Files.

Correspondence files of operating procurement units concerning internal operation and administration matters not covered elsewhere in this schedule.

Destroy when 2 years old. (NC1-64-77-5 item 3)

3. Routine Procurement Files. [See note after item 3d.]

Contract, requisition, purchase order, lease, and bond and surety records, including correspondence and related papers pertaining to award, administration, receipt, inspection and payment (other than those covered in items 1 and 12). [See note after item 3a(2)(b).]

a. Procurement or purchase organization copy, and related papers.

(1) Transaction dated on or after July 3, 1995 (the effective date of the Federal Acquisition Regulations (FAR) rule defining "simplified acquisition threshold").

(a) Transactions that exceed the simplified acquisition threshold and all construction contracts exceeding $2,000.

Destroy 6 years and 3 months after final payment. (N1-GRS-95-4 item 3a1a)

(b) Transactions at or below the simplified acquisition threshold and all construction contracts at or below $2,000.

Destroy 3 years after final payment. (N1-GRS-95-4 item 3a1b)

(2) Transactions dated earlier than July 3, 1995.

(a) Transactions that utilize other than small purchase procedures and all construction contracts exceeding $2,000.

Destroy 6 years and 3 months after final payment. (N1-GRS-95-4 item 3a2a)

(b) Transactions that utilize small purchase procedures and all construction contracts under $2,000.

Destroy 3 years after final payment. (N1-GRS-95-4 item 3a2b)

[**NOTE:** Given the complexities of the rules on procurement, agencies should involve procurement officials when deciding which of the subitems to apply to a particular series of records.]

b. Obligation copy.

Destroy when funds are obligated. (NC1-64-77-5 item 4b)

c. Other copies of records described above used by component elements of a procurement office for administrative purposes.

Destroy upon termination or completion. (NC1-64-77-5 item 4c)

d. Data Submitted to the Federal Procurement Data System (FPDS). Electronic data file maintained by fiscal year, containing unclassified records of all procurements, other than small purchases, and consisting of information required under 48 CFR 4.601 for transfer to the FPDS.

Destroy or delete when 5 years old. (N1-GRS-87-8 item 4d)

[**NOTE**: Unique procurement files are not covered by this schedule. With the standardization of the Government-wide procurement process under the FAR, such files are unlikely to exist. However, if an agency believes that a procurement file that has long-term research value, the records officer should submit an SF 115.]

4. Supply Management Files.

Files of reports on supply requirements and procurement matters submitted for supply management purposes (other than those incorporated in case files or other files of a general nature), exclusive of Department of Defense Reports reflecting procurement under exemptions authorized under Section 201(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481).

a. Copies received from other units for internal purposes or for transmission to staff agencies.

Destroy when 2 years old. (NC1-64-77-5 item 5a)

b. Copies in other reporting units and related working documents.

Destroy when 1 year old. (NC1-64-77-5 item 5b)

5. Solicited and Unsolicited Bids and Proposals Files.

a. Successful bids and proposals.

Destroy with related contract case files (see item 3 of this schedule). (NC1-GRS-81-2 item 6a)

b. Solicited and unsolicited unsuccessful bids and proposals.

(1) Relating to small purchases as defined in the Federal Acquisition Regulation, 48 CFR Part 13.

Destroy 1 year after date of award or final payment, whichever is later. (NC1-GRS-86-2 item 6b1)

(2) Relating to transactions above the small purchase limitations in 48 CFR Part 13.

(a) When filed separately from contract case files.

Destroy when related contract is completed. (NC1-GRS-86-2 item 6b2a)

(b) When filed with contract case files.

Destroy with related contract case file (see item 3 of this schedule). (NC1-GRS-86-2 item 6b2b)

c. Canceled solicitations files.

(1) Formal solicitations of offers to provide products or services (e.g., Invitations for Bids, Requests for Proposals, Requests for Quotations) which were canceled prior to award of a contract. The files include presolicitation documentation on the requirement, any offers that were opened prior to the cancellation, documentation on any Government action up to the time of cancellation, and evidence of the cancellation.

Destroy 5 years after date of cancellation. (NC1-GRS-81-2 item 6c1)

2) Unopened bids.

Return to bidder. (NC1-GRS-81-2 item 6c2)

d. Lists or card files of acceptable bidders.

Destroy when superseded or obsolete. (NC1-GRS-81-2 item 6d)

6. Public Printer Files.

Records relating to requisitions on the Printer, and all supporting papers.

a. Printing procurement unit copy of requisition, invoice, specifications, and related papers.

Destroy 3 years after completion or cancellation of requisition. (NC1-64-77-5 item 7a)

b. Accounting copy of requisition.

Destroy 3 years after period covered by related account. (NC1-64-77-5 item 7b)

7. Non-personnel Requisition File.

Requisitions for non-personnel services, such as duplicating, laundry, binding, and other services (excluding records associated with accountable officers' accounts (Schedule 6)).

Destroy when 1 year old. (NC1-64-77-5 item 8)

8. Inventory Requisition File.

Requisitions for supplies and equipment for current inventory.

a. Stockroom copy.

Destroy 2 years after completion or cancellation of requisition. (NC1-64-77-5 item 9a)

b. All other copies.

Destroy when 6 months old. (NC1-64-77-5 item 9b)

9. Inventory Files.

a. Inventory lists.

Destroy 2 years from date of list. (NC1-64-77-5 item 10a)

b. Inventory cards.

Destroy 2 years after discontinuance of item, 2 years after stock balance is transferred to new card or recorded under a new classification, or 2 years after equipment is removed from agency control. (NC1-64-77-5 item 10b)

c. Report of survey files and other papers used as evidence for adjustment of inventory records, not otherwise covered in the GRS.

Destroy 2 years after date of survey action or date of posting medium. (NC1-64-77-5 item 10c)

10. Telephone Records.

Telephone statements and toll slips.

Destroy 3 years after period covered by related account. (NC1-64-77-5 item 11)

11. Contractors' Payroll Files.

Contractors' payrolls (construction contracts) submitted in accordance with Department of Labor regulations, with related certifications, anti-kickback affidavits, and other related papers.

Destroy 3 years after date of completion of contract unless contract performance is subject of enforcement action on such date. (NC1-64-77-5 item 12)

12. Tax Exemption Files.

Tax exemption certificates and related papers.

Destroy 3 years after period covered by related account. (NC1-64-77-5 item 13)

13. Unsuccessful Grant Application Files.

Applications, correspondence, and other records relating to unsuccessful (rejected or withdrawn) applications.

Destroy 3 years after rejection or withdrawal. (NC1-GRS-81-2 item 14a)

14. Grant Administrative Files. [See note after this item.]

Correspondence and/or subject files relating to routine operations and daily activities in administration of the grant program.

Destroy when 2 years old. (NC1-64-77-5 item 17b)

[**NOTE**: Grant case files, which include accepted applications among many other documents, substantive correspondence and subject files relating to grant programs, and final product files, cannot be scheduled in the GRS. The types and significance of grant programs and the contents of the files vary, so no single disposition can be applied to the files on a Government-wide basis. To schedule these records, agencies must submit an SF 115 to NARA.]

15. Contract Appeals Case Files.

Contract appeals case files arising under the Contracts Dispute Act, consisting of notices of appeal and acknowledgments thereof; correspondence between parties; copies of contracts, plans, specifications, exhibits, change orders, and amendments; transcripts of hearings; documents received from parties concerned; final decisions; and all other related papers.

a. Records created prior to October 1, 1979.

Destroy 6 years, 3 months after final action on decision. (N1-GRS-87-9 item 19a)

b. Records created after September 30, 1979.

Destroy 1 year after final action on decision. (N1-GRS-87-9 item 19b)

16. Contractor's Statement of Contingent or Other Fees.

SF 119, Statement of Contingent or Other Fees, or statement in lieu of the form, filed separately from the contract case file and maintained for enforcement or report purposes.

Destroy when superseded or obsolete. (N1-GRS-98-2 item 7)

17. Small and Disadvantaged Business Utilization Files.

Correspondence, reports, studies, goal statements, and other records relating to the small and disadvantaged business utilization program, as required by Pub.L. 95-507.

Destroy when 3 years old. (N1-GRS-87-14 item 1)

18. Federal Activities Inventory Reform (FAIR) Act Records (created under OMB Circular A-76, Performance of Commercial Activities)

Records documenting implementation of OMB Circular No. A-76, Performance of Commercial Activities. These records are created and maintained in paper and electronic formats and include but are not limited to inventories, reviews, consultations, summary reports, commercial activity codes, challenges, appeals, decisions, planning documents, public announcements, Federal Register notices, standard and streamlined competition documents, accountability statements, cost calculations, and performance measures.

[**NOTE:** Procurement files related to Circular No. A-76 solicitations are scheduled under GRS 3, Item 3a, Routine Procurement Files.]

a. Circular No. A-76 case files/studies maintained by office having primary responsibility.

Cut off when action is completed, hold 3 years, and retire to records center. Destroy 6 to 10 years after cut off. (N1-GRS-05-2 item 18a)

[**NOTE:** To implement this authority, each agency must select one fixed retention period, between 6 and 10 years, for the entire series of Circular No. A-76 case files or studies. Agencies are not authorized to use different retention periods for individual case files or studies. The agency should publish the chosen retention period in the

agency's disposition manual, by directive, or any other issuance dealing with the disposition of these records.]

b. Circular No. A-76 records maintained by other offices, including information copies and background material.

   Cut off upon completion of study. Destroy 2 years after cut off. (N1-GRS-05-2 item 18b)

3.1 What is the purpose of this chapter? This chapter:

A. Clarifies which actions related to grant and cooperative agreement awards require the Director's signature (see section 3.4),

B. Describes who has the authority to sign grant and cooperative agreement award documents (see sections 3.5 and 3.6), and

C. Clarifies when a recipient accepts responsibility for the terms and conditions of the award (see section 3.9).

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

A. Applies to all Service programs that issue grant and cooperative agreement awards to States, local and tribal governments, universities, non-profit organizations, small businesses, individuals, and other non-Federal entities;

B. Covers signature authority during the new award and amendment phases; and

C. Does not cover the selection process for awards.

3.3 What are the authorities for this chapter? The authority for this chapter is the Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6301). See Exhibit 1 for an extensive list of our authorities for issuing grant and cooperative agreement awards.

3.4 Which actions related to grant and cooperative agreement awards require the Director's signature and must not be redelegated to staff? The following actions require the Director's signature and must not be redelegated to staff:

A. Apportioning funds provided under the Pittman-Robertson Wildlife and Dingell-Johnson Sport Fish Restoration Acts;

B. Allocating or reallocating funds provided under the:

(1) Coastal Wetlands Planning, Protection and Restoration Act,

(2) Anadromous Fish Conservation Act,

(3) Endangered Species Act, and

(4) Partnerships for Wildlife Act;

C. Issuing new awards and amendments for programs that the Assistant Director – Endangered Species (AD-ES) administers;

D. Declaring that a State is ineligible to receive Pittman-Robertson Wildlife and Dingell-Johnson Sport Fish Restoration Act funds because of diversion. Diversion means a State uses revenue from hunting and fishing licenses for something other than administration of the State's fish and wildlife agency; and

E. Approving State license certifications (such as for hunting and fishing licenses, stamps, etc.) following 50 CFR 80.

3.5 Who may sign grant or cooperative agreement award documents? Except for those items listed in section 3.4, Regional Directors (RDs), the Assistant Director – Wildlife and Sport Fish Restoration (AD-WSFR), the AD – International Affairs (AD-IA), and the AD – Migratory Birds (AD-MB) may award Federal funds by signing grant and cooperative agreement award documents.

3.6 May the RDs, AD-WSFR, AD-IA, and AD-MB redelegate signature authority to senior staff specialists?

A. Yes. The RDs, AD-WSFR, AD-IA, and AD-MB may redelegate signature authority in writing (see section 3.7) to senior staff specialists, but only if the staff member:

(1) Has received at least 24 hours of formal training on:

(a) The parts of the CFR related to the administration of grant and cooperative agreement awards, and

(b) Department and Service policies that apply to grant and cooperative agreement awards; and

(2) Is not the Service Project Officer/Coordinator/Leader/Manager assigned to manage and monitor the grant or cooperative agreement award being signed.

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B. Training on basic administration and management concepts of financial assistance (i.e., grants and cooperative agreement awards) is available through WSFR, the Department's DOI Learn system, other Federal agencies, professional associations, and commercial entities.

C. Staff who are given authority to sign award documents must be able to provide evidence of their compliance with section 3.6(A)(1) during subsequent management reviews or audits.

3.7 How must the redelegation of the signature authority be documented?

A. The redelegation of signature authority must be documented in a memorandum that the RD, AD-WSFR, AD-IA, or AD-MB signs and dates. Following is suggested text for the redelegation memorandum:

> *"In accordance with Service policy (see 516 FW 3), I redelegate the authority to sign grant and cooperative agreement awards in (insert Regional Office, Program Division) to the following individuals:*
>
> - *Primary (insert name and title);*
> - *Secondary (insert name and title).*
>
> *Staff performing duties in an "acting" capacity for me or the people named in this memorandum may NOT sign grant and cooperative agreement awards."*

B. The memorandum must be maintained in Regional, AD-WSFR, AD-IA, or AD-MB office files for review and audit purposes.

C. As the sample language indicates, only staff members specifically named in the signature authority memorandum may sign award documents. Employees who are "acting" for an RD, the AD-WSFR, AD-IA, AD-MB, or an employee named in the signature authority memorandum may NOT sign grant or cooperative agreement awards.

3.8 Does the person with the Grants Agreement Officer (FA_AGO) role in the Financial and Business Management System (FBMS) have to be named in the redelegation of signature authority memo? No. Programs must validate that authorized staff sign the Notice of Award document

before the FA_AGO approves the award in FBMS. The signed Notice of Award letter must be uploaded as a supporting document to the FBMS-PRISM record.

3.9 Must we require recipients to co-sign the Notice of Award document?

A. No. 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.

B. The Department's standard award terms and conditions specifically state that, "Acceptance of a Federal Financial Assistance award from the Department of the Interior carries with it the responsibility to be aware of and comply with the terms and conditions of award. Acceptance is defined as the start of work, drawing down funds, or accepting the award via electronic means." It is not necessary to have the recipient sign a grant or cooperative agreement award document to consider it accepted.

/sgd/ Geoffrey S. Haskett
ACTING DEPUTY DIRECTOR

Date: October 11, 2012

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.

U.S. Fish and Wildlife Service
Financial Assistance Business Process
Issuing a New Financial Assistance Award Guidance

Table of Contents

Point of Contact 1
Document Change Log 1
References 2
Attachments 2
Purpose 2
Scope 2
Instructions 3
Prerequisite: Develop full text of the program or project announcement 3
Step 1: Determine appropriate funding instrument 5
Step 2: Justify issuing a single source award 7
Step 3: Post/Justify not posting a Funding Opportunity on Grants.gov 7
Step 4: Review and approve applications 9
Step 5: Verify intended recipient eligibility 15
Step 6: Identify FBMS vendor and verify payment method is established 17
Step 7: Identify the CFDA number 18
Step 8: Complete a notice of award 18
Step 9: Compile required pre-award documentation 19
Step 10: Complete Grants Purchase Request and PRISM Award processes 20
Step 11: Send notice of award to the recipient 21
Step 12: Create a PRISM Milestone Plan 21
Step 13: Establish an official award file 21

Point of Contact

Send any questions on this guidance by email to the Chief, Financial Assistance Policy and Oversight (FAPO) Branch, Wildlife and Sport Fish Restoration Program (WSFR), Division of Administration and Information Management (AIM). See the FAPO About/Contact Us Intranet page at https://inside.fws.gov/index.cfm/go/post/FAPO-About for contact information.

Document Change Log

FAPO 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, or new/changed Financial and Business Management System (FBMS) functionality. We will post updated

versions of this document on the Intranet at https://inside.fws.gov/go/post/FAPO-NewAwards and will document updates to this guidance in the following table:

Date Changed	Changed By	Description of Change Made

References

Reference	Location
This guidance and all attachments	https://inside.fws.gov/go/post/FAPO-NewAwards
Department Manual, Series 29: Federal Assistance Programs (Parts 505-507)	http://elips.doi.gov/elips/browse.aspx
DOI Office of Acquisition and Property Management (PAM) Financial Assistance website	http://www.doi.gov/pam/programs/financial_assistance/index.cfm

Attachments

Attachment 1 – Financial Assistance Business Process Tasks List Template

Attachment 2 – Notice of Funding Availability Template

Attachment 3 – Selection of Funding Instrument Decision Diagram

Attachment 4 – Checklist for a New Financial Assistance Award

Attachment 5 –Sample Grants.gov Print Screens

Attachment 6 – Indirect Costs and Negotiated Indirect Cost Rate Agreements

Attachment 7 – Setting Project Period Dates for Grant and Cooperative Agreement Awards

Attachment 8 – Notice of Award Letter Template

Attachment 9 – USFWS Financial Assistance Award Terms and Conditions

Attachment 10 – Sample Financial Assistance Award Special Terms and Conditions

Attachment 11 – Modifying the PRISM Grant and Cooperative Agreement Cover Page

Purpose

The purpose of this guidance is to: 1) provide step-by-step guidance and instructions for issuing new grant and cooperative agreement awards, 2) provide standardized templates and forms for the new award process, 3) detail all required pre-award documentation, and 4) deliver Service-specific standard financial assistance award terms and conditions.

Scope

This guidance applies to all employees who issue, administer, and manage grant and cooperative agreement awards.

Instructions

Employees with the FMBS Agreements Officer role are responsible for making sure that all applicable steps of this guidance are completed, including compiling all required pre-award documentation, **BEFORE** releasing a new award in the FBMS FA/Contract Management System (PRISM). The Agreements Officer must also make sure the notice of award document is signed by the authorized Service employee (see Service policy **516 FW 3**, ***Signature Authority for Grant and Cooperative Agreement Awards***) **BEFORE** releasing the award in PRISM and obligating funds.

This guidance is a model and is not intended to dictate who will complete each step (e.g., program office staff versus award servicing office staff) or in what order the steps must be completed. Programs and their servicing offices are responsible for determining which office has primary responsibility for completing each step of this guidance. Programs and their servicing offices can use the **Financial Assistance Business Process Tasks List Template** (Attachment 1) as a starting point for developing a program-specific responsibility matrix. Revise the template as needed to reflect the region- or program-specific tasks and process. Contact your program leadership or award servicing office for program-specific standard operating procedures.

Prerequisite: Develop full text of the program or project announcement

We must develop the full text of our program or project announcement, i.e., develop a Notice of Funding Availability (NOFA) document, before we can post Funding Opportunities on Grants.gov and/or issue awards. A NOFA is required for mandatory and discretionary competitive programs, and for single source awards over $25,000 (see Service policy **516 FW X**, ***Issuing Discretionary Grant and Cooperative Agreement Awards without Competition (Single Source Awards)***). For the purposes of this section, the following definitions apply:

- **Mandatory program:** A program with an authorizing statute that requires 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:

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)
15.668	Coastal Impact Assistance Program	Formula Grants

- **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 statue, must establish a competitive review process, including the merit and other review criteria that evaluators will use to judge applications. Discretionary programs must also determine how the review process will

work, who is responsible for evaluating applications, how evaluators are selected, the minimum number of evaluators required for a review, who will make the final project selections, how potential conflicts of interest will be avoided, and any other factors outside of the established merit and review criteria that might be used to make final project selections.

- **Single source awards:** An award made with discretionary funds outside of a competitive process. Single source awards must be used sparingly and only when they meet the criteria detailed in Service policy **516 FW X**, ***Issuing Discretionary Grant and Cooperative Agreement Awards without Competition (Single Source Awards)***.

All NOFAs must follow the standard format prescribed by the Office of Management and Budget (OMB)'s Policy Directive on Financial Assistance Program Announcements (Vol. 68, No. 120, Monday, June 23, 2003) posted at http://www.whitehouse.gov/sites/default/files/omb/assets/omb/fedreg/062303policy_directive.pdf. At a minimum, all NOFAs must require applicants to submit the appropriate SF 424, *Application for Federal Assistance* (i.e., SF 424, SF 424-Mandatory, or SF 424-Individual) form. The only exception to the SF 424 requirement is if the program has OMB approval to use an alternative application form.

Use the **Notice of Funding Availability Template** (Attachment 2) as a starting point for developing a program- or award-specific NOFA. Programs that already have a NOFA in place must compare that document to this template at least annually to make sure it contains all required elements and content. FAPO will update this template over time to incorporate changes resulting from any new government-wide regulations, Department of the Interior or Service policy, or new/changed Financial and Business Management System (FBMS) functionality.

Programmatic NOFAs must include the valid CFDA number for the program being announced. Some NOFAs may be assigned multiple CFDAs, depending on how the programs are administered. The CFDA(s) assigned to a NOFA determines the CFDA to be assigned to the award in FBMS (see Step 7). For discretionary single source NOFAs, the CFDA number assigned must be valid for the project being announced. We should not assign the CFDA for a discretionary program with an established competitive process to a single source award. Instead, we should assign one of the Service's general CFDA numbers to single source awards, as appropriate to the type of project to be awarded. The Service's general CFDA programs are:

- 15.649 for training and technical assistance projects
- 15.650 for research projects
- 15.664 for Congressionally mandated or directed (earmarked) awards

For questions on assigning a CFDA to a NOFA, contact the Service's CFDA Coordinator (contact information posted on the Intranet at https://inside.fws.gov/go/post/CFDA). For more information on the CFDA, see the **CFDA Frequently Asked Questions** document posted on the Intranet at https://inside.fws.gov/go/post/CFDA.

NOTE: 5 CFR 1320, Controlling Paperwork Burdens on the Public, requires financial assistance programs to submit to the White House Office of Management and Budget (OMB) for review and clearance the collection of the following types of information from applicants and recipients. This requirement does not apply to single source awards:

- 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 the SF 425 (Federal Financial Report), SF 270 (Request for Advance or Reimbursement), SF 271 (Outlay Report and Request for Reimbursement for Construction Programs) and 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).

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. For more information and a listing of Service programs with OMB clearance, see the Service's financial assistance information collection clearance page on the Intranet at https://inside.fws.gov/go/post/OMB-ICC.

Step 1: Determine appropriate funding instrument

Refer to the **Selection of Funding Instrument Decision Diagram** (Attachment 3) to assist you in determining the appropriate funding instrument.

A. Evaluate funding tool: In accordance with 505 DM 2, Section 2.9, the program office must evaluate if the activity to be funded is an acquisition/contract, an interagency agreement, or 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. 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. Financial assistance does not include obtaining goods or services for the Service. If financial assistance is not the appropriate funding tool for the award being considered, **STOP HERE** and contact your contracting office.

> **Documentation Required:** Document the determination of financial assistance as the appropriate funding tool under Item 1 on the **Checklist for a New Financial Assistance Award** (Attachment 4). NOTE: Completing Item 1 on the Checklist covers the determination requirement.

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:

Substantially involved	NOT substantially involved
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, 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.	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 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 such as OMB Circulars A-21, A-87, A-102, A-110, A-133, and other applicable regulations; and • Assessing recipient performance after completion of the funded activity.

Documentation Required: Document which award instrument will be used under Item 2 on the **Checklist for a New Financial Assistance Award**. **Note:** For cooperative agreements, the program must include in the Grants.gov funding opportunity (see Step 3) a detailed description of the Service's expected substantial involvement and in the notice of award a detailed and project-specific description of the substantial activities to be carried out by Service staff (see Step 9).

Step 2: Justify issuing a single source award

This step is not applicable to awards issued under the Service's mandatory programs (see Prerequisite section). For all other programs, see Service policy **516 FW X, *Issuing Discretionary Grant and Cooperative Agreement Awards without Competition (Single Source Awards)***. 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 sparingly and only when the criteria detailed in 516 FW X is met.

Documentation Required: Indicate under Item 3 on the **Checklist for a New Financial Assistance Award** if the award qualifies as a single source award.

For every single source award, regardless of dollar amount, complete **Service form FWS 3-2452, *Determination for Issuing a Single Source Financial Assistance Award*** in accordance with 516 FW X. Completed form must be maintained in the official award file.

For single source awards for $25,000 or more, the program office must also post a funding opportunity on Grants.gov (see Step 3).

Step 3: Post/Justify not posting a Funding Opportunity on Grants.gov

Mandatory programs are not required to post funding opportunities on Grants.gov. For discretionary single source awards and competitive financial assistance programs we must either post a complete funding opportunity on Grants.gov or justify not posting a funding opportunity based on criteria provided in 505 DM 2.

A. Justify not posting a Funding Opportunity on Grants.gov: 505 DM 2 provides the following justifications for not posting a funding opportunity on Grants.gov:

1. The funding opportunity is for a program that only publishes funding opportunities in the CFDA. Publishing funding opportunities only in the CFDA is not common and is not applicable to Service programs;
2. The funding opportunity is for a mandatory program (see Prerequisite section);
3. The funding opportunity is for discretionary award(s) less than $25,000 for which 100 percent of eligible applicants live outside of the United States;
4. The funding opportunity is for a discretionary single source award for less than $25,000 (see Step 2);
5. The funding opportunity is for an award made under the Indian Self-Determination and Education Assistance Act (P.L. 93-638, 88 Stat. 2204); and
6. Because of a compelling and unusual urgency, or substantial danger to health or safety, there is not enough time to follow adequate competitive procedures. Lack of planning or processing delays do not constitute unusual urgency.

Documentation Required: Check NO for Item 4, A. on the **Checklist for a New Financial Assistance Award** and select the applicable 505 DM 2 justification for not posting to Grants.gov under Item 4, B.

B. Post a discretionary Funding Opportunity on Grants.gov

We must post a complete Funding Opportunity on Grants.gov for all discretionary competitive programs not exempted from the Grants.gov posting requirement (see Step 3, A.) AND all single source awards for $25,000 or more. All discretionary programs must post a new Funding Opportunity 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. Single source Funding Opportunities must be posted publicly for at least **five** business days prior to award. To meet the Office of Management and Budget's focus on transparency, discretionary programs make their Funding Opportunities available to the public for application for not less than 30 calendar days prior to the start of the award selection process.

The steps of the Grants.gov Funding Opportunity posting process are detailed in this diagram:

To be complete, a Funding Opportunity must include:

1. A Synopsis (created in and posted to Grants.gov from PRISM),
2. A NOFA (see Prerequisite section), uploaded as an attachment to the Synopsis (will appear for the public under the Full Announcement screen); and
3. An Application Package (will appear for the public under the Application screen).

Posting a complete Funding Opportunity does not mean the applicant *must* apply through Grants.gov. Program-specific instructions for how to apply must be provided in the NOFA (see Prerequisite section).

All Funding Opportunities require the assignment of a valid and appropriate CFDA number. The CFDA number(s) assigned to a Funding Opportunity must match the CFDA number(s) in the program NOFA (see Prerequisite section). For more information on the CFDA, see the **CFDA Frequently Asked Questions** document posted on the Intranet at https://inside.fws.gov/go/post/CFDA.

For Funding Opportunities that will result in the funding of one or more cooperative agreements, the Synopsis "Description" field must include a description of the expected substantial Service involvement in the project as follows: "*Substantial involvement on the part of the USFWS is anticipated for the successful completion of the activities to be funded. In particular, the USFWS 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 Grants.gov Information page on the Intranet at https://inside.fws.gov/index.cfm/go/post/grants.gov.

Documentation Required: On the **Checklist for a New Financial Assistance Award**, enter the Funding Opportunity Number in the corresponding header field and select YES under Item 4, A.

Go to the publicly-posted Funding Opportunity Grants.gov and print (Ctrl+P) from within the browser window the following:

1) Synopsis screen;

2) Full Announcement screen; and the

3) Application screen.

If you are unsure as to what screens must be printed, see the attached **Sample Grants.gov Print Screens** (Attachment 5). Using the Ctrl+P function inserts the 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).

Step 4: Review and approve applications

For all awards, we must review and approve the proposed project objectives, scope of work and project costs. The approved application is the road map for project implementation. Approved applications should clearly describe the: project goals, objectives, activities, methods, timetable, resources and staff needed to accomplish goals, project monitoring and evaluation plan, and expected outputs/outcomes of the project. The **Notice of Funding Availability Template** (see Prerequisite section) provides sample text for requesting these key elements from applicants.

All awards must be based on applications *that match the award to be made* in regards to 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.

All applicants must submit a complete and signed SF 424, *Application for Federal Assistance* (SF 424, SF 424-Individual or SF 424-Mandatory) form. The only exception to the SF 424 requirement is if the program has OMB approval to use an alternative application form (see Prerequisite section). **NOTE:** The SF 424-Mandatory form is for applicants to mandatory programs *only* (see Table 3). Service employees **MUST NOT** sign the required SF 424, Application for Federal Assistance for the applicant. The Service is responsible for signing the official notice of award, not the application document.

Documentation Required: On the **Checklist for a New Financial Assistance Award**:

Complete the Recipient Name, Type of Recipient, and Project Title header fields.

Confirm under Item 5 that the award is made based on an approved application submitted by the applicant that matches the award to be made in regards to funding amount and project scope, and for applicants includes a complete and signed SF 424, *Application for Federal Assistance* form. The application on which the award is based must be maintained in the official award file.

When reviewing an application we must consider the following, among other considerations:

A. Budget analysis: We must conduct a review of the proposed budget following Department of the Interior guidance release **DIG 2013-06, *Financial Assistance Cost Review Guidance***. We must consider the following when reviewing a proposed budget:

1. **Cost principles:** Financial assistance recipients are subject to the following Federal cost principles:
   - 2 CFR Part 220, Cost Principles for Educational Institutions
   - 2 CFR Part 225, Cost Principles for State, Local and Indian Tribal Governments
   - 2 CFR Part 230, Cost Principles for Non-Profit Organizations (except those listed in Attachment C of OMB Circular A-122)
   - 48 CFR Part 31.2, Cost Principles for for-profit/commercial organizations and non-profits listed in Attachment C of OMB Circular A-122)
   - 45 CFR part 74, Appendix E, Principles for Determining Costs Applicable to Research and Development Under Grants and Contracts with Hospitals

   Allowable costs are determined in accordance with the cost principles applicable to the organization incurring the cost. Employees must be familiar with and consider the cost principles when reviewing applications and monitoring awards.

2. **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. Any other recipient must either show that the indirect amount it seeks to charge is proper by establishing a Negotiated Indirect Cost Rate Agreements (NICRA) with the Federal government, or accept as a condition of the award a flat 10% indirect cost rate to be charged to the modified total direct costs for the life of the award. See the **Indirect Costs and Negotiated Indirect Cost Rate Agreements** (Attachment 6) guidance document for more information on indirect costs and NICRAs.

   Applicants must provide in their budget justification narrative one of the statements provided in the Budget Justification section of the **Notice of Funding Availability Template**, and attach all required documentation.

   Documentation Required: On the **Checklist for a New Financial Assistance Award**:

   If the applicant is an individual, check YES for Item 6, A.

   For all other applicants, check YES next to ONE of the statements under 6B to indicate which of the required indirect cost rate statements/documentation the organization provided in their application.

3. **Pre-award costs:** Pre-award costs are any award-associated costs incurred prior to the award project period start date. See the **Setting Project Period Dates for Grant and Cooperative Agreement Awards** (Attachment 7) guidance document for more

information on setting appropriate project period dates on an award including approved pre-award costs.

Programs not otherwise restricted or prohibited from funding pre-award costs must inform applicants in the NOFA that until pre-award costs are authorized under an approved award, the applicant has no assurance that the Service will reimburse these costs. The **Notice of Funding Availability Template** includes standardized text for this required notice. To qualify for pre-award cost reimbursement, 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.

An entire project must never be funded retroactively as pre-award costs, i.e. obligating funds after the project period has ended. We must fund eligible grants and cooperative agreements prospectively for activities to be initiated after the project period start date.

Documentation Required: Indicate under Item 7 on the **Checklist for a New Financial Assistance Award** if pre-award costs are approved under the award. All correspondence/documentation resulting from the approval process must be maintained in the official award file.

B. 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 a grant or cooperative agreement. In the event an award is released in PRISM and funds are obligated in FBMS before all compliance reviews are complete, the project period (performance period) MUST be set to start on a date in the future and include the following condition in the notice of award (see Step 8):

The project period start date of this award was set to a date in the future to allow time for all legally required site-specific compliance reviews to be completed. If these compliance reviews are not completed by the stated project period start date, the USFWS will revise the start date and send you a revised notice of award. Do not begin work on this project until the USFWS has notified you in writing that work can begin. Recipients of Federal grants and cooperative agreement awards are responsible for ensuring that all project activities 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 future project period start date must allow enough time for the completion of all required compliance reviews before any potentially impactful activities are started. The required compliance reviews are:

1. **National Environmental Policy Act (NEPA) Compliance:** Programs must conduct 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.

An Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) and related documentation is required BEFORE any potentially impactful activities are started if the project:

- Is not completely covered by a Categorical Exclusion under 516 DM 2, Appendix 1 or 516 DM 8.5;
- Does not meet the criteria for any Categorical Exclusion under 516 DM 2, Appendix 1 or 516 DM 8.5; OR
- Is considered an Extraordinary Circumstance under 516 DM 2, Appendix 2.

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 on the Internet at http://www.fws.gov/r9esnepa/index.html.

Documentation Required: On the **Checklist for a New Financial Assistance Award**:

Check YES under Item 8, A. if all of the project activities will be conducted outside the United States (no further documentation is required), or

Check YES under Item 8, B. if project activities will be conducted in the United States but all activities are covered by a Categorical Exclusion and no Extraordinary Circumstance applies to the project (no further documentation is required), or

Check YES under Item 8, C. if any of the conditions requiring additional NEPA documentation apply to the project. All related documentation must be maintained in the official award file or centralized subject-matter file.

2. **Section 7 of the Endangered Species Act (ESA) Compliance:** 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 an 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 on the high seas to determine whether the actions proposed may affect Federally listed and proposed 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 and the high seas;
- 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 have an effect, the program must follow the appropriate concurrence/consultation procedures for determining either a not likely to adversely affect (NLAA) or likely to adversely affect (LAA) finding. The procedures will vary by region, and may vary by program. The concurrence/consultation process must be completed BEFORE any potentially impactful activities are started. For more information, contact your regional Endangered Species office.

Documentation Required: On the **Checklist for a New Financial Assistance Award**:

Check YES under Item 9, A. if no further review is required because: all project activities will occur outside of the United States and the high seas; 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, or

Check YES under Item 9, B. if 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 AND the program has made a determination that the proposed project activities will have NO EFFECT, or

Check YES under Item 9, C. if the program has followed the appropriate procedures for either a determination/finding of NLAA or a finding of LAA for a formal consultation through the intra-Service consultation process. All resulting documentation must be maintained in the official award file or centralized subject-matter file.

3. **Section 106 of the National Historic Preservation Act (NHPA) Compliance:** 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 within the United States, including U.S. embassies and military installations in foreign countries, contact your Headquarters/Regional Historic Preservation Officer (HPO) for guidance on which projects require additional documentation and review. See the list of HPOs on the Internet at http://www.fws.gov/historicPreservation/contactUs.html.

Documentation Required: On the **Checklist for a New Financial Assistance Award**:

Check YES under Item 10, A. if all of the project activities will be conducted outside the United States (no further documentation is required), or

Check YES under Item 10, B. to indicate compliance with Section 106 of the NHPA. All related documentation must be maintained in the official award file or centralized subject-matter file.

C. Federally-purchased equipment: Applicants cannot use equipment paid for by the U.S. Federal Government under another award as matching or in-kind contributions. Programs must request from applicants a separate list/accounting of any equipment paid for by the U.S. Federal

Government that **will be used for the project**, including the name of the Federal agency that paid for the equipment. The **Notice of Funding Availability Template** includes this requirement.

D. 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 needed only 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: Indicate under Item 11 of the **Checklist for a New Financial Assistance Award** if a legal review was requested. If legal review from the Office of the Solicitor was requested and a response was received, a copy of the request and the response must be maintained in the official award file.

E. Single audit requirements: All U.S. states, local governments, federally-recognized Indian tribal governments and non-profit organizations that spend $500,000 or more in Federal award funds in a fiscal year (FY) must submit A-133 Single Audit reports to the Federal Audit Clearinghouse. These entities must submit as part of their application a statement regarding whether they were required to submit an A-133 report for their most recently closed fiscal year and, if required, indicating if that report has been uploaded to the Federal Audit Clearinghouse-Single Audit Database. **NOTE:** The **Notice of Funding Availability Template** includes standardized text for this requirement.

For all applicants reporting that they *were* required to submit an A-133 Single Audit report in their most recently closed fiscal year, the program office must search the Federal Audit Clearinghouse-Single Audit Database on the Internet at http://harvester.census.gov/fac to confirm that the report is available on the site.

Documentation Required: On the **Checklist for a New Financial Assistance Award**:

Check YES under 12, A. if the applicant is not a state, local or federally-recognized Indian tribal government or non-profit organization and therefore not subject to A-133,

Check YES under Item 12, B. if the applicant is a state, local or federally-recognized Indian tribal government or non-profit organization that reported in their application that they were NOT required to submit an A-133 Single Audit Report for their most recently closed fiscal year, or

Check YES under Item 11, C. if the applicant reported in their application that they WERE required to submit an A-133 Single Audit Report for their most recently closed fiscal year. Go to http://harvester.census.gov/sac and search for the entity. Once the entity's records are returned, print (Ctrl+P) from within the browser window the "Results from Query of Single Audit Database" screen. Using the Ctrl+P function inserts the date on the bottom of the printed page. The dated screen print must be maintained in the official award file or in a centralized subject-matter file.

Step 5: Verify intended recipient eligibility

The program or servicing office must verify the intended recipient's eligibility to receive a Federal assistance award. To do this, the program or servicing office must 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 confirm that the entity is not debarred or suspended from receiving federal financial assistance. See Service policy **516 FW 5, *Data Universal Numbering System (DUNS) and System for Award Management (SAM) Registration Requirements*** for more information on the SAM and DUNS registration requirements.

Some programs may choose to perform this step before conducting their application review and selection process. However, to make sure selected applicants are eligible at the time the award is issued, perform this step as close to the actual award date as possible. Applications from debarred or suspended applicants may be reviewed and considered for funding because the applicant's debarred or suspended status may be resolved or removed by the time the program issues the actual award.

NOTE: Employees performing this step must create and maintain an Individual User Account on SAM.gov. When applicants register on SAM.gov, they are given the choice to opt out of the public search function. Opting out of the public search function means that their SAM.gov record cannot be seen by the casual public user. To see all records, government employees must register for a SAM.gov Individual User Account with their government email address.

A. Document automatic SAM registration waiver for individuals

An 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 is automatically waived by OMB regulation.

Documentation Required: If the recipient is an individual, check YES under Item 13, A. on the **Checklist for a New Financial Assistance Award**. Go on to Step 5, C.

B. Request a Service waiver from SAM

The Service 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.

If one of these criteria is met, we can waive the requirement for both the DUNS and SAM registration, or, if the recipient has a DUNS number but cannot register in SAM, we can waive just the SAM registration requirement. See **516 FW 5, *Data Universal Numbering System (DUNS) and System for Award Management (SAM) Registration Requirements*** for instructions on how to request a waiver.

Documentation Required: If the Assistant Director – Wildlife and Sport Fish Restoration Program has approved a SAM waiver for the recipient, check YES under Item 13, B. The completed and signed Service form **FWS 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. Go on to Step 5, C.

C. For SAM-waived entities, review active Exclusions in SAM

Go to https://www.sam.gov/portal/public/SAM/, log in, and then search for the individual/entity by name or partial name. If the entity was waived from SAM (see Step 5, B.) but has a DUNS number, search for the entity by DUNS number. If the entity does not have a DUNS number, search for the entity by name. Search for individuals by name. For every Active Exclusion record returned, review the record to determine if the exclusion prohibits the entity from receiving an award from the funding program. In some cases Exclusions are specific to a particular type of project or activity.

NOTE: For SAM-waived recipients, we MUST check the SAM Exclusions database prior to *every* award, even if the program will fund multiple awards to the same recipient in the same fiscal year! We must also check the SAM Exclusions database prior to *every* award amendment. The only exception to this is when doing an amendment to deobligate an unused balance of funds as part of the award closeout process.

Documentation Required:
If no Active Exclusion record is found, check YES under Item 14 on the **Checklist for a New Financial Assistance Award.** Print (Ctrl+P) from within the browser window the search result screen(s) showing no Active Exclusion found. Using the Ctrl+P function inserts the date on the bottom of the printed page. Dated screen prints reflecting all search results must be maintained in the official award file. Go on to Step 6.

If an Active Exclusion record is found, review it carefully to see if it prohibits the entity from receiving an award from the funding program. If it does, **STOP HERE**. **Do not make an award to a suspended or debarred entity!** If the Active Exclusion does *not* prohibit the entity from receiving an award from the funding program, check YES under Item 14 on the **Checklist for a New Financial Assistance Award**. Print (Ctrl+P) from within the browser window the Active Exclusion Summary screen. Using the Ctrl+P function inserts the date on the bottom of the printed page. The dated Active Exclusions Summary screen print must be maintained in the official file. Go on to Step 6.

D. For all entities not waived from SAM, confirm SAM registration and review active Exclusions

To complete this step, go to https://www.sam.gov/portal/public/SAM/, log in and then 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 for the entity. 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, review the following:

- Expiration date, to see if their registration is likely to expire before the award is issued.
- SAM Core Data information, to verify if the entity has one or more DUNS-Plus-4 designations and, if they do, verify if they also have multiple CAGE codes associated with their DUNS number. If the entity does have multiple CAGE codes associated with their DUNS number, they will also have multiple vendor records in FBMS with the same

DUNS number (FBMS vendor records are unique by DUNS and CAGE code combinations). Contact the entity to find out which CAGE code is appropriate, as this will be important when selecting the correct FBMS vendor record for the award (see Step 6).

- Any Active Exclusion records for the entity. For every Active Exclusion record returned, review the record to determine if the exclusion prohibits the entity from receiving an award from the funding program. In some cases Exclusions are specific to a particular type of project or activity.

NOTE: For all recipients not waived from SAM, we MUST check SAM registration status and review the SAM Exclusions database prior to *every* award, even if the program will fund multiple awards to the same recipient in the same fiscal year! We must also check SAM registration status and search the SAM Exclusions database prior to *every* award amendment. The only exception to this is when doing an amendment to deobligate an unused balance of funds as part of the award closeout process.

Documentation Required:
On the **Checklist for a New Financial Assistance Award**, enter the recipient's DUNS number in the corresponding header field and then check YES under Item 13, C.

Print (Ctrl+P) from within the browser window the SAM Entity Overview screen showing "Active" in the Registration Status field. Using the Ctrl+P function inserts the date on the bottom of the printed page. The dated screen print must be maintained in the official award file.

If no Active Exclusion record is found, check YES under Item 14 on the **Checklist for a New Financial Assistance Award**. Print (Ctrl+P) from within the browser window the search result screen(s) showing no Active Exclusion found. Using the Ctrl+P function inserts the date on the bottom of the printed page. Dated screen prints reflecting all search results must be maintained in the official award file. Go on to Step 6.

If an Active Exclusion record is found, review it carefully to see if it prohibits the individual/entity from receiving an award from the funding program. If it does, **STOP HERE**. **Do not make an award to a suspended or debarred entity!** If the Active Exclusion does *not* prohibit the individual/entity from receiving an award from the funding program, check YES under Item 14 on the **Checklist for a New Financial Assistance Award**. Print (Ctrl+P) from within the browser window the Active Exclusion Summary screen. Using the Ctrl+P function inserts the date on the bottom of the printed page. The dated Active Exclusions Summary screen print must be maintained in the official award file. Go on to Step 6.

Step 6: 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 documented 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** guidance document posted on

the Intranet at https://inside.fws.gov/go/post/Payments-New. All attachments referenced in the guidance are also posted on the Intranet on the same page.

Documentation Required: Check YES under Item 15 on the **Checklist for a New Financial Assistance Award** to document 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 7: Identify the CFDA number

All awards must be assigned a single, valid and appropriate CFDA number. The CFDA number assigned to an award must match at least one of the CFDA number(s) identified in the NOFA (see Prerequisite section) and Grants.gov Funding Opportunity (see Step 3, B.). For more information on the CFDA, see the see the **CFDA Frequently Asked Questions** document posted on the Intranet at https://inside.fws.gov/go/post/CFDA.

It is important that you assign the correct CFDA Number to an award! The assignment of 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 impact 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 (contact information posted on the Intranet at https://inside.fws.gov/go/post/CFDA).

Documentation Required: Enter the CFDA number and CFDA program title to be assigned to the award in the corresponding header fields on the **Checklist for a New Financial Assistance Award**.

Step 8: Complete a notice of award

For every award, we must provide a complete notice of award to the recipient. A notice of award includes the following elements:

A. Award cover page/letter,

B. General terms and conditions,

C. Any special program or project-specific terms and conditions, and

D. Any other information required by the program.

The table below provides guidance on each element:

Element	Guidance
Award cover page/letter	This is a required element. 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 that is based on the **Notice of Award Letter Template** (Attachment 8). **No other formats are authorized for Service use.**

	Award cover pages/letters must include the award project period start and end dates. See the **Setting Grant and Cooperative Agreement Project and Funding Period Dates** document for guidance on setting appropriate project period dates. Award cover pages/letters must be signed by an authorized Service representative (see Service policy **516 FW 3**,). Programs sending the PRISM Grant and Cooperative Agreement Cover Page to a recipient must modify the form (see Step 10 for instructions) and make sure the recipient also receives: • 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**, ***Financial Reporting for Grant and Cooperative Agreement Awards*** and **516 FW 2**, ***Performance Reporting for Grant and Cooperative Agreement Awards***.
General Terms and Conditions	This is a required element. A notice of award must include, either by citation or as an attachment, the **U.S. Fish and Wildlife Service Financial Assistance Award Terms and Conditions** (Attachment 9) posted on the Internet at [URL to be determined]. **The Service will no longer reference the DOI 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** (Attachment 10) 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).

Documentation Required: On the **Checklist for a New Financial Assistance Award**, enter either the (1) actual project period start date or (2) if the project period will start on the date the cover sheet/letter is signed, enter "Signature date". Also enter the project period end date in the corresponding header fields.

A copy of the complete notice of award must be maintained in the official award file.

Step 9: Compile required pre-award documentation

The following pre-award documentation is required, as applicable to the award:

- ✓ Completed **Checklist for a New Financial Assistance Award**
- ✓ If a cooperative agreement award, a detailed description of the Service's expected substantial involvement in the Grants.gov funding opportunity and the notice of award.

- ✓ If a single source award, completed **FWS 3-2452, *Determination for Issuing a Single Source Financial Assistance Award*** form.
- ✓ 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 that a complete Grants.gov Funding Opportunity was published. Evidence is dated screen prints of the 1) Synopsis screen; 2) Full Announcement screen; and 3) the Application screen.
- ✓ The recipient's complete approved application that includes a complete and signed SF 424 form and matches the award to be made in regards to funding amount and project scope.
- ✓ 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 met or notice of award project period was set for a date in the future to give time for these compliance requirements to be completed before award activities begin.
- ✓ If legal review from the Office of the Solicitor was requested, documentation of the request and any response received.
- ✓ If the entity is subject to A-133 and reported in their application that they were required to submit an A-133 Single Audit Report for their most recently closed fiscal year, the "Results from Query of Single Audit Database" print screen.
- ✓ If the Assistant Director – Wildlife and Sport Fish Restoration Program has 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.
- ✓ For all recipients, either the SAM.gov print screen showing the entity has no Active Exclusions or, for every Active Exclusion found, 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 10: Complete Grants Purchase Request and PRISM Award processes

Follow your program/servicing 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 (see Step 8), the form must be modified before it is sent to the recipient. See the **Modifying the PRISM Grant and Cooperative Agreement Cover Page** (Attachment 11) guidance document for more information.

FBMS Work instructions and the training materials posted on the Intranet at https://inside.fws.gov/go/post/FAS-Branch are your best resources for resolving issues. 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 screenshot of any system error messages and/or screens relevant to the issue being reported.

Step 11: Send notice of award to the recipient

Whenever possible, send the complete notice of award (see Step 8) 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 **U.S. Fish and Wildlife Service General Terms and Conditions for Financial Assistance Awards** for clarification on when a recipient accepts responsibility for the terms and conditions of the award.

Step 12: Create a PRISM Milestone Plan

A PRISM Milestone Plan is required for all awards issued after March 18, 2013. See Service policy **516 FW 2, *Performance Reporting for Grant and Cooperative Agreement Awards*** for more information on the Milestone Plan requirement. For instructions on creating a Milestone Plan, see the **Create a Milestone Plan Tutorial** posted on the Intranet at https://inside.fws.gov/index.cfm/go/post/FAS-Tutorials.

Step 13: Establish an official award file

In general, all pre-award documentation unique to an award must be maintained in a single official award file. When official file documentation must be shared between a program office and a servicing office, the offices are jointly responsible for ensuring that the appropriate servicing office and program office employees have ready 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 where they can be easily accessed by servicing 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. If the program determines that a centralized file is more appropriate for some official award file documentation, the centralized file must be well marked, well maintained, accessible to all appropriate servicing and program office staff, and readily available upon request for reviews or audits.

The pre-award documentation that programs may choose to maintain in a centralized file includes:

- For programs that issue multiple awards under the same annual Funding Opportunity, the screen prints of the Grants.gov Funding Opportunity;
- For recipients receiving multiple awards from a single program in the same fiscal year, the recipient's NICRA(s), annually-signed recipient SF 424 Assurance forms and "Results from Query of Single Audit Database" screen prints; and
- Legal compliance review documentation.

The pre-award documentation that must always be maintained in the official award file:

- Completed **Checklist for a New Financial Assistance Award**;
- Recipient's final approved application;
- For a single source award, the completed **FWS 3-2452, *Determination for Issuing a Single Source Financial Assistance Award*** form and, if over $25,000, the screen prints of the Grants.gov Funding Opportunity;

- All SAM registration and Exclusions check screen prints (must be done prior to *every* award); and
- The signed notice of award cover sheet or letter.

U.S. Fish and Wildlife Service

Financial Assistance Business Process

Notice of Funding Availability Template

Point of Contact

Send any questions on this document by email to the Chief, Branch of Financial Assistance Policy and Oversight (FAPO), Wildlife and Sport Fish Restoration Program (WSFR), Division of Administration and Information Management (AIM). See the FAPO About/Contact Us Intranet page at https://inside.fws.gov/index.cfm/go/post/FAPO-About for contact information.

Document Change Log

FAPO will update this template over time to incorporate changes resulting from any new government-wide regulations, Department of the Interior or Service policy, or new/changed Financial and Business Management System (FBMS) functionality. We will post revised versions of this document on the Intranet at https://inside.fws.gov/go/post/FAPO-NewAwards and will document updates to this document in the following table:

Date Changed	Changed By	Description of Change Made

Instructions

Use the Notice of Funding Availability Template as a starting point for developing a program- or award-specific Notice of Funding Availability (NOFA). Programs that already have a NOFA in place must compare that document to this template at least annually to make sure it contains all required elements and content. For more information, see the **Issuing a New Financial Assistance Award Guidance** document posted on the Intranet at https://inside.fws.gov/go/post/FAPO-NewAwards.

The NOFA Template begins on page 2 of this document. Do not include this Instructions cover page on your customized NOFA. The template contains use instructions as described in the table below:

Text Characteristic	Represents
Green highlighted	Instructions for completing required elements
Yellow highlighted	Sample content that programs may use, revise, or remove, as appropriate
Red font	Notes and additional instructions that must be removed
Black font, not highlighted	Required text that must not be removed

U.S. Fish and Wildlife Service
[Insert the specific funding office within the agency (*e.g.*, Division name)]

[Insert Program Title]
Catalog of Federal Domestic Assistance (CFDA) Number: [insert program's CFDA number]

Notice of Funding Availability and Application Instructions

I. Description of Funding Opportunity

[Provide a full programmatic description of the funding opportunity. Make it as long as needed to adequately communicate to potential applicants the areas in which funding may be provided. Describe the program's funding priorities or the technical or focus areas in which the program intends to provide assistance. Include program authorizing statute citation(s). Statute citations must match those in the funding program's CFDA profile on CFDA.gov].

II. 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 agreement awards, and/or other instruments) that may be awarded. If cooperative agreements may be awarded, this section should describe the substantial involvement the Service expects to have in the performance of such agreements. For single source cooperative agreement awards, enter: "The U.S. Fish and Wildlife Service (USFWS) will be substantially involved in projects under this funding opportunity. In particular, the USFWS will be responsible for the following: [list the specific project-related activities to be performed by Service staff]". If procurement contracts may also be awarded, this information must be included in this section].

III. <u>Basic Eligibility Requirements</u>

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, be clear about the specific types of recipients that are eligible, not just the types that are ineligible. Notify applicants if they are required to submit documentation to support an eligibility requirement.] U.S. non-profit, non-governmental organizations must submit documentary evidence of their Section 501(c)(3) or (4) status as determined by the Internal Revenue Service.

Federal law (2 CFR Part 25, Central Contractor Registry and Data Universal Numbering System) mandates that all entities applying for Federal financial assistance must have a valid Dun & Bradstreet Data Universal Number System (DUNS) number and have a current registration in the System for Award Management (SAM). Exemptions: The SAM registration requirement does

not apply to individuals submitting an application on their own behalf and not on behalf of a company or other for-profit entity, State, local or Tribal government, academia or other type of organization.

A. DUNS Registration

Request a DUNS number online at http://fedgov.dnb.com/webform. U.S.-based entities may also request a DUNS number by telephone by calling the Dun & Bradstreet Government Customer Response Center, Monday – Friday, 7 AM to 8 PM CST at the following numbers:

U.S. and U.S Virgin Islands: 1-866-705-5711
Alaska and Puerto Rico: 1-800-234-3867 (Select Option 2, then Option 1)
For Hearing Impaired Customers Only call: 1-877-807-1679 (TTY Line)

Once assigned a DUNS number, entities are responsible for maintaining up-to-date information with Dun & Bradstreet.

B. Entity Registration in SAM

Register in SAM online at http://www.sam.gov/. Once registered in SAM, entities must renew and revalidate their SAM registration at least every 12 months from the date previously registered. Entities are strongly urged to revalidate their registration as often as needed to ensure that their information is up to date and in synch with changes that may have been made to DUNS and IRS information. Foreign entities who wish to be paid directly to a United States bank account must enter and maintain valid and current banking information in SAM.

C. Excluded Entities

Applicant entities identified in the SAM.gov Exclusions database as ineligible, prohibited/restricted or excluded from receiving Federal contracts, certain subcontracts, and certain Federal assistance and benefits will not be considered for Federal funding, as applicable to the funding being requested under this Federal program.

D. Cost Sharing or Matching:

[State if there is required cost sharing, matching, or cost participation without which an application would be ineligible. State clearly if cost sharing is not required. 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 statue 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 if an award is made].

IV. Application Requirements

To be considered for funding under this funding opportunity, an application must contain:

A. A completed, signed and dated Application for Federal Assistance form. [Insert form instructions based on your eligible applicant base. Individuals applying on their own (unrelated to any business or non-profit organization s/he may own or operate in her/his own name) must use the SF 424, Application for Federal Assistance-Individual form (http://apply07.grants.gov/apply/FormLinks?family=12). All other applicants to

discretionary programs and for single source awards must use the SF 424, Application for Federal Assistance form (http://apply07.grants.gov/apply/FormLinks?family=15). Mandatory programs may require applicants to use the SF 424, Application for Federal Assistance-Mandatory form (http://apply07.grants.gov/apply/FormLinks?family=16)].

NOTE (be sure to remove this note): The yellow-highlighted text in Sections B and C below contain suggested text for what an applicant might need to include in the narrative. Edit/remove suggested text, as appropriate. The non-highlighted text represents required narrative sections.

B. Project Summary

Briefly summarize the project, in one page or less. Include the title of the project, geographic location, and a brief overview of the need for the project. Goal(s), objectives, specific project activities, anticipated outputs and outcomes can also be included in this section.

C. Project Narrative

1. **Statement of Need:** Describe why this project is necessary (significance/value) and include supporting information. Summarize previous or on-going efforts (of you/your organization, and other organizations or individuals) that are relevant to the proposed work. Explain the successes or failures of past efforts and how your proposed project builds on them. If you have received funding previously (from the USFWS or any other donor) for this specific project work or site, provide a summary of the funding, associated activities and products/outcomes.

2. **Project Goals and Objectives:** State the long-term, overarching goal(s) of the program/project. State the objectives of the project. Objectives are the specific outcomes to be accomplished in order to reach the stated goal(s). The project objectives must be specific, measurable, and realistic (attainable within the project's proposed project period).

3. **Project Activities, Methods and Timetable:** List the proposed project activities and describe how they relate to the stated objectives. Activities are the specific actions to be undertaken to fulfill the project objectives and reach the project goal(s). The proposed project activities narrative must be detailed enough for reviewers to make a clear connection between the activities and the proposed project costs. For projects being conducted within the United States, the narrative must provide enough detail so that reviewers are able to determine project compliance with the National Environmental Policy Act, Section 7 of the Endangered Species Act, and Section 106 of the National Historic Preservation Act. For projects being conducted on the high seas, the narrative should provide enough detail so that reviewers are able to determine project compliance with Section 7 of Endangered Species Act. Provide a detailed description of the method(s) to be used to carry out each activity. Provide a timetable indicating roughly when activities or project milestones are to be accomplished. Include any resulting tables, spreadsheets or flow charts within the body of the project narrative (do not include

as separate attachments). The timetable should not propose specific dates but instead group activities by month for each month over the entire proposed project period.

4. **Stakeholder Coordination/Involvement:** As applicable, describe how you/your organization has coordinated with and involved other relevant organizations or individuals in planning the project, and detail if/how they will be involved in conducting project activities, disseminating project results and/or incorporating your results/products into their activities.

5. **Project Monitoring and Evaluation:** Detail the monitoring and evaluation plan for the project. Building on the stated project objectives, which must be specific and measurable, identify what you will measure (i.e. quantitative/quantifiable indicators) and how you will measure (i.e. methods, sample size, survey tools). Reference the stated project timetable (i.e. process indicators) and budget information (i.e. input indicators). Identify the products/services to be delivered and how/to whom they will be delivered (i.e. output indictors). Detail the expected direct effect(s) of the project on beneficiaries (i.e. outcome indicators). Include any available questionnaires, surveys, curricula, exams/tests or other assessment tools to be used for project evaluation. Describe the resources and organizational structure available for gathering, analyzing and reporting monitoring and evaluation data. If applicable, describe how project participants and beneficiaries will participate in monitoring and evaluation activities. Describe how findings will be fed back into decision making and project activities throughout the project period.

6. **Description of Entities Undertaking the Project**: Provide a brief description of the applicant organization and all participating entities and/or individuals. Identify which of the proposed activities each agency, organization, group, or individual is responsible for conducting or managing. Provide complete contact information for the individual within the organization that will oversee/manage the project activities on a day-to-day basis. If eligibility for funding is based in whole or in part on the qualifications of key personnel, provide brief (**1-2 pages**) *curricula vitae* for key personnel, identifying their qualifications to meet the project objectives. ***Do not include Social Security numbers, the names of family members, or any other personal or sensitive information including marital status, religion or physical characteristics on the curricula vitae!***

7. **Sustainability:** As applicable, describe which project activities will continue beyond the proposed project period, who will continue the work or act on the results achieved, and how and at what level you expect these future activities will be funded.

8. **Literature Cited**

9. **Map of Project Area:** Map should clearly delineate the project area and be large enough to be legible. Label any sites referenced in the project narrative.

NOTE (be sure to remove this note): For section D below, the standard budget form and budget justification narrative as detailed below are required. The only exception to this requirement is if

your program has an approved OMB Information Collection Clearance to request budget information in a different format than described in Section D.

D. Budget

Complete the **Budget Information for Non-Construction Programs (SF 424A)** or **Budget Information for Construction Programs (SF 424C) form**. Use the SF 424A if your project does not include construction and the SF 424C if the project includes construction or land acquisition. The budget forms are available online at http://apply07.grants.gov/apply/FormLinks?family=15. When developing your budget, keep in mind the following:

Cost Principles: Financial assistance awards and subawards are subject to the cost principles in the following Federal regulations, as applicable to the recipient organization type:

- 2 CFR Part 220, Cost Principles for Educational Institutions
- 2 CFR Part 225, Cost Principles for States and Local Governments
- 2 CFR Part 230, Cost Principles for Non-Profit Organizations
- 45 CFR Part 74, Appendix E, Principles for Determining Costs Applicable to Research and Development Under Grants and Contracts with Hospitals
- 48 CFR 1, Subpart 31.2, Contracts with Commercial Organizations

These documents are available on the Internet at http://www.ecfr.gov/.

Federally-Funded Equipment: Applicants cannot use equipment paid for by the U.S. Federal Government under another award as matching or in-kind contributions. ***Do not include this type of equipment in your budget***! Instead, provide a separate list of any equipment paid for by the U.S. Federal Government that ***will be used for the project***, including the name of the Federal agency that paid for the equipment.

E. Budget Justification Narrative

In a separate narrative titled "**Budget Justification**", explain and justify all requested budget items/costs. Detail how the SF 424 Budget Object Class Category totals were determined and demonstrate a clear connection between costs and the proposed project activities. For personnel salary costs, include the base-line salary figures and the estimates of time (as percentages) to be directly charged to the project. Describe any item that under the applicable OMB Cost Principles requires the Service's approval and estimate its cost. [Insert any other specific information for applicants to detail in their budget justifications].

Indirect Costs and Required Indirect Cost Statement: Applicants who are individuals applying for 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. ALL other applicants must include in their budget justification narrative ONE of the following statements, as applicable and attach any required documentation as detailed below:

1. Our organization does not have an indirect cost rate and will charge all costs directly.

2. Our indirect cost rate is [insert rate]%. We have a current Negotiated Indirect Cost Rate Agreement (NICRA). A copy of our NICRA is attached.
3. Our indirect cost rate is [insert rate]%. We have [insert one of these statements, as applicable: "established a Negotiated Indirect Cost Rate Agreement (NICRA) in the past, but it has expired. A copy of our latest NICRA is attached" or "never established a Negotiated Indirect Cost Rate Agreement (NICRA)"]. In the event an award is made we will submit an indirect cost rate proposal to our cognizant agency immediately and no later than 90 calendar days after the date the award is made. We understand that:
    - Although the USFWS may approve a budget that includes an estimate of indirect costs based on our stated rate, that approval will be contingent on our establishing a NICRA.
    - Recipients without a NICRA are prohibited from charging indirect costs to a Federal award.
    - Failure to establish a NICRA during the award period will make all costs otherwise allocable as indirect costs under the award unallowable.
    - We will not be authorized to transfer any unallowable indirect costs to the amount budgeted for direct costs or to satisfy cost-sharing or matching requirements without the prior written approval of the USFWS.
    - We may not shift unallowable indirect costs to another Federal award unless specifically authorized by legislation.
4. We have never established a Negotiated Indirect Cost Rate Agreement (NICRA) and in the event an award is made we agree as a condition of award to charge a flat indirect cost rate of 10% of modified total direct costs (MTDC) for the life of the award, including any future extensions of time, regardless of any NICRA we may establish during the award period. We understand that MTDC is defined as all salaries and wages, fringe benefits, materials and supplies, services, travel, and subgrants and subcontracts up to the first $25,000 of each subgrant or subcontract (regardless of the period covered by the subgrant or subcontract). We understand that equipment, capital expenditures, charges for patient care, participant support costs (includes registration fees, travel allowances, manuals and supplies, tuition, and stipends), rental costs, tuition, and the portion of subcontracts and subgrants in excess of $25,000 are excluded from MTDC.

For more information on indirect cost rates, see the **USFWS Indirect Costs and Negotiated Indirect Cost Rate Agreements** guidance document on the Internet at [URL to be determined].

Negotiating an Indirect Cost Rate with the Department of the Interior:
For organizations without a NICRA, you must have an open, active Federal award to submit an indirect cost rate proposal to your cognizant agency. The Federal awarding agency that provides the predominant amount of direct funding to your organization is your cognizant agency (unless otherwise assigned by the White House Office of Management and Budget). If the Department of the Interior is your cognizant agency, your indirect cost rate will be

negotiated by the Interior Business Center (IBC). For more information, contact the IBC directly at:

Indirect Cost Services
Acquisition Services Directorate, Interior Business Center
U.S. Department of the Interior
2180 Harvard Street, Suite 430
Sacramento, CA 95815
Phone: 916-566-7111
Email: ics@nbc.gov
Internet address: http://www.aqd.nbc.gov/Services/ICS.aspx

F. Statements Regarding A-133 Single Audit Reporting: Following OMB Circular A-133 (http://www.whitehouse.gov/sites/default/files/omb/assets/a133/a133_revised_2007.pdf), all U.S. states, local governments, federally-recognized Indian tribal governments, and non-profit organizations expending $500,000 USD or more in Federal award funds in a year must submit an A-133 Single Audit report for that year through the Federal Audit Clearinghouse's Internet Data Entry System. All U.S. state, local government, federally-recognized Indian tribal government and non-profit applicants must provide a statement regarding if your organization was/was not required to submit an A-133 Single Audit report for the organization's most recently closed fiscal year and, if so, state if that report is available on the Federal Audit Clearinghouse Single Audit Database website (http://harvester.census.gov/sac/). Include these statements at the end of the Project Narrative in a section titled "**A-133 Single Audit Reporting Statements**".

G. Assurances

Include the appropriate signed and dated Assurances form available online at http://apply07.grants.gov/apply/FormLinks?family=15. Use the **Assurances for Non-Construction Programs (SF 424B)** if the project does not involve construction. Use the **Assurances for Construction Programs (SF 424D)** if the project does involve construction or land acquisition. Signing this form does not mean that all items on the form are applicable. Some of the assurances may not be applicable to your organization and/or your project or program.

H. Certification and Disclosure of Lobbying Activities:

Under Title 31 of the United States Code, Section 1352, an applicant or recipient must not use any federally appropriated funds (both annually appropriated and continuing appropriations) or matching funds under a grant or cooperative agreement award to pay any person for lobbying in connection with the award. Lobbying is defined as influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress connection with the award. Submission of an application also represents the applicant's certification of the statements in 43 CFR Part 18, Appendix A-Certification Regarding Lobbying. If you/your organization have/has made or agrees to make any payment using non-appropriated funds for lobbying in connection with this project AND the project budget exceeds $100,000, complete and submit the **SF LLL, Disclosure of Lobbying Activities** form. See Title 43 of the Code of Federal Regulations, Subpart 18.100 (43 CFR 18.100) for more information on when

additional submission of this form is required. Submission of an application also represents the applicant's certification of the statements in 43 CFR Part 18, Appendix A-Certification Regarding Lobbying.

NOTE (be sure to remove this note): Revise checklist as needed to match your program's application requirements. Do not remove any universally required items.

Application Checklist

- ☐ A complete, signed and dated SF 424, Application for Federal Assistance (SF 424, SF 424-Mandatory, or SF 424- Individual) form
- ☐ If a non-profit organization, documentary evidence of Section 501(c)(3) or (4) non-profit status
- ☐ Project Summary
- ☐ Project Narrative and Timetable
- ☐ Curricula vitae for key personnel
- ☐ If a U.S. state, local government, federally-recognized Indian tribal government, or non-profit organization, statements regarding applicability of and compliance with OMB Circular A-133 Single Audit Reporting requirements
- ☐ A complete SF 424A or SF 424C Budget Information form
- ☐ Budget Justification narrative
- ☐ If Federally-funded equipment will be used for the project, a list of that equipment
- ☐ When applicable, a copy of the organization's current Negotiated Indirect Cost Rate Agreement
- ☐ Signed and dated SF-424B or SF-424D Assurances form
- ☐ If applicable, completed SF-LLL Disclosure of Lobbying Activities form

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

V. Submission Instructions

SUBMISSION DEADLINE: [enter deadline date(s) or open period start and end dates].

Intergovernmental Review: Before submitting an application, U.S. state and local government applicants should visit the following website (http://www.whitehouse.gov/omb/grants_spoc/) to determine whether their application is subject to the state intergovernmental review process under Executive Order (E.O.) 12372 "Intergovernmental review of Federal Programs." E.O. 12372 was issued to foster the intergovernmental partnership and strengthen federalism by relying on state and local processes for the coordination and review of proposed Federal financial assistance and direct Federal development. The E.O. allows each state to designate an entity to perform this function. The official list of designated entities is posted on the website. Contact your state's designated entity for more information on the process the state requires to be

followed when applying for assistance. States that do not have a designated entity listed on the website have chosen not to participate in the review process.

NOTE (be sure to remove this note): Revise the application instructions highlighted in yellow below to reflect the application options/process for your program.

Download the Application Package linked to this Funding Opportunity on Grants.gov. Downloading and saving the Application Package to your computer makes the required government-wide standard forms fillable and printable. Applications may be submitted by mail, by email, electronically through Grants.gov, or as otherwise described in the Grants.gov funding opportunity. Please select **ONE** of the submission options:

To submit an application by mail:
Number all pages of your printed application. Mail one, single-sided, unbound copy (do not staple or otherwise permanently bind pages) of your complete application to the USFWS program point of contact identified in the Grants.gov funding opportunity.

The required SF 424 Application for Federal Assistance and Assurances forms and any other required standard forms MUST be signed by your organization's authorized official. The Signature and Date fields on the standard forms downloaded from Grants.gov are pre-populated with the text "Completed by Grants.gov upon submission" or "Completed on submission to Grants.gov". Remove this text (manually or digitally) before signing the forms.

To submit an application by e-mail:
Format all of your documents to print on Letter size (8 ½" x 11") paper. Format all pages to display and print page numbers. Scanned documents should be scanned in Letter format, as black and white images only. Where possible, save scanned documents in .pdf format. E-mail your application to the USFWS program point of contact identified in the Grants.gov funding opportunity.

The required SF 424 Application for Federal Assistance and Assurances forms and any other required standard forms MUST be signed by your organization's authorized official. The Signature and Date fields on the standard forms downloaded from Grants.gov are pre-populated with the text "Completed by Grants.gov upon submission" or "Completed on submission to Grants.gov". Remove this text (manually or digitally) before signing the forms.

To submit an application through Grants.gov:
Go to the Grants.gov Apply for Grants page (http://www07.grants.gov/applicants/apply_for_grants.jsp) for an overview of the process to apply through Grants.gov. You/your organization must complete the Grants.gov registration process before submitting an application through Grants.gov. Registration can take between three to five business days, or as long as two weeks if all steps are not completed in a timely manner.

Important note on Grants.gov application attachment file names: Please do not assign application attachments file names longer than 20 characters, including spaces. Assigning file

names longer than 20 characters will create issues in the automatic interface between Grants.gov and the USFWS' financial assistance management system.

VI. APPLICATION REVIEW

Criteria: To be considered for funding, applications must [This section must address the criteria your program will use to evaluate applications. This includes merit and other review criteria that evaluators will use to judge and select applications, including any statutory, regulatory, or other preferences (e.g., minority status or Native American tribal preferences) that will be applied in the review process. These criteria are distinct from eligibility criteria that are addressed before an application is accepted for review and any program policy or other factors that are applied during the selection process, after the review process is completed. The intent is to give applicants visibility into the evaluation process so that they can make informed decisions when preparing their applications and so that the process is as transparent, open, and equitable as possible. The announcement should clearly describe all criteria, including any sub-criteria. If criteria vary in importance, the announcement should specify the relative percentages, weights, or other means used to distinguish among them. For statutory, regulatory, or other preferences, the announcement should provide a detailed explanation of those preferences with an explicit indication of their effect (e.g., whether they result in additional points being assigned). If an applicant's proposed cost sharing will be considered in the review process (as opposed to being an eligibility criterion) the announcement must specifically address how it will be considered (e.g., to assign a certain number of additional points to applicants who offer cost sharing, or to break ties among applications with equivalent scores after evaluation against all other factors). If cost sharing will not be considered in the evaluation, state so here, so that there is no ambiguity for potential applicants. Vague statements that cost sharing is encouraged, without clarification as to what that means, are unhelpful to applicants.]

Review and Selection Process:

[This section may vary in the level of detail provided. List any program policy or other factors or elements, other than merit criteria, that the selecting official may use in selecting applications for award,e.g., geographical dispersion, program balance, or diversity. You also may include other details you deem appropriate. For example, this section may indicate who is responsible for evaluation against the merit criteria (e.g., peers external to the agency or Federal agency personnel) and/or who makes the final selections for award. If you have a multi-phase review process (e.g., an external panel advising internal agency personnel who make final recommendations to the deciding official) you may describe the phases of the process. You also may include: the number of people on an evaluation panel and how it operates, the way reviewers are selected, reviewer qualifications, and the way that conflicts of interest are avoided. In addition, if you permit applicants to nominate suggested reviewers for their applications, or to identify reviewers that the applicants feel may be inappropriate due to a conflict of interest, that information should be included here.]

VII. Award Administration

Award Notices: Following review, applicants may be requested to revise the project scope and/or budget before an award is made. Successful applicants will receive written notice in the form of a notice of award document. Notices of award are typically sent to recipients by e-mail. If e-mail notification is unsuccessful, the documents will be sent by courier mail (e.g., FedEx,

DHL or UPS). Award recipients are not required to sign/return the Notice of Award document. Acceptance of an award is defined as starting work, drawing down funds, or receiving the award via electronic means. Awards are based on the application submitted to, and as approved by, the USFWS. The notice of award document will include instructions specific to each recipient on how to request payment. If applicable, the instructions will detail any additional information/forms required and where to submit payment requests. Applicants whose projects are not selected for funding will receive written notice, most often by e-mail, within 30 days of the final review decision.

Domestic Recipient Payments: Prior to award, the USFWS program office will contact you/your organization to either enroll in the U.S. Treasury's Automated Standard Application for Payments (ASAP) system or, if eligible, obtain approval from the Department of the Interior to be waived from using ASAP.

Domestic applicants subject to the SAM registration requirement (see Section III B.) who receive a waiver from receiving funds through ASAP must maintain current banking information in SAM. Domestic applicants exempt from the SAM registration requirement who receive a waiver from receiving funds through ASAP will be required to submit their banking information directly to the USFWS program. However, ***do NOT submit any banking information to the USFWS until it is requested from you by the USFWS program!***

NOTE to programs (be sure to remove this note): Remove the foreign recipient payments section if not applicable to your applicant base.

Foreign Recipient Payments: Foreign recipients receiving funds to a bank outside of the United States will be paid electronically through U.S. Treasury's International Treasury Services (ITS) system.

Foreign recipients receiving funds electronically to a bank in the United States will be paid by Electronic Funds Transfer (EFT) through the Automated Clearing House network. Foreign recipients who wish to be paid to a bank account in the United States must enter and maintain current banking information in SAM (see Section III).

The Notice of Award document from the USFWS will include instructions specific to each recipient on how to request payment. If applicable, the instructions will detail any additional information/forms required and where to submit payment requests.

Transmittal of Sensitive Data: Recipients are responsible for ensuring any sensitive data being sent to the USFWS is protected during its transmission/delivery. The USFWS strongly recommends recipients use the most secure transmission/delivery method available. The USFWS 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 USFWS strongly encourages recipients sending sensitive data in paper copy to use a courier mail service. Recipients may also contact their USFWS Project Officer and provide any sensitive data over the telephone.

Award Terms and Conditions: Acceptance of a financial assistance award from the USFWS carries with it the responsibility to be aware of and comply with the terms and conditions applicable to the award. Acceptance is defined as the start of work, drawing down funds, or accepting the award via electronic means. Awards are based on the application submitted to and approved by the USFWS 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. The Federal regulations applicable to USFWS awards are provided by recipient type in the **USFWS Financial Assistance Award Terms and Conditions** posted on the Internet at [URL to be determined]. If you do not have access to the Internet and require a full text copy of the award terms and conditions, contact the USFWS point of contact identified in the Agency Contacts section below.

Recipient Reporting Requirements:
Interim financial reports and performance reports may be required. Interim reports will be required no more frequently than quarterly, and no less frequently than annually. A final financial report and a final performance report will be required and are due within 90 calendar days of the end date of the award. 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.

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 USFWS in writing as soon as the following types of conditions become known:

- 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.
- 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.

The USFWS will specify in the notice of award document the reporting and reporting frequency applicable to the award.

VIII. Agency Contacts

[Give potentional applicants a point of contact for answering questions or helping with problems while the funding opportunity is open. If needed, provide different points of contact for distinct types of help.]

IX. Paperwork Reduction Act Statement: The Paperwork Reduction Act requires us to tell you why we are collecting this information, how we will use it, and whether or not you have to respond. A response to this Notice of Funding Availability is required to receive funding. A Federal agency may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number. OMB has approved this

collection and assigned OMB Control No. [insert control number], which expires on [insert expiration date]. The public reporting burden for this collection of information is estimated to average of [xx minutes or hours] per application and [xx minutes or hours] per performance report. These burden estimates include time for reviewing instructions and gathering data, but do not include the time needed to complete government-wide Standard Forms associated with the application and financial reporting. You may send comments regarding the burden estimate or any other aspect of this information collection to the Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Mailstop 222, Arlington, VA 22203.

U.S. Fish and Wildlife Service

Financial Assistance Business Process

Tasks List Template

Program:
Servicing Office:
Region:

Task	Program Staff	Servicing Office Staff	Comments
Pre-Award			
Develops Notice of Funding Availablity (NOFA) document(s).			
Develops initial/Annually updates Catalog of Federal Domestic Assistance program profile.			
Acts as primary point of contact for applicants.			
Evaluates funding tool (contract or financial assistance) and determines award instrument (grant or cooperative agreement).			
When applicable, completes Service form FWS 3-2452 to justify issuing a single source award.			
When applicable, justifies not posting a Funding Opportunity on Grants.gov.			
Performs role of Grants Specialist. Posts the Funding Opportunity Synopsis from PRISM to Grants.gov.			
Completes the Funding Opportunity on Grants.gov by attaching a NOFA to the Synopsis and attaching an Application Package.			
Receives all pre-award documentation from the applicant.			
Conducts and documents technical review of proposed project. Makes sure the project is relevant to the Service's mission and achievable as proposed.			
Conducts and documents fiscal review of proposed project. Makes sure all direct and indirect proposed costs are reasonable, allowable and allocable. Makes sure requests for pre-award costs are well justified and documented.			
Conducts and documents administrative review. Makes sure applicant has submitted all required documentation. Confirms SAM registration or requests a SAM waiver and reviews SAM Exclusions.			
Makes sure all legal compliance reviews, i.e., NEPA, Section 7 of ESA, and Section 106 of NHPA, are completed and documented. Note: These may be completed post-award.			

U.S. Fish and Wildlife Service

Financial Assistance Business Process

Tasks List Template

Program:
Servicing Office:
Region:

Task	Program Staff	Servicing Office Staff	Comments
If applicable, requests and coordinates legal review of proposed project.			
Identifies FBMS Vendor and makes sure a payment method is established for the recipient.			
Assigns a valid CFDA number to the award.			
Completes the notice of award cover sheet/letter.			
Compiles the notice of award package.			
Assesses risk and establishes monitoring plan.			
Completes/approves Grants Purchase Requests in FBMS, for the new award as well as any future amendments.			
Performs role of Grants Specialist. Creates and completes the PRISM Award, including the FAADS report, for the new award as well as any future amendments.			
Signs the notice of award cover sheet/letter for the new award as well as any future amendments.			
Performs role of Agreements Officer. Releases the award/obligates funds for the new award as well as for any future amendments.			
Performs role of Grants Specialist. Creates the PRISM Milestone Plan for tracking recipient performance and financial reports.			
Maintains the official award file.			
Post-Award			
Acts as primary point of contact for recipients with questions on project implementation.			
Acts as primary point of contact for recipients for award amendment, project period extension and/or report due date requests.			

U.S. Fish and Wildlife Service

Financial Assistance Business Process

Tasks List Template

Program:
Servicing Office:
Region:

Task	Program Staff	Servicing Office Staff	Comments
Responsible for receiving and reviewing recipient performance reports. Responsible for conducting desk audits/site visits and following up in writing with recipient on performance issues, when required.			
Responsible for receiving and reviewing recipient financial reports and reconciling them with Treasury's ASAP and/or FBMS Core Finance. Responsible for following up with the recipient in writing on financial issues, when required.			
Updates the PRISM Milestone Plan for tracking recipient performance and financial reports.			
When required, notifies recipients in writing of late reports and initiates all necessary follow-on actions as outlined in Service policies 516 FW 1 and 516 FW 2.			
When applicable, responsible for placing recipients on Agency Review status in ASAP and requesting payment holds through IBC for recipients paid outside ASAP.			
Responsible for coordinating response to audits and reviews and corrective action plans with recipients, when necessary.			
Closeout			
Receives and reviews any required reports related to property, supplies and equipment.			
When applicable, provides disposition instructions to recipients.			
Ensures all final reports and any other deliverables are received and in the official award file.			
Post-Closeout			
When applicable, monitors real property in which the Federal Government has an interest through its required maintenance/retention period.			

U.S. Fish and Wildlife Service

Financial Assistance Business Process

Tasks List Template

Program:

Servicing Office:

Region:

Task	Program Staff	Servicing Office Staff	Comments
Responsible for maintaining official award file throughout its required retention period (see Service policy 283 FW 2). Responsible for file disposal once retention period ends. Responsible for sending any qualifying files to the National Archives for permanent retention.			

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/FAPO-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 should 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
- Eradication of invasive species on Service property
- 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**

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

U.S. Fish and Wildlife Service

Checklist for a New Financial Assistance Award

To complete this form, follow the instructions in the "Issuing a New Financial Assistance Award Guidance" posted on the Intranet at https://inside.fws.gov/go/post/FAPO-NewAwards. Once completed, this form must be maintained in the official award file.

CFDA Number: _____ **Program Title:** _____

The Service has the authority to issue financial assistance awards under this CFDA program. For a complete list of this CFDA program's authorizing legislation, see the Authorization section of the program's CFDA.gov profile.

Recipient Name: _____ **DUNS Number:** _____

Type of Recipient (select from drop down): _____

Grants.gov Funding Opportunity Number: _____

Project Title: _____

Project Period Start: _____ **Project Period End:** _____

(In project period start date field, enter "Signature date" or specific start date) (enter date)

				Items	YES	NO
1.				The program office has reviewed 505 DM 2, Section 2.9 and all related Service guidance and has determined that the project/activity to be funded IS financial assistance, and NOT an interagency agreement or an acquisition action. The primary purpose of this award is to support or stimulate activities that are not for the direct benefit of or use by the Service. The benefit to the Service will be incidental (i.e., funded activities compliment the Service mission).		
2.				Select the Financial Assistance Award Instrument to be used (mark YES for ONE of the following):		
	A.			GRANT: The program office has determined that no substantial involvement by Service staff in project activities is expected. Service staff will perform the routine administrative and monitoring activities expected for all financial assistance awards, which do not qualify as substantial involvement in the project.		
	B.			COOPERATIVE AGREEMENT: The program office has determined that, in addition to performing the routine administrative and monitoring activities expected for all financial assistance awards, Service staff will be substantially involved in the project activities. The Grants.gov funding opportunity and the notice of award document contain *detailed and project-specific* descriptions of the *substantial* activities to be carried out by Service staff under the award.		
3.				Is this a discretionary single source award, as defined in 505 DM 2, Section 2.14? A YES response also means that, in accordance with Service policy 516 FW **X**, a signed copy of form FWS 3-2452, *Determination for Issuing a Single Source Financial Assistance Award* will be maintained in the official award file.		
4.	A.			Was a complete Funding Opportunity for this program/single source award posted on Grants.gov? A YES response also means that the required dated print screens of the publicly-posted Synopsis, Full Announcement, and Application screens will be maintained in the (check one): ____ official award file or ____ centralized subject-matter file.		
	B.			If 4A is marked NO, mark YES for ONE of the following possible justifications:		
		(1)		The funding opportunity is for a mandatory program.		
		(2)		The funding opportunity is for discretionary award(s) less than $25,000 each for which 100 percent of eligible applicants live outside of the United States.		
		(3)		The funding opportunity is for a discretionary single source award for less than $25,000 in total Federal funds.		
		(4)		The funding opportunity is for an award made under the Indian Self-Determination and Education Assistance Act (P.L. 93-638, 88 Stat. 2204).		
		(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.		
5.				This award is made based on an approved application submitted by the applicant that matches the award to be made in regards to funding amount and project scope and includes a complete and signed SF 424, Application for Federal Assistance form. The approved application will be maintained in the official award file.		
6.	A.			The recipient is an individual and is not authorized to charge indirect costs to the award.		
	B.			For all other recipients, indicate which of the below indirect cost rate statements was provided by the organization in their application:		
		(1)		The recipient does not have an indirect cost rate and will charge all costs directly.		
		(2)		The recipient provided a copy of their current NICRA. This document will be maintained in the (check one): ____ official award file or ____ centralized subject-matter file.		
		(3)		The recipient had a NICRA in the past, but it has expired. They will submit an indirect cost rate proposal to their cognizant agency after the award is made.		
		(4)		The recipient has never had a NICRA. They will submit an indirect cost rate proposal to their cognizant agency after the award is made.		
		(5)		The recipient has never had a NICRA. They agree as a condition of award to charge a flat indirect cost rate of 10% of modified total direct costs for the life of the award, including any future extensions of time and regardless of any NICRA they may establish during the award period.		
7.				Is the reimbursement of pre-award costs approved as part of this award? A YES response also means the applicant has demonstrated in writing that pre-award costs were necessary and reasonable for accomplishing the overall project objectives, that the costs would have been approved had they occurred within the award period of performance, and that the recipient's written request for pre-award costs will be maintained in the official award file.		

U.S. Fish and Wildlife Service

Checklist for a New Financial Assistance Award

		Items	YES	NO
8.		NEPA Review. Mark YES for ONE of the following:		
	A.	All of the proposed project activities will occur outside of the United States. NEPA review is not required.		
	B.	The proposed project was reviewed for potential significant effects on the human environment. The proposed project is completely covered by a Categorical Exclusion under 516 DM 2, Appendix 1 or 516 DM 8.5 AND no Extraordinary		
	C.	As required under NEPA, the proposed project was reviewed for potential significant impact on the human environment. The proposed project: Does not meet the criteria for any Categorical Exclusion under 516 DM 2, Appendix 1 or 516 DM 8.5; Is not completely covered by a Categorical Exclusion under 516 DM 2, Appendix 1 or 516 DM 8.5; OR An Extraordinary Circumstance under 516 DM 2, Appendix 2 applies to the project. A YES response also means that all required documentation will be completed before any potentially impactful activities associated with the project are started and will be maintained in the (check one): ____ official award file or ____ centralized subject-matter file.		
9.		Section 7 ESA Review. Mark YES for ONE of the following:		
	A.	All of the proposed project activities will occur outside of the United States and the high seas; 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. Section 7 ESA review is not required.		
	B.	Project activities will be conducted in the U.S. or on the high seas and the program has determined that the project meets the criteria of a NO EFFECT finding, as described in Section 6.G of the Service's Issuing a New Financial Assistance Award Guidance. A YES response also means that all related documentation will be maintained in the (check one): ____ official award file or ____ centralized subject-matter file.		
	C.	Project activities will be conducted in the U.S. or on the high seas and the program has determined that the project may affect endangered or threatened species or critical habitat. The program has followed the appropriate procedures for either a determination/finding of NLAA or a finding of LAA for formal consultation. A YES response also means that a final finding will be made (e.g., concurrence received or consulation process completed) before any potentially impactful activities associated with the project are started and that all resulting documentation will be maintained in the (check one): ____ official award file or ____ centralized subject-matter file.		
10.		Section 106 NHPA Review. Mark YES for ONE of the following:		
	A.	All of the proposed project activities will occur outside of the United States. Section 106 NHPA review is not required.		
	B.	Project activities will be conducted in the United States. All NHPA consultation requirements have been met. All resulting documentation will be maintained in the (check one): ____ official award file or ____ centralized subject-matter file.		
11.		Did the program/servicing office determine that the award is of such complexity/novelty or exhibits intellectual property issues or potential conflicts of interest, or other such concerns that it warrented legal review? A YES response also means that a copy of the request and any response will be maintained in the official award file.		
12.		A-133 Single Audit Requirements. Mark YES for ONE of the following:		
	A.	Is the applicant something other than a state, local or federally-recognized Indian tribal government or non-profit organization? If YES, the applicant is exempt from A-133.		
	B.	Is the applicant is a state, local or federally-recognized Indian tribal government or non-profit organization that reported in their application that they were NOT required to submit an A-133 Single Audit Report for their most recently closed fiscal year? If YES, no further documentation is required.		
	C.	Applicant is a state, local or federally-recognized Indian tribal government or non-profit organization that reported in their application that they WERE required to submit an A-133 Single Audit Report for their most recently closed fiscal year? A YES response also means the required dated screen print of the "Results from Query of Single Audit Database" screen will be maintained in the: (check one): ____ official award file or ____ centralized subject-matter file.		
13.		SAM.gov Registration. Mark YES for ONE of the following:		
	A.	The applicant is an individual/natural person and is waived by OMB regulation from the SAM registration requirement		
	B.	The applicant was waived by the AD-WSFR from the SAM registration requirement. A YES response also means a signed copy of form FWS 3-2451, *Financial Assistance Recipient Data Universal Numbering System (DUNS)/System for Award*		
	C.	The applicant is subject to the SAM registration requirement. A YES response also means a dated print screen of the SAM Entity Overview record showing the entity's DUNS number and Active SAM.gov registration status will be maintained in the official award file.		
14		The program office has searched the SAM Exclusions and either found no active Exclusions for the individual/entity or the active Exclusion(s) found do(es) not prohibit the award from being funded. A YES response also means a dated print screen(s) of either the SAM Exclusions query results showing no Active Exclusions found OR the Active Exclusion Summary screen showing that the exclusion does not prohibit the award from being funded will be maintained in the official award file.		
15.		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 (posted on the Intranet at https://inside.fws.gov/index.cfm/go/post/Payments-New) were completed.		

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

Agreements Officer Sign and Date

Printed Name of person signing

Printed Name of person signing

FINANCIAL ASSISTANCE BUSINESS PROCESS-SAMPLE GRANTS.GOV PRINT SCREENS

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Search Contact Us SiteMap Help RSS Home

Home > Find Grant Opportunities > Search Grant Opportunities > Search Results > Synopsis

FOR APPLICANTS
- Applicant Login
- Find Grant Opportunities
  - Basic Search
  - Browse by Category
  - Browse by Agency
  - Advanced Search
  - Email Subscription
- Get Registered
- Apply for Grants
- Track My Application
- Applicant Resources
- Search FAQs, User Guides and Site Information

APPLICANT SYSTEM-TO-SYSTEM

FOR GRANTORS

ABOUT GRANTS.GOV

HELP

CONTACT US

SITE MAP

Fiscal Year 2013 Candidate Conservation Action Funds

Synopsis | Full Announcement | Application

The synopsis for this grant opportunity is detailed below, following this paragraph. This synopsis contains all of the updates to this document that have been posted as of **12/05/2012** . If updates have been made to the opportunity synopsis, update information is provided below the synopsis.

If you would like to receive notifications of changes to the grant opportunity click send me change notification emails . The only thing you need to provide for this service is your email address. No other information is requested.

Any inconsistency between the original printed document and the disk or electronic document shall be resolved by giving precedence to the printed document.

Document Type:	Grants Notice
Funding Opportunity Number:	F13AS00039
Opportunity Category:	Discretionary
Posted Date:	Dec 05, 2012
Creation Date:	Dec 05, 2012
Original Closing Date for Applications:	Jul 31, 2013 Applications are due by July 31, 2013. However, you may submit applications throughout the year. Consideration of applications ultimately will be based on the FWS budget cycle.
Current Closing Date for Applications:	Jul 31, 2013 Applications are due by July 31, 2013. However, you may submit applications throughout the year. Consideration of applications ultimately will be based on the FWS budget cycle.
Archive Date:	Oct 31, 2013
Funding Instrument Type:	Cooperative Agreement Grant Procurement Contract
Category of Funding Activity:	Environment Natural Resources
Category Explanation:	
Expected Number of Awards:	
Estimated Total Program Funding:	$0
Award Ceiling:	$0
Award Floor:	$0
CFDA Number(s):	15.660 -- Endangered Species - Candidate Conservation Action Funds
Cost Sharing or Matching Requirement:	No

Eligible Applicants

Unrestricted (i.e., open to any type of entity above), subject to any clarification in text field entitled "Additional Information on Eligibility"

Additional Information on Eligibility:

Applicants must have a demonstrated knowledge and understanding of the biology of the involved candidate or at-risk species in the United States and their ecosystem, including preferably having worked with the species in the field. FWS Regional (or Field Office) contacts will discuss potential proposals with interested parties if needed, and review eligible applications. The FWS Regional Office will refer interested parties to the appropriate FWS Field Office for further consideration as appropriate. For potential proposals submitted directly to the Field Office, the Field Office will conduct the proposal review and selection process. A list of FWS Regional and Field Office contacts is available in the Full Announcement under section VII. Agency Contacts.

SAMPLE

FINANCIAL ASSISTANCE BUSINESS PROCESS-SAMPLE GRANTS.GOV PRINT SCREENS

Agency Name

Fish and Wildlife Service

Description

Financial assistance is available to secure candidate and other at-risk species information or undertake restoration actions that will help avert federal listing of species. The purpose is to provide a means by which the ecosystems upon which candidate and at-risk species depend may be conserved, to provide a program for the conservation of these species.

Link to Additional Information

Please visit http://www.grants.gov/ and search for CFDA Number 15.660 for the full announcement

If you have difficulty accessing the full announcement electronically, please contact:

Kelly Niland, 703-358-2492
Kelly_Niland@fws.gov
Kelly_Niland@fws.gov

Synopsis Modification History

There are currently no modifications for this opportunity.

SAMPLE

FINANCIAL ASSISTANCE BUSINESS PROCESS-SAMPLE GRANTS.GOV PRINT SCREENS

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Home > Find Grant Opportunities > Search Grant Opportunities > Search Results > Full Announcement

FOR APPLICANTS
- Applicant Login
- Find Grant Opportunities
  - Basic Search
  - Browse by Category
  - Browse by Agency
  - Advanced Search
  - Email Subscription
- Get Registered
- Apply for Grants
- Track My Application
- Applicant Resources
- Search FAQs, User Guides and Site Information
- APPLICANT SYSTEM-TO-SYSTEM

FOR GRANTORS

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CONTACT US

SITE MAP

Fiscal Year 2013 Candidate Conservation Action Funds

Synopsis | Full Announcement | Application

Click on the following file to download the full announcement.

Announcement Group	Description	File Type
Full Announcement	Full Text Of The Fiscal Year 2013 Candidate Conservation Action Funds Announcement	DOCX
Full Announcement	Zip of All Attachments	ZIP

SAMPLE

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Contact Us SiteMap Help RSS Home

Home » Applicants » Search Opportunities »

FOR APPLICANTS
Applicant Login
Find Grant Opportunities
Search Opportunities
Basic Search
Browse by Category
Browse by Agency
Advanced Search
Email Subscription
Get Registered
Apply for Grants
Track My Application
Applicant Resources
Search FAQs, User Guides and Site Information
ABOUT GRANTS.GOV
FOR GRANTORS
RESOURCES
ABOUT GRANTS.GOV
HELP
CONTACT US
SITE MAP

SELECTED GRANT APPLICATIONS FOR DOWNLOAD

Download the application and its instructions by selecting the corresponding download link. Save these files to your computer for future reference and use. You do not need Internet access to read the instructions or to complete the application once you save them to your computer.

READ BELOW BEFORE YOU APPLY FOR THIS GRANT!

Before you can view and complete an application package, you **MUST** have Adobe Reader installed. Application packages are posted in Adobe Reader format. You may receive a validation error using incompatible versions of Adobe Reader. To prevent a validation error, it is now recommended you uninstall any earlier versions of Adobe Reader and install the latest compatible version of Adobe Reader.

If more than one person is working on the application package, ALL applicants must be using the same software version.

Click here to download the required Adobe Reader if you do not have it installed already.

Additional Resources:

- Sign-up for Grants.gov Updates for the latest issues and news.
- Download Adobe Reader for free.
- Visit Help for FAQs and more information on Applying for grants.

Below is a list of the application(s) currently available for the CFDA and/or Funding Opportunity Number that you entered.

To download the application instructions or package, click the corresponding download link. You will then be able to save the files on your computer for future reference and use.

CFDA	Opportunity Number	Competition ID	Competition Title	Agency	Instructions and Application
15.660	F13AS00039			Fish and Wildlife Service	download

SAMPLE

U.S. Fish and Wildlife Service

Financial Assistance Business Process

Indirect Costs and Negotiated Indirect Cost Rate Agreements

Definition	
Cognizant Agency The Federal awarding agency that provides the predominant amount of direct funding to a recipient, unless otherwise assigned by the White House Office of Management and Budget (OMB). The Department of Health and Human Services is the cognizant agency for hospitals, states and most cities. The Department of the Interior is the cognizant agency for all Indian tribal governments.	
Direct Costs Any costs that can be specifically identified with a particular project or activity, or that can be directly assigned to the project or activity with a high degree of accuracy. Direct costs generally include, but are not limited to, salaries, staff travel, project-related equipment, and supplies directly benefiting the award-supported project or activity.	
Fixed Rate with Carry Forward A rate that is established for a future prospective period of time used for budgeting, obligations, and payment of funds by awarding agencies. Actual costs are determined by the organization's accounting system and the difference between fixed and actual is carried forward to a future period (usually the organization's fiscal year) in order to adjust the fixed rate for any over- or under -recovery.	
Indirect Costs Costs incurred by an organization for common or joint objectives and that, therefore, cannot be identified specifically with a particular project or program but are, nevertheless, necessary to the general operation of its activities. Indirect costs generally include, but are not limited to, facilities operation and maintenance costs, depreciation, and administrative expenses. Because of the diverse characteristics and accounting practices of non-profit organizations, it is not possible to specify the types of cost that may be classified as indirect in all situations.	
Negotiated Indirect Cost Rate Agreement (NICRA) The document reflecting the cognizant agency's approval of a recipient's proposed indirect cost rate. A NICRA will contain: • The approved rate(s) and information directly related to the use of the rates (e.g., type of rate, effective period, and distribution base); • The treatment of fringe benefits as either direct and/or indirect costs, or an approved fringe benefit rate; • General terms and conditions; and • Special remarks (e.g., composition of the indirect cost pool).	
Predetermined Rate A rate established for a specified current or future period that is not subject to adjustment. A predetermined rate may be used on awards where there is reasonable assurance that the rate is not likely to exceed a rate based on the organization's actual costs.	
Provisional/Final Rates A provisional rate is a temporary rate based on budgeted costs that is used for funding, interim reimbursement, and reporting indirect costs on Federal awards for a specified period pending the establishment of a "final" rate for that period. A final rate is a rate applicable to a specified past period based on the actual incurred costs for that period. A final rate is not subject to	

	adjustment. Final rate proposals must be submitted within 180 calendar days 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 project period that begins August 1, 2013 and ends August 1, 2016. The organization's fiscal year ends on December 31st. The organization must submit proposals for final rates within 180 calendar days of: Dec. 31, 2013; Dec. 31, 2014; Dec. 31, 2015; and Dec. 31, 2016.

1. What requirements must a recipient meet before charging indirect costs to a grant or cooperative agreement 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 amount it seeks 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 is supported, accurate, and reasonable. Once the proposal is approved by the cognizant agency it is referred to as a Negotiated Indirect Cost Rate Agreement (NICRA). All Federal award recipients with more than one source of funding need a NICRA; or

B. Request/accept a flat 10% indirect cost rate to be charged to allowable direct costs (see Question 4) for the life of the award. This option is available only to recipients who do not have an approved NICRA at the time of award. This option may be of interest to recipients who: have never previously received a Federal award; will require more than 90 calendar days from the date the award is made to prepare an indirect cost rate proposal; and/or do not expect to apply for or receive any future Federal awards.

2. 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 based on the Federal Cost Principles applicable to their organization, as follows:

- 2 CFR Part 220, Cost Principles for Educational Institutions
- 2 CFR Part 225, Cost Principles for State, Local and Indian Tribal Governments
- 2 CFR Part 230, Cost Principles for Non-Profit Organizations (except those listed in Attachment C of OMB Circular A-122)
- 48 CFR Part 31.2, Cost Principles for for-profit/commercial organizations and non-profits listed in Attachment C of OMB Circular A-122
- 45 CFR part 74, Appendix E, Principles for Determining Costs Applicable to Research and Development Under Grants and Contracts with Hospitals

Foreign recipients must contact their cognizant agency for guidance on which cost principles to follow when developing an indirect cost rate proposal.

3. Does an applicant have to have a NICRA when they apply for funds?

No. An applicant who has never received Federal funds, or whose previously negotiated rate has expired, does not have to have a NICRA in place to apply for funding. In fact, applicants without a NICRA must wait until *after* they have received a Federal award to submit an indirect cost rate proposal to their cognizant agency, i.e., must have an open, active Federal award before submitting a rate proposal. Applicants also have the option to charge a flat 10% indirect cost rate against allowable direct costs (see Question 4) for the life of the award.

4. What indirect cost related information must all applicants other than individuals submit with their application?

Applicants must include ONE of the following statements exactly as it appears below in their budget justification narrative and attach to the application any required documentation:

a. We do not have an indirect cost rate and will charge all costs directly.

b. Our indirect cost rate is [insert rate]%. We have a current Negotiated Indirect Cost Rate Agreement (NICRA). A copy of our NICRA is attached.

c. Our indirect cost rate is [insert rate]%. We have [applicant will insert one of these statements, as applicable: "established a Negotiated Indirect Cost Rate Agreement (NICRA) in the past, but it has expired. A copy of our latest NICRA is attached" or "never established a Negotiated Indirect Cost Rate Agreement (NICRA)"]. In the event an award is made we will submit an indirect cost rate proposal to our cognizant agency immediately and no later than 90 calendar days after the date the award is made. We understand that:
   - Although the USFWS may approve a budget that includes an estimate of indirect costs based on our stated rate, that approval will be contingent on our establishing a NICRA.
   - Recipients without a NICRA are prohibited from charging indirect costs to a Federal award.
   - Failure to establish a NICRA during the award period will make all costs otherwise allocable as indirect costs under the award unallowable.
   - We will not be authorized to transfer any unallowable indirect costs to the amount budgeted for direct costs or to satisfy cost-sharing or matching requirements without the prior written approval of the USFWS.
   - We may not shift unallowable indirect costs to another Federal award unless specifically authorized by legislation.

d. We have never established a Negotiated Indirect Cost Rate Agreement (NICRA) and in the event an award is made we agree as a condition of award to charge a flat indirect cost rate of 10% of modified total direct costs (MTDC) for the life of the award, including any future extensions of time, regardless of any NICRA we may establish during the award period. We understand that MTDC is defined as all salaries and wages, fringe benefits, materials and supplies, services, travel, and subgrants and subcontracts up to the first $25,000 of each subgrant or subcontract (regardless of the period covered by the subgrant or subcontract). We understand that equipment, capital expenditures, charges for patient care, participant support costs (includes registration fees, travel allowances, manuals and supplies, tuition, and stipends), rental costs, tuition, and the portion of subcontracts and subgrants in excess of $25,000 are excluded from MTDC.

5. When must a recipient submit their initial indirect cost rate proposal?

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

6. Must we honor a recipient's approved rate?

Yes. Once a rate is approved by the cognizant agency, we are expected to honor that rate on all awards to the entity. The only exceptions are:

a. If the Federal 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. The recipient *did not have an approved rate at the time of the award* and agreed as a condition of award to only charge a flat 10% indirect cost rate against allowable costs (see Question 4) for the life of the award, or

c. The recipient's final rate is higher than their provisional rate and the funding program has stated, or has cited regulation that states, in the notice of award that transfer of amounts budgeted for indirect costs to absorb increases in direct costs, or vice versa, require prior approval. In this case, the recipient is not authorized to charge more than the total approved indirect cost amount identified in the award without prior written approval. Service approval of such budget changes will depend on if funds are available (either from the already budget direct costs or additional funding) to cover the increased cost. If funds are not available, the Service may, if not otherwise prohibited by legislation or regulation, allow the recipient to use the excess amount to satisfy cost-sharing or matching requirements. However, the difference may not be shifted to another Federal award unless specifically authorized by legislation.

7. What if a recipient wants to waive or ask for less than their approved rate?

We must always honor a recipient's approved rate. The only exception is if the recipient enters into a formal agreement with the Service to accept less than their negotiated rate (e.g., lower rates established under Cooperative Ecosystem Studies Unit (CESU) agreements for CESU projects). Such agreements must be signed by both *the official having the authority to negotiate indirect cost rates for the recipient organization*, or by a higher level official, <u>and</u> the Director of the U.S. Fish and Wildlife Service. Such agreements will only apply to those projects covered by agreement; they must not be applied to other awards.

8. How do we make an award to an entity that does not have a NICRA but has indicated in their proposal that they will submit an indirect cost rate proposal after the award is made?

For entities that do not have a NICRA, either because they never had one or their previously approved NICRA 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 NICRA. If the recipient does not establish a NICRA 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 is not authorized to shift the disallowed indirect costs to another Federal award unless specifically authorized by legislation.

9. 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
Acquisition Services Directorate, National Interior Business Center
U.S. Department of the Interior
2180 Harvard Street, Suite 430
Sacramento, CA 95815
Phone: 916.566.7111 Fax: 916.566.7110
Email: ics@nbc.gov
Website: http://www.doi.gov/ibc/services/Indirect_Cost_Services/index.cfm

10. 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. USFWS approval to charge indirect costs based on a proposed rate will depend on the circumstance; the USFWS 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.

U.S. Fish and Wildlife Service

Financial Assistance Business Process

Setting Project Period Dates for Grant and Cooperative Agreement Awards

Term	Definition
Project Period	The period of Federal sponsorship. Also referred to as the period of performance.
Funding Period	The period of time when Federal funding is available for obligation by the recipient. Also referred to as the budget period. Specifying a funding period is required only when the project will be funded incrementally over time. When a funding period is specified, a recipient may charge only the allowable costs resulting from obligations incurred during that period plus any pre-award costs we have authorized.
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. The real property maintenance/retention period begins on the day AFTER the project period ends, and must not be identified in a notice of award as being part of the project period.

1. What are the standards for establishing a project period start date?

Unless otherwise legally prescribed, the standards for establishing a project period start date are as follows:

- If the program approves a project *prior* to the start date requested by the applicant on their SF 424, *Application for Federal Assistance*, the project period start date should be the requested start date.
- If the program is unable to approve a project until *after* the start date requested by the applicant, the project period start date should be either the date the program received a complete application package or the start date requested by the applicant, whichever is later.
- If the applicant does not request a specific start date (some programs specify in their Notice of Funding Availability that applicants should not request a specific start date), the project period start date will typically be just before or on the same date that the award is released and funds are obligated.
- In the event 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), we must set the project period to start on a date in the future that allows enough time for all required compliance reviews to be completed before the recipient begins any potentially impactful activities. See the **Issuing a New Financial Assistance Award Guidance** posted on the Intranet at https://inside.fws.gov/go/post/FAPO-NewAwards for more information.

2. What should the project period start date be if we are authorizing 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 project period. Pre-award costs must be specifically authorized in the notice of award. See the **Issuing a New Financial Assistance Award Guidance** posted on the Intranet at https://inside.fws.gov/go/post/FAPO-NewAwards for more information.

3. On incrementally funded projects, what are the standards for establishing funding periods?

Unless otherwise legally prescribed, each funding period start and end date should reflect the start and end dates of each complete and independent segment (see Note below) of the project. Funding periods should not overlap. The last funding period must end on the same date as the project period end date. When a funding period is specified, a recipient may charge only the allowable costs resulting from obligations incurred during that period plus any pre-award costs we have authorized.

NOTE: Not all projects qualify to be funded incrementally. To qualify for incremental funding, each segment of a project must be complete and independent from the other segments in regards to financial obligations, goals, objectives, scope of work and expected outcomes. Research projects do not qualify for incremental funding and must be fully funded (i.e., all funds obligated) at the start of the project period.

4. What are the standards for establishing a project period end date?

The project period end date should be set no later than the date when we expect the recipient to complete all project activities. The project period end date must not be extended to incorporate any required post-award real property maintenance/retention period. The end of the project period and subsequent award closeout do NOT affect the recipient's continued responsibilities for real property maintenance, retention and/or disposition.

Last Updated: October 22, 2013

U.S. Fish and Wildlife Service

Financial Assistance Business Process

Notice of Award Letter Template

Point of Contact

Send any questions on this document by email to the Chief, Branch of Financial Assistance Policy and Oversight (FAPO), Wildlife and Sport Fish Restoration Program (WSFR), Division of Administration and Information Management (AIM). See the FAPO About/Contact Us Intranet page at https://inside.fws.gov/index.cfm/go/post/FAPO-About for contact information.

Document Change Log

We will post updated versions of this document on the Intranet at https://inside.fws.gov/go/post/FAPO-NewAwards and will document updates to this document in the following table:

Date Changed	Changed By	Description of Change Made

Instructions

Use the Notice of Award Letter Template as a starting point for developing an award-specific notice of award letter. Programs must review this template at least annually to make sure any program-specific templates that are developed based on this template remain up to date. FAPO will update this template over time to incorporate changes resulting from any new government-wide regulations, Department of the Interior or Service policy, or new/changed Financial and Business Management System (FBMS) functionality. For more information, see the **Issuing a New Financial Assistance Award Guidance** document posted on the Intranet at https://inside.fws.gov/go/post/FAPO-NewAwards.

The Notice of Award Letter Template begins on page 2 of this document. Do not send this Instructions cover page to your recipient. This Instructions cover page does not need be maintained in the official award file. The template contains use instructions as described in the table below:

Text Characteristic	Represents
Green highlighted	Instructions for completing required elements
Yellow highlighted	Instructions for customizing the letter with program-, project-, and/or recipient-specific content
Red font	Notes and additional instructions that must be removed
Black font, not highlighted	Text that either: 1) must not be removed or 2) can only be removed if it is determined that, based on yellow highlighted instructions above the text, the text does not apply to the award

To save completion time and to shorten the template document, programs are invited to develop program- and/or recipient-specific notice of award letter templates based on this template. Deciding which sections apply to your program and/or recipients will be the most time-consuming step. Contact FAPO if you need assistance in determining which sections apply to your awards.

Programs that choose to establish programmatic notice of award letter templates must review the Service-wide Notice of Award Letter template at least once annually prior to the start of each Fiscal Year to be sure programmatic templates remain up to date.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

In Reply Refer To:
FWS/[Insert program-specific acronyms]

[Recipient contact name and title]
[Recipient organization name]
[Recipient address]
DUNS: [insert recipient DUNS number]

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

Dear Mr. /Ms. [recipient contact name],

Your organization's application for Federal financial assistance titled "[enter project title]" submitted to the U.S. Fish and Wildlife Service's (USFWS) 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://www.cfda.gov/ and search by the CFDA Program number. This award is made based on USFWS 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 description of the purpose and objectives of the award. You do not need to re-write the approved proposal, which is already incorporated by reference. If deliverables/products OTHER than the standard financial and performance reports are expected, describe those deliverables/products in the scope of work].

[If the award is for a cooperative agreement, include a detailed and project-specific description of the substantial activities to be carried out by Service staff under the award ("USFWS will…" and "the Recipient will…" statements). Substantial involvement does NOT include: awarding funds, assigning a project officer, reviewing and approving standard financial and performance reports, processing payments, monitoring to ensure project is completed on time, or performing any other routine administrative and monitoring activities. These responsibilities are inherent to every financial assistance award and do NOT justify issuing a cooperative agreement! Do not include these types of activities in the "USFWS will…" substantial involvement statement. See the **Selection of Funding Instrument Decision Diagram** posted on the Intranet at https://inside.fws.gov/go/post/FAPO-NewAwards for more information on what types of activities are/are not considered substantial involvement].

NOTE (be sure to remove this note): The notice of award must include the project period start and end dates. Some awards may also require information on funding period(s) start and end date(s). Select one of the following options for stating the project and funding periods for the award. See the ***Setting Project Period Dates for Grant and Cooperative Agreement Awards*** document posted on the Intranet at

https://inside.fws.gov/go/post/FAPO-NewAwards for more information on setting appropriate project period start and end dates for both standard and incrementally funded awards.

Project Period Option 1-Standard (not incrementally funded)
The project 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 project period [enter "and any authorized pre-award costs", if pre-award costs are approved] may be charged to this award. All obligations incurred under the award must be liquidated no later than 90 calendar days after the end of the project period.

Project Period Option 2-Incrementally funded project
To qualify for incremental funding, each segment of a project must be complete and independent from the other segments in regards to financial obligations, goals, objectives, scope of work and expected outcomes. Research projects do not qualify for incremental funding. Research projects must be fully funded at the start of the project period.

The project 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., Will be annual increments? How much each increment? How much total expected over the entire project period? What documentation does the recipient have to provide to receive next increment- SF-424, budget, other?)].

The funding period for the first segment of this project is [enter "is" or "begins on"] [enter start date or "the signature date on this letter"] through [enter end date]. The total amount of USFWS 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 USFWS 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. All obligations incurred during a funding period must be liquidated within 90 days of the funding period end date.

The USFWS'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 USFWS exists unless and until the USFWS obligates funds and notifies the Recipient in writing that funds are available for the purposes of this award.

If the award includes post project-period, real property retention and/or maintenance requirements, the retention/maintenance period must be identified SEPARATELY from the project period and must NOT be referred to as a project period, performance period, budget period or funding period! Refer the recipient to the Special Terms and Conditions section of the notice of award, where the standard or program/project specific requirements and conditions, including any additional reporting documentation required from the recipient, and applicable retention and/or disposition instructions must be inserted.

If the project period start date was set for a date in the future to allow time for legal compliance reviews to be completed, include the following statement:
The project period start date of this award was set to a date in the future to allow time for all legally required site-specific compliance reviews to be completed. Do not begin work on this project until the USFWS has notified you in writing that work can begin. If these compliance reviews are not completed by the stated project period start date, the USFWS will revise the start date and send you a notice of award amendment. Recipients of Federal grants and cooperative agreement awards are responsible for ensuring that all project activities 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).

This award is funded as follows: (The award funding details are inserted in a table format. Change/add table column headers as needed to reflect how program wants to convey recipient share, matching funds, other Federal sources, and/or Federal funding identifiers. If applicable, change row titles or add new rows to: 1) identify incrementally funded project segments or, 2) if recipient needs to maintain separation of funds across purposes or programs, to identify obligations allocated for different purposes or programs).

	USFWS	**Recipient**
This obligation:	$0.00	$0.00
Previous obligation:	$0.00	$0.00
Award Total:	**$0.00**	**$0.00**

If you authorize the recipient to be reimbursed for some or all pre-award costs, include the following text:
Pre-award Costs: Your organization is authorized to be reimbursed for [insert description of expenses, e.g., all direct and indirect pre-award expenses] incurred [X] calendar days prior to the project period start date of this award and necessary to comply with the proposed project schedule/period of performance. Pre-award expenses are allowable only to the extent that they are authorized by the approved SF 424, scope of work, and project budget incorporated by reference under this award.

If the award is subject to mandated Federal share/recipient match requirements, specify those requirements and/or restrictions here. The following sample text should be modified as needed to accurately describe the requirements:
Federal Share/Match Requirements: The Federal share of the total project expenditures cannot exceed [XX] percent. Recipient is eligible to request Federal obligated funds up to but not in excess of an amount equal to [XX] percent of the total project expenditures.

If the Recipient does not have a NICRA and has agreed to accept as a condition of award a flat indirect cost rate of 10% of modified total direct costs, include the following text:
Indirect Costs: Recipient is authorized to charge only a flat indirect cost rate of 10% of modified total direct costs (MTDC) for the life of this award, including any subsequent amendments and extensions for time, regardless of any Negotiated Indirect Cost Rate Agreement the Recipient may establish with the Federal government during the award period. MTDC is defined as all salaries and wages, fringe benefits, materials and supplies, services, travel, and subgrants and subcontracts up to the first $25,000 of each subgrant or subcontract (regardless of the period covered by the subgrant or subcontract). Equipment, capital expenditures, charges for patient care, participant support costs (includes registration

fees, travel allowances, manuals and supplies, tuition, and stipends), rental costs, tuition, and the portion of subcontracts and subgrants in excess of $25,000 are excluded from MTDC.

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 un-allowable indirect costs to satisfy cost-sharing or matching under the award, include the following text:
Indirect Costs: In accordance with [insert citation of legislation/regulation], indirect costs under this Federal program are [enter either "limited to [insert number] %" or "not allowed"]. The amount otherwise allocable as indirect costs based on your organization's approved Negotiated Indirect Cost Rate Agreement, 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.

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:
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 project 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 USFWS Project Officer, an approved Negotiated Indirect Cost Rate Agreement from the Federal government. In the event the Recipient fails to establish an approved rate before the end of the award project period, the USFWS 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. USFWS approval of such budget changes will depend on the particular award circumstance. Indirect costs otherwise allocable to this award may not be shifted 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 USFWS 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. The USFWS 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. USFWS approval to charge indirect costs based on a proposed rate will depend on the circumstance; the USFWS 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.

For non-construction awards to institutions of higher education, hospitals, commercial organizations, non-profit organizations, and foreign entities, include the following statement if you want the Recipient to request prior approval to shift funds budgeted for indirect costs to direct costs. Remove the underlined Indirect Costs intro text if including this statement in addition to one above: Indirect Costs: The transfer of amounts budgeted for indirect costs to cover an increase in direct cots and vice versus requires prior written approval from the USFWS. USFWS approval of budget changes, such as changes

resulting from an increase in the Recipient's approved indirect cost rate, will depend on if funds are available either from budgeted direct costs or through additional Federal funding. If funds are not available the USFWS may, if not otherwise prohibited by legislation or regulation, allow the Recipient to use the excess indirect cost amount to satisfy cost-sharing or matching requirements. However, the excess amount may not be shifted to another Federal award unless specifically authorized by legislation. Recipient must submit such budget change requests to the USFWS Project Officer.

If project includes generation of program income, include the following text:
Program Income: The approved project includes activities that will generate program income. Income earned during the project period of performance of this award shall be [insert instructions for how recipient must handle program income, e.g. retained by the Recipient and used for (refer to 43 CFR sections 12.65 and 12.924 for program income use option to be inserted here)]. Recipient must report program income generated through the performance of this project on the 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 https://www.sam.gov/portal/public/SAM/ 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 USFWS will suspend payment under this and all other USFWS awards to your organization until you update your organization's SAM registration.

Terms of Acceptance:
Acceptance of a financial assistance award from the USFWS carries with it the responsibility to be aware of and comply with the terms and conditions applicable to the award. Acceptance is defined as the start of work, drawing down funds, or accepting the award via electronic means. Awards are based on the application submitted to and approved by the USFWS. Awards 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. The Federal regulations applicable to USFWS awards are listed by recipient type in the **USFWS Financial Assistance Award Terms and Conditions** posted on the Internet at [URL to be determined]. If you do not have access to the Internet and require a full text copy of the award terms and conditions, contact the USFWS Project Officer.

Special Conditions and Provisions:
NOTE (be sure to remove this note): Use the **Sample Special Award Terms and Conditions** document posted on the Intranet at https://inside.fws.gov/go/post/FAPO-NewAwards 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, 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 header.

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

Payments:
NOTE: (be sure to remove this note): Select the applicable standard text regarding payments from the choices (in bold red text highlighted in yellow) below. The SF 270 and SF 271 payment request forms

are the only acceptable forms/formats for manual payment requests. You must not require recipients to submit any other payment request form/format! 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 Intranet at https://inside.fws.gov/go/post/Payments-New.

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 Award 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 this Notice of Award 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 [enter either: SF-270, Request for Advance or Reimbursement (Non-Construction) or SF-271, Outlay Report and Request for Reimbursement (Construction)] form to request payments and advances. [Enter either "This form is available on the Internet at http://www.whitehouse.gov/omb/grants_forms/" or "This form is attached"]. Send all payment requests to the USFWS 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 [enter either: SF-270, Request for Advance or Reimbursement (Non-Construction) or SF-271, Outlay Report and Request for Reimbursement (Construction)] form to request payments and advances. This form is available on the Internet at http://www.whitehouse.gov/omb/grants_forms/. 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 USFWS Project Officer.

Recipients are responsible for ensuring any sensitive data being sent to the USFWS is protected during its transmission/delivery. The USFWS strongly recommends recipients use the most secure transmission/delivery method available. The USFWS 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 USFWS strongly encourages recipients sending sensitive data in paper copy to use a courier mail service. Recipients may also contact the USFWS 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 [enter either: SF-270, Request for Advance or Reimbursement (Non-Construction) or SF-271, Outlay Report and Request for Reimbursement (Construction)] to request payments and advances. This form is available on the Internet at

http://www.whitehouse.gov/omb/grants_forms/. 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 National Business Center by fax to 303-969-7281 or by email to fbmsfwspayments@nbc.gov.

Recipients are responsible for ensuring any sensitive data being sent to the NBC is protected during its transmission/delivery. The USFWS strongly recommends recipients use the most secure transmission/delivery method available. The USFWS 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 (be sure to remove this note): Select either Option 1 or Option 2 below. Delete option notes and text for option not selected. Refer to Service policies 516 FW 1 and 516 FW 2 to accurately complete reporting period and due date tables. Add or delete table rows as needed. Significant development reporting is required and should not be removed. 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. The site visit reports must be done at least annually and are to be completed on the same schedule as the replaced recipient performance reports would have been due.

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

Financial Reports: No interim SF 425, *Federal Financial Reports* are required. Submission of payment requests using the SF 270/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. These forms are available on the Internet at http://www.whitehouse.gov/omb/grants_forms/. For additional information regarding financial reporting requirements and sanctions for noncompliance, please reference http://www.fws.gov/policy/516fw1.html.

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 under this award are:

Report:	**Report Period:**	**Report Due Date:**
Interim Performance	[insert start of period-end of period dates]	[insert corresponding due date]
Interim Performance	[insert start of period-end of period dates]	[insert corresponding due date]
Final Performance	[insert start of period-end of period dates]	[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 content requirements here]. Please include the USFWS award number provided in the subject line of this letter on all reports.

Financial and performance reporting due dates may be extended by the USFWS Project Officer 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 USFWS Project Officer may approve an additional extension if justified by a catastrophe that significantly impairs the award recipient's operations. Requests for reporting due date extensions must be received in writing by the USFWS Project Officer before the original reporting due date.

Significant Development Reports:
Events may occur between the scheduled performance reporting dates that have significant impact upon the supported activity. In such cases, notify the USFWS Project Officer in writing as soon as the following types of conditions become known:

- 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.
- 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.

Other Deliverables:
[Identify any other deliverables expected/required from the Recipient such as products, research reports, invention disclosures, Federally-owned property report (see 43 CFR 12.72 or 12.933, as applicable by recipient type), land purchase documentation, etc. here].

All reports [enter "and other deliverables" if applicable] must be sent to the USFWS Project Officer.

OPTION 2-Use the following text if recipient is to be paid in ASAP or the recipient is waived from ASAP but the program does not want to waive interim SF 425, Federal financial reports:
Financial and Performance Reporting Requirements:
[Insert Quarterly, Semi-annual, or Annual] interim financial and performance reports and final financial performance reports are required under this award. The report periods and due dates under this award are:

Report:	**Report Period:**	**Report Due Date:**
Interim financial & performance	[insert start of period-end of period dates]	[insert corresponding due date]
Interim financial & performance	[insert start of period-end of period dates]	[insert corresponding due date]
Final financial & performance	[insert start of period-end of period dates]	[insert corresponding due date]

Recipients must use the SF 425, *Federal Financial Report* form for all financial reporting. This form is available at http://www.whitehouse.gov/omb/grants_forms/.

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 content requirements here]. Please include the USFWS award number provided in the subject line of this letter on all reports.

Financial and performance reporting due dates may be extended by the USFWS upon receipt of a written request addressed to the USFWS Project Officer identifying the type of report to be extended, the requested revised due date, and a justification for the extension. The USFWS 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 USFWS Project Officer before the original reporting due date.

Significant Developments Reports:
Events may occur between the scheduled performance reporting dates that have significant impact upon the supported activity. In such cases, notify the USFWS Project Officer in writing as soon as the following types of conditions become known:

- 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.
- 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.

Other Deliverables:
[Identify any other deliverables expected/required from the Recipient such as products, research reports, invention disclosures, Federally-owned property report (see 43 CFR 12.72 or 12.933, as applicable by recipient type), land purchase documentation, etc. here].

All reports [enter "and other deliverables" if applicable] must be sent to the USFWS Project Officer.

<u>Project Plan and Budget Amendments</u>:
NOTE (be sure to remove this note): Programs/servicing offices are responsible for making themselves familiar with the allowances/restrictions provided in the administrative circulars and editing this section as appropriate for the type of project or recipient. For awards to foreign entities and individuals, the program must detail all project plan and budget amendment requirements to be applicable to the award in this section or in a program-specific attachment for that purpose.

Recipients are permitted to re-budget within the approved direct cost budget to meet unanticipated requirements and may make limited program changes to the approved project. However, certain types of post-award changes in budgets and projects shall require the *prior written approval* of the USFWS Project Officer. State, local, or Indian tribal governments must refer to 43 CFR 12.70 for additional information on the types of changes that require prior written approval. Commercial organizations, institutions of higher education, hospitals and other non-profit organizations must refer to 43 CFR 12.925 for additional information on the types of changes that require prior written approval.

If the award is for more than $100,000 to a state, local or Indian tribal governments and the program wants to waive the pre-approval requirement for 10% transfers among direct cost categories (see 43 CFR 12.70), insert the following text:
Recipient does not need prior written approval from the USFWS to make a cumulative transfer among direct cost categories which exceed, or are expected to exceed, ten percent of the current total approved budget.

Project Period Extensions:
If additional time is needed to complete the approved project, you must send written notice to the USFWS Project Officer. This notice must be received by the USFWS Project Officer at least 10 calendar days before the authorized project 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 USFWS 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 USFWS award number provided in the subject line of this letter in all written communications.

Sincerely,

U.S. Fish and Wildlife Service
Financial Assistance Award Terms and Conditions

Acceptance of a grant or cooperative agreement award from the U.S. Fish and Wildlife Service (USFWS), Department of the Interior (Interior) carries with it the responsibility to be aware of and comply with the terms and conditions of award. Acceptance is defined as the start of work, drawing down funds, or accepting the award via electronic means. Awards are based on the application submitted to and approved by the USFWS. Awards are subject to the terms and conditions incorporated into the award either by direct citation or by reference to the following: Federal regulations; program legislation or regulation; and special award terms and conditions. The Federal regulations applicable to USFWS grant and cooperative agreement award recipients are:

Commercial Organizations

General
43 CFR Part 12, Subpart A, Administrative and Audit Requirements and Cost Principles for Assistance Programs

Cost Principles
48 CFR 1, Subpart 31.2, Contracts with Commercial Organizations

Other Requirements
2 CFR Part 25, Central Contractor Registration and Data Universal Numbering System

2 CFR Part 170, Reporting Subawards and Executive Compensation

2 CFR Part 175, Award Term for Trafficking in Persons

2 CFR Part 1400, Government-wide Debarment and Suspension (Non-procurement)

2 CFR Part 1401, Requirements for Drug-Free Workplace (Financial Assistance)

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 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 includes: public international organizations, foreign governments, foreign governmental entities, and all other foreign entities except individuals. For foreign entities, the notice of award document will detail all administrative and cost-related requirements and restrictions.

Other Requirements
2 CFR Part 25, Central Contractor Registration and Data Universal Numbering System

2 CFR Part 175, Award Term for Trafficking in Persons (applicable to private entity sub-recipients)

2 CFR Part 1400, Government-wide Debarment and Suspension (Non-procurement). Applies to all foreign entities *except* foreign governments, foreign governmental entities, public international organizations, any entity owned in whole or in part or controlled by a foreign government, or an entity made up of one or more foreign governments or foreign governmental 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 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 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 a 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.

Other Requirements

2 CFR Part 175, Award Term for Trafficking in Persons

2 CFR Part 1400, Government-wide Debarment and Suspension (Non-procurement)

2 CFR Part 1401, Requirements for Drug-Free Workplace (Financial Assistance)

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 who are individuals are encouraged to not engage in text messaging while driving a vehicle in conduct of activities funded under this award.

Institutions of Higher Education, Hospitals and other Non-Profit Organizations

General

43 CFR Part 12, Subpart A, Administrative and Audit Requirements and Cost Principles for Assistance Programs

Administrative Guidelines

2 CFR Part 215, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations

43 CFR Part 12, Subpart F, Uniform Administrative Requirements for Grants and Cooperative Agreements with Institutions of Higher Education, Hospitals, other Non-Profits

Cost Principles

Publically financed institutions of higher education: 2 CFR Part 220, Cost Principles for Educational Institutions

Non-profits listed in Attachment C of OMB Circular A-122: 48 CFR 1, Subpart 31.2, Contracts with Commercial Organizations

All other non-profits: 2 CFR Part 230, Cost Principles for Non-Profit Organizations

Hospitals: 45 CFR part 74, Appendix E, Principles for Determining Costs Applicable to Research and Development Under Grants and Contracts with Hospitals

Audit Requirements

Non-profits: OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations

Other Requirements

2 CFR Part 25, Central Contractor Registration and Data Universal Numbering System

2 CFR Part 170, Reporting Subawards and Executive Compensation

2 CFR Part 175, Award Term for Trafficking in Persons

2 CFR Part 1400, Government-wide Debarment and Suspension (Non-procurement)

2 CFR Part 1401, Requirements for Drug-Free Workplace (Financial Assistance)

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 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

General
43 CFR Part 12, Subpart A, Administrative and Audit Requirements and Cost Principles for Assistance Programs

Administrative Guidelines
OMB Circular A-102, Grants and Cooperative Agreements with State and Local Governments

43 CFR Part 12, Subpart C, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments

Cost Principles
2 CFR Part 225, Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A-87)

Audit Requirements
OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations

Other Requirements
2 CFR Part 25, Central Contractor Registration and Data Universal Numbering System

2 CFR Part 170, Reporting Subawards and Executive Compensation

2 CFR Part 175, Award Term for Trafficking in Persons (applicable to private entity sub-recipients)

2 CFR Part 1400, Government-wide Debarment and Suspension (Non-procurement)

2 CFR Part 1401, Requirements for Drug-Free Workplace (Financial Assistance)

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 adopt and enforce policies that ban text messaging while driving, including conducting initiatives of the type described in section 3(a) of the order.

U.S. Fish and Wildlife Service

Financial Assistance Business Process

Sample Financial Assistance Award Special Terms and Conditions

Point of Contact

Send any questions on this guidance by email to the Chief, Wildlife and Sport Fish Restoration Program (WSFR), Division of Administration and Information Management (AIM), Financial Assistance Policy and Oversight (FAPO) Branch. See the FAPO About/Contact Us Intranet page at https://inside.fws.gov/index.cfm/go/post/FAPO-About for contact information.

Document Change Log

FAPO 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/FAPO-NewAwards and will document updates to this guidance in the following table:

Date Changed	Changed By	Description of Change Made

Instructions

The table beginning on page 2 of this document provides samples of some of the more common special grant or cooperative agreement award terms and conditions and provides:

1) A description of when each term or condition must be used and other use instructions, and
2) When appropriate, standard or customizable term/condition text.

The table below does not include all possible special award terms and conditions. Use this document as a starting point for developing a project-, program-, and recipient-specific set of special award terms and conditions. All applicable special award terms and conditions must be included in the notice of award. Do not include reference or direct citation of any terms and conditions that are not applicable to the award!

NOTE: 43 CFR Part 12, Subpart E—Buy American Requirements for Assistance Programs and Service policy 301 FW 7, Green Procurement **DO NOT APPLY** to Service grants and cooperative agreements! Also, the Seat Belt provision is already incorporated by general applicability of 43 CFR Part 12 to all awards and does not need to be included as a separate provision.

Sample Financial Assistance Award Special Terms and Conditions

Circumstance and Other Use Instructions	Special Award Term and Condition (SATC) Text
Acknowledgement of Support in Publications- If the program wants the recipient to acknowledge program, Service and/or Departmental support on formally published (on Internet or printed) documents, include the first paragraph of the following SATC: If the program wants the recipient to also insert a *program* symbol (i.e., a program-specific icon or symbol that is not the Service's logo) to accompany the statement of support, include the second paragraph of the following SATC:	The [insert description of the items to be produced] 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 upon request from the USFWS Project Officer.
Acknowledgement of Support on Facilities or Equipment- If the program wants to ask or encourage the recipient to display the *program* symbol (i.e., a program-specific icon that is not the Service's logo) on facilities or equipment acquired, developed, operated or maintained with Service award funds, include the following SATC:	[Insert either "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 upon request from the USFWS Project Officer.
Environmental Impact- If the project will be conducted in the United States and the project activities have the potential to have an impact on: the human environment; endangered or threatened species or critical habitat; or historic properties, we must include the following SATC:	Recipients of Federal grant and cooperative agreement awards are responsible for ensuring that all project activities 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).
High Risk- If Recipient has been determined to be high risk, provide justification for placing recipient on high risk status, and detail the additional conditions applicable to them (e.g. payment restrictions or increased reporting frequency requirements). Refer to 43 CFR 12.52 (for State, local and Indian tribal governments) or 12.914 (for institutions of higher education, hospitals, and other non-profit organizations) to develop related SATCs.	Program must develop circumstance-specific language.
Individuals Hiring Contractors- If the award is to an individual who will hire a contractor to perform work activities approved under the award on privately owned property, we	Recipient has an obligation to protect themselves from potential liability when hiring any contractor to perform work activities approved under this award on their private property by checking references and ensuring that

must include the following SATC: NOTE: If the award is a cooperative agreement, the Service can share these responsibilities with the recipient. If the Service will share these responsibilities (e.g., performing required sub-contractor SAM.gov Exclusions check), break them out in the "USFWS will, Recipient will" statements in the award scope of work.	any contractor hired is licensed, bonded, and has valid employee insurance coverage in the event of injury or bodily harm. Recipient may not make a sub-award to any contractor unless the contractor has provided its Data Universal Numbering System (DUNS) number to you. A DUNS number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. to uniquely identify business entities. A DUNS number may be obtained by telephone (866-705-5711) or on the Internet (at http://fedgov.dnb.com/webform). Before hiring any contractor, Recipient must confirm that the contractor is not suspended or debarred from receiving Federal funds. Recipient must go on the Internet to http://sam.gov and on the Home Page or Search Records tab, type the contractor's DUNS number in the search bar, and click on the Search icon. If no exclusion record is found, the contractor is not suspended or debarred from receiving Federal funds. Recipient may proceed with hiring the contractor. If an exclusion record is found, Recipient must not proceed with hiring the contractor. Contact the USFWS Project Officer with any questions.
Insurance and Liability Indemnification- placeholder for upcoming DIG on this subject. Will remove if DIG is not finalized before this document is finalized.	
National Technical Information Service- Per 15 U.S.C. Section 3704B-2, if funding under this award will be used to produce unclassified scientific, technical, or engineering information resulting from research and development activities (defined as 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) that is to be published or made available by either the recipient or the Service for public dissemination to the private sector, academia, State and local governments, and Federal agencies (go to http://www.ntis.gov/products/publications.aspx to view examples), include this SATC:	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 where to send financial and performance reports.

Natural Resource Library- The Department requires that at least one copy of all final publications (as defined in 481 DM 4) produced under a grant or cooperative agreement be sent to the Natural Resource Library. 481 DM 4 states that we shall determine whether a publication is suitable for the library by applying the following criteria: • The publication IS of value for: public information and awareness; educational use; scientific, technical or research use; and • The publication is NOT: limited to official use only; classified for reasons of national security; for administrative, operational or proprietary use only; issued periodically and regularly compiled totally at a later date; 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). If a final publication qualifying for transmittal to the library is expected to be produced under the award and you want the recipient to send the publication to the library (instead of sending the publication to the library ourselves), include the following SATC: NOTE: The library will accept publications in hard copy and on compact disc (CD). However, all items must be sent to the library by courier mail. Hard copy publications sent by regular U.S. Postal Service delivery are often damaged, and CDs are destroyed, by the Department's mail irradiation system.	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 where to send financial and performance reports.
Non-Federal Real Property/Land Purchase- If non-Federal real property/land is to be purchased or restored under this award, enter standard or program-/project- specific requirements and conditions, including any additional post-project period reporting or other documentation required from the recipient, and applicable retention and/or disposition	Program must develop circumstance-specific language.

instructions. Retention and/or disposition instructions should specify actual dates, if applicable. Refer to 43 CFR Parts 12.71 (for State, local and Indian tribal governments) and 12.932 (for institutions of higher education, hospitals, and other non-profit organizations), and any applicable program legislation/regulation, to develop related SATCs.	
Promotional Partnership with Non-governmental Entity- Per 43 CFR 12.2(d), if the award is made to an entity *OTHER THAN* a State, local, or Federally-recognized Indian tribal government *AND* the principal purpose of the award is a partnership where the recipient/partner contributes resources to promote Service programs or activities, publicizes Service activities, assists in fundraising, or provides assistance to the Service and the project includes joint dissemination of information and promotion of activities being supported, we must include the following SATC:	Recipient shall not publicize or otherwise circulate promotional material (such as advertisements, sales brochures, press releases, speeches, still and motion pictures, articles, manuscripts or other publications) which states or implies governmental, Departmental, bureau, or government employee endorsement of a product, service, or position that the recipient represents. No release of information relating to this award may state or imply that the Government approves of the recipient's work products, or considers the recipient's work product to be superior to other products or services. All information submitted for publication or public releases of information regarding this project shall carry the following disclaimer: "The views and conclusions contained in this document are those of the authors 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." Recipient must obtain prior Government approval for any public information releases concerning this award which refer to the Department of the Interior or any bureau or employee (by name or title). The specific text, layout photographs, etc. of the proposed release must be submitted with the request for approval. Recipient must include this provision in subawards made under this award to any recipient other than a State, local, or Federally-recognized Indian tribal government.
Purchases by Governmental Entities- In accordance with 505 DM 3, for awards to states, local governments and federally recognized Indian tribal governments that will afford opportunities for purchases from the business community, we	It is a national policy to award a fair share of contracts to small and minority business firms. The Department of the Interior is strongly committed to the objectives of this policy and encourages all recipients of its grants and cooperative agreements to take affirmative steps to ensure

must include the following SATC:	such fairness. As a condition of award, the Recipient and sub-recipients shall take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps shall include: (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists; (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources; (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises; (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises; (5) Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce as appropriate, and (6) Requiring prime contractors, if subcontracts are to be let, to take the affirmative steps listed in (1) through (5) above.
Purchases by Non-Governmental Entities- In accordance with 505 DM 5, for awards to institutions of higher education, hospitals and other nonprofit organizations that will afford opportunities for purchases from the business community, we must include the following SATC:	It is a national policy to place a fair share of purchases with minority business firms. The Department of the Interior is strongly committed to the objectives of this policy and encourages all recipients of its grants and cooperative agreements to take affirmative steps to ensure such fairness. Positive efforts shall be made by recipients to utilize small businesses, minority-owned firms, and women's business enterprises, whenever possible. Recipients of Federal awards shall take all of the following steps to further this goal: (1) Ensure that small businesses, minority-owned firms, and women's business enterprises are used to the fullest extent practicable; (2) Make information on forthcoming opportunities available and arrange time frames for purchases and contracts to encourage and facilitate participation by small businesses, minority-owned firms, and women's business enterprises; (3) Consider in the contract process whether firms competing for larger contracts intend to subcontract with small businesses, minority-owned firms, and women's business enterprises; (4) Encourage contracting with consortiums of small businesses, minority-owned firms and women's business enterprises when a contract is too large for one of

	these firms to handle individually; and (5) Use the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Department of Commerce's Minority Business Development Agency in the solicitation and utilization of small businesses, minority-owned firms and women's business enterprises.
Requiring Use of the Service Logo- Per Service policy 041 FW 2, all programs not specifically excepted in the policy must obtain Director's approval prior to requiring a recipient to use the Service logo in any manner (e.g., inserting it on formally published products, using it on meeting materials, displaying it on facilities or equipment). Text must be circumstance specific. If the program has received Director's approval for the recipient to use the Service logo, the notice of award must: 1) explicitly authorize them to use the logo; 2) clearly outline the specific authorized use(s) of the logo; 3) explicitly state that the Service is waived from liability for any misuse; and 4) cite the consequences of violating 18 U.S.C. 701. Coordinate the text of the award condition with External Affairs.	Program must develop circumstance-specific language.
Scientific and Scholarly Activities- 305 DM 3 defines scientific and scholarly activities as: 1) inventorying, monitoring, experimentation, study, research, modeling or scientific and scholarly assessments that are conducted in a manner specified by documented protocols and procedures and include any of the biological, cultural or social sciences as well as landscape architecture, engineering, mathematics and statistics that employ the scientific method; **AND** 2) the results of which include the analysis, synthesis, compilation or translation of information and data into formats <u>intended for use in the Service's and/or the Department's decision-making processes or publications</u>. If any the award will, in whole or in part, fund scientific and scholarly activities *as defined in 305 DM 3*, Integrity of Scientific and Scholarly Activities, we must include the following SATC:	The Recipient will conduct scientific and scholarly activities, as defined in Department of the Interior policy 305 DM 3, *Integrity of Scientific and Scholarly Activities*, that are intended for use in USFWS decision-making processes and/or publications. Acceptance of this award carries with it the responsibility to be aware of and follow the Code of Scientific and Scholarly Conduct described in 305 DM 3, Section 3.7 to the best of your ability.
Transfer Title of Equipment to Federal Government or	Program must develop circumstance-specific language.

Third Party- Typically, equipment purchased by a recipient will vest with the recipient. However, CFR Part 12 allows the Service the right to transfer the title of equipment purchased by a recipient to the Federal Government or a third party. This right is subject to the standards provided in 43 CFR 12.72(g) Equipment (applicable to state and local governments) and in 12.934(h) Equipment (applicable to Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations). If the program wants equipment purchased by a recipient to be transferred to either the Federal Government or another party, we must include a circumstance-specific SATC, including identifying property to be transferred, providing disposition instructions, and when applicable, reimbursing the recipient for the purchase. Refer to 43 CFR Part 12.72 (for State, local and Indian tribal governments) or 12.934 (for institutions of higher education, hospitals, and other non-profit organizations) to develop SATC.	

U.S. Fish and Wildlife Service

Financial Assistance Business Process

Modifying the PRISM Grant and Cooperative Agreement Cover Page

For every award, we must provide a notice of award to the recipient. The notice of award must include the following elements:

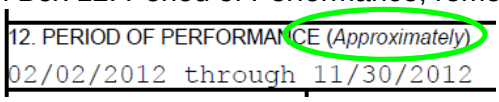
A. Either the PRISM Grant and Cooperative Agreement Cover Page or a customized notice of award letter,

B. USFWS Financial Assistance Award Terms and Conditions (see [URL TBD]), either cited in the award cover sheet/letter or provided as a separate attachment, and

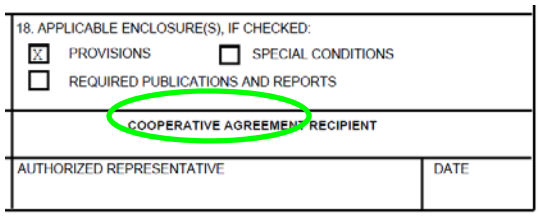
C. Any special program or project-specific terms and conditions (see the **Sample Financial Assistance Award Special Terms and Conditions** document posted on the Intranet at https://inside.fws.gov/go/post/FAPO-NewAwards).

Programs must modify the PRISM Grant and Cooperative Agreement Cover Page before sending it to a recipient. To modify the cover page, either save the completed document to your desktop and then use Adobe Acrobat Professional to make the following changes to the form, or print the form in paper copy and make the following changes by hand. To modify the PRISM Grant and Cooperative Agreement Cover Page:

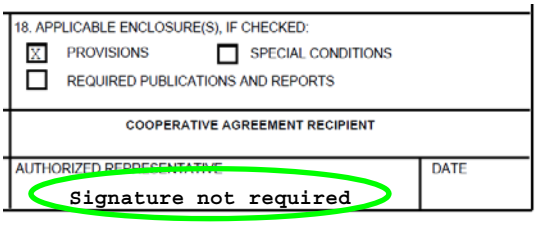
1. From Box 12. Period of Performance, remove the text "(Approximately)".



2. If the award is a Grant, remove from Box 18 the text "Cooperative Agreement".



3. In the Recipient "Authorized Representative" signature field under Box 18, enter "Signature not required". Recipients are not required to sign the Notice of Financial Assistance Award document.



Programs sending the PRISM Grant and Cooperative Agreement Cover Page to a recipient must make sure the recipient also receives:

- Complete Service project officer contact information,
- Detailed payment instructions, and
- Detailed financial and performance reporting requirements, including reporting periods, due dates and submission instructions.