

TRIBAL, U.S. TERRITORIES AND INSULAR AREAS ADMINISTRATIVE AND FINANCIAL GUIDANCE MANUAL FOR ASSISTANCE AGREEMENTS

Activities Booklet

*"A Nation is a stable, historically developed community of people
who share territory, economic life, distinctive culture, and language."*

Office of Environmental Justice, U.S. EPA

U.S. Environmental Protection Agency
Updated August 2013



These activities are intended as a supplement to National PETE's *Tribal, U.S. Territories and Insular Areas Administrative and Financial Guidance for U.S. EPA Assistance Agreements* training manual, which can be downloaded from www.petetribal.org.



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Activities for Module 1

Activity 1.a Find the Money

Visit the following websites to learn about EPA grant opportunities.

Visit The Catalog of Federal Domestic Assistance at <https://cfda.symlicity.com/>.

- Search for an Assistance Program your Tribal Nation may find interesting.
- Locate the “Applicant Eligibility” paragraph.
- Is your Tribal Nation eligible?

Visit the Grants.gov website at <http://grants.gov>.

- Watch the online animated overview at <http://www.grants.gov/assets/GdgOverview.html>.
- Examine a few EPA grant listings.
- Locate a funding opportunity for the program you found on the CFDA website.

Complete the chart provided below.

- What kind of information is provided at CFDA? List this information in the “KNOW” column.
- What kind of information is provided at Grants.gov? List this information in the “KNOW” column.
- What questions do you still have that are not addressed in either listing? These will probably be questions about how the grant can be used to address the particular needs of your Tribal Nation. Write these questions in the “NEED TO KNOW” column.

Ask the “NEED TO KNOW” questions of the person listed as the contact person for each opportunity:

- CFDA – programmatic and opportunity announcement questions
- Grants.gov – questions about applications and funded awards

<i>KNOW</i>	<i>NEED TO KNOW</i>
<i>Write the information provided in the CFDA and Grants.gov listings that is useful to you.</i>	<i>Write the questions you still have that are not addressed in the CFDA or Grants.gov listings.</i>

Activity 1.b Itemized Budget Detail

Translate the following project idea into an itemized budget plan.

Project Narrative

This proposal is under the statutory authority of the Indian Environmental General Assistance Program Act of 1992. Tribe is recognized as a Tribal Consortium under OMB Circular A-87. This two-year grant will carry out three objectives with a total federal assistance – project cost of \$952,424.

- Objective 1: \$362,893 will build member Tribal capacity on environmental issues through the:
- Sponsoring of village trainings
 - Participation of staff in national, regional, and local environmental forums
 - Implementation of a solid waste forum and Tribal leaders conference with training sessions
 - Creation of a solid waste directory

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Objective 2: \$199,000 will build member Tribal capacity on air quality issues through the creation of an air directory:

Covering areas of concern: dust control, village waste burning, atmospheric contamination, and asthma

Listing funding and resources along with a short descriptive forward for each of the categories

Funding internal positions to continuously update and disseminate information

Objective 3: \$390,531 will fund the program manager salary and travel for cluster trainings with support costs. This proposal asserts that training is best carried out in the villages and provides the transportation costs, Per Diem, and facilities fees necessary to provide the logistics to make these trainings possible.

The administrative assistant will provide travel outreach coordination to villagers traveling and arrange the training facilities and fees.

Where necessary Tribal members will contribute to materials as funds allow.

The travel costs are incurred from the cluster training which calculates that an average village cluster training costs \$20,413 and training will occur in nine clusters.

The facilities costs are calculated at \$250 per day per room fee plus \$125 per day for refreshments.

Training occurs in three day sessions.

Three clusters are planned in fiscal year one and six clusters are planned in fiscal year two.

All staff will be engaged in supporting the core administrative duties including accounting, grant administration, program management, and communication with the membership. Staff will engage in obtaining training that strengthens these areas and in training Tribes through outreach, participation in village, regional, state, and national forums, and other meetings as participants and presenters.

The Program Manager will be primarily responsible for environmental program and governance trainings and presentations at a salary of \$70,000/year.

The Finance Director will be primarily responsible for procedural, fiscal compliance, and grant administration training at a salary of \$60,000/year.

The Administrative Assistant will be responsible for office procedure training and for coordinating and scheduling meetings and travel at a salary of \$35,000/year.

An Environmental Coordinator will be hired with available funds as needed, based on a salary of \$50,000/year.

Fringe benefits are changing with revision of the regional handbook and provider charges; the current rate is 35% for full time employees and 15% for part-time employees.

Travel includes travel by staff to national regional and village forums to obtain training, to train others, and to engage in communication on Tribal environmental issues. The outreach and air proposal includes travel for panelists and for staff. The cluster training proposal provides funding for staff and representatives from villages to attend village-based cluster trainings as opposed to trainings in hubs or urban centers. This is recognition of the value of village-based trainings.

Supplies total \$5,400. This is for specific program supplies. The only addition from the core grant is \$810 for jump (flash) drives or other rugged file transfer or equipment to benefit village presentations or for CDs. Technology to send documents or data to a village is consistent with remote assistance. Add other items deemed necessary within the budget, but justify.

Current Approved Rates & Suggested Budget estimation rates:

- Mileage: 55 cents/mile
- Meal Per Diem Rate \$52/day (Breakfast - \$10, Lunch - \$12, Dinner - \$25, Incidental - \$5)
- Overnight Accommodations – average \$100/night
- Airfare – average estimated at \$600/flight
- Personnel Costs: plan on a 2% Cost of Living/Merit Increase for year two of the proposal.

An indirect costs rate has been negotiated with the Interior Business Center (IBC). The current Indirect Cost Rate is 28.08% on the total direct cost base.

GUIDE TO PREPARING BUDGET DETAIL

Budget information should be supported in at least the level of detail described below.

Personnel – List all staff positions by title. Give annual salary, percentage of time assigned to the project, and total cost for the budget period.

Fringe Benefits – Identify the percentage used, the basis for its computation, and the types of benefits included.

Travel – Specify the mileage, per diem, estimated number of trips in-state and out-of-state and other costs for each type of travel.

Equipment – Identify each item to be purchased which has an estimated acquisition cost of \$5,000 or more per unit and a useful life of more than one year. Items with a unit cost of less than \$5,000 are deemed to be supplies, pursuant to 40 CFR 31.3 and 30.2.

Supplies – “Supplies” means all tangible personal property other than “equipment”. The budget detail should identify categories of supplies to be procured (e.g., laboratory supplies or office supplies).

Contractual – Identify each proposed contract and specify its purpose and estimated cost.

Other – List each item in sufficient detail for EPA to determine the reasonableness and allowability of its cost.

Indirect Charges – If indirect charges are budgeted, indicate the approved rate and base.

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Sample - Budget Detail					Page 1
Personnel					
	Position/Title	Annual Salary	Percent of Time Assigned to Project	Amount	Total
	Project Manager	\$70,000	50%	\$35,000	
	Environmental Specialist	\$60,000	100%	\$60,000	
	Environmental Health Technician	\$45,000	100%	\$45,000	
	Accountant	\$50,000	50%	\$25,000	
Total Personnel					\$165,000
Fringe Benefits					
	20.0% of Basic Salary			\$33,000	\$33,000
	Includes Retirement, Health Benefits, Annual and Sick Leave, and Life Insurance				
Travel					
	In-state Travel				
	Travel for meeting and inspections: 100 miles per trip @ \$0.25 per mile, 40 trips			\$1,000	
	Out-of-state Travel				
	Travel for EPA meetings				
	Per Diem – 4 people x \$100 per night x 2 nights			\$800	
	Airfare – 4 x \$500 round trip			\$2,000	
	Incidental – 4 x \$50			\$200	
				\$3,000	
Total Travel					\$4,000
Equipment					
	Level A protective clothing and respirator apparatus (2 @ \$5,000)			\$10,000	\$10,000
Supplies					
	Office supplies			\$2,000	
	Laboratory supplies (solvents, glassware, reagents, rubber gloves)			\$3,000	
Total Supplies					\$5,000
Contractual					
	Consultant services to design data tracking system			\$136,000	
	Audit			\$1,325	
Total Contractual					\$137,325
Other					
	Long distance telephone calls			\$8,000	
	Postage			\$1,000	
	Printing and reproduction			\$2,200	
Total Other					\$11,200
Total Direct Costs					\$365,525
Indirect Charges					
	\$244,525* x 25%			\$61,131	\$61,131
	*Indirect cost base includes Total Direct Costs (\$365,525) less Equipment (\$10,000) and less the amount of each contract in excess of \$25,000 (\$111,000)				
Total Project Costs					\$426,656

Activities for Module 2

Activity 2.a The Award Document

Review your assistance agreement award.

If you do not have an award document, please use the example on the following pages to learn where this information is located on an award document.

1. How much funding is awarded to the recipient for this project?

2. What are the funding match responsibilities, if any?

3. What “terms and conditions” are mentioned in the agreement?
(Hint: what strings are attached to your money?)

4. What are some examples of improper expenditures of the funding for this grant?

5. How long do you have to spend the money?

Activity 2.b EPA Website

Know who can help you before you need help.

Visit the EPA website at <http://www.epa.gov>.

1. Locate and bookmark the pages that can best help you to manage your assistance agreement award.
2. Try some of the links that appear in the navigation panel on the left-hand side of the screen.
3. Use the Search function to find information on specific topics, business sector, or state-specific rules.



Sample Cooperative Agreement


	U.S. ENVIRONMENTAL PROTECTION AGENCY Cooperative Agreement	ASSISTANCE ID NO.			DATE OF AWARD 02/28/2012	
		PROGRA M	DOCUMENT ID	AMENDMEN T#		WD- 83381701- 0
		TYPE OF ACTION New				MAILING DATE 03/06/2012
		PAYMENT METHOD: ACH				ACH# pend
RECIPIENT TYPE: Indian Tribe		Send Payment Request to: Las Vegas Finance Center				
RECIPIENT: Tribe 1234 Rural Route 2 Somewhere, ST 12345 EIN: 12-3456789		PAYEE: Executive Director				
PROJECT MANAGER	EPA PROJECT OFFICER	EPA GRANT SPECIALIST				
Jane Doe Tribe E-Mail: jdoe@tribe.org Phone: 555-666-9898 FAX 555-666-9899	Myra Price 1200 Pennsylvania Ave, NW, 4501T Washington, DC 20460 E-Mail: Price.Myra@epa.gov Phone: 202-566-1225	Philip Schindel 1200 Pennsylvania Ave., NW, 3903R Washington, DC 20460 E-Mail: Schindel.Philip@epamail.epa.gov Phone: 202-564-5293				
PROJECT TITLE AND DESCRIPTION						
Restoration and Enhancement/National Wetlands Mapper						
The recipient proposes to assist states with high resolution wetlands restoration data in transferring their data into National Wetland Inventory maps and facilitate the creation of an additional layer of information supported by the Wetlands master Geodatabase and online Wetlands Mapper that would show wetlands restoration projects that have been completed. This project would assist states in adhering to the National Wetlands Mapping Standard, as well as developing a new layer of information available to the public on wetlands restoration.						
BUDGET PERIOD 01/07/2012 – 02/02/2014	PROJECT PERIOD 01/07/2012 – 02/02/2014	TOTAL BUDGET PERIOD COST \$162,919.00	TOTAL PROJECT PERIOD COST \$162,919.00			
NOTICE OF AWARD						
Based on your application dated 11/08/2007, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$112,656. EPA agrees to cost-share 70.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$112,656. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.						
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE			
ORGANIZATION / ADDRESS			ORGANIZATION / ADDRESS			
Grants and Interagency Agreement Management Division 1200 Pennsylvania Ave., NW Mail code 3903R Washington, DC 20460			Environmental Protection Agency Office of Water 1200 Pennsylvania Ave., NW Washington, DC 20460			
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY						
SIGNATURE OF AWARD OFFICIAL Digital signature applied by EPA Award Official	TYPED NAME AND TITLE Denise A. Polk, chief Grants Management Branch B			DATE 02/28/2012		
AFFIRMATION OF AWARD						
BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION						
SIGNATURE <i>Jane Doe</i>	TYPED NAME AND TITLE Jane Doe, Project Manager			DATE 03/17/2012		

Figure 1: Sample Cooperative Agreement

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action		\$112,656	\$112,656
EPA In-Kind Amount		\$0	\$0
Unexpended Prior Year Balance		\$0	\$0
Other Federal Funds		\$0	\$0
Recipient Contribution		\$50,263	\$50,263
State Contribution		\$0	\$0
Local Contribution		\$0	\$0
Other Contribution		\$0	\$0
Allowable Project Cost		\$162,919	\$162,919

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.462– National Wetland Program Development Grants	Clean Water Act: Sec. 104(b)(3)	40 CFR Part 30

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site / Project	Cost Organization	Obligation / Deobligation
Somewhere	0887JP8004	08	EIC	87EJ	403B07D	4183	-	-	\$112,656
									112,656

Budget Summary Page

Table A – Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
Personnel	\$49,115
Fringe Benefits	\$14,243
Travel	\$4,250
Equipment	\$0
Supplies	\$1,500
Contractual	\$0
Construction	\$0
Other	\$79,976
Total Direct Charges	\$149,084
Indirect Costs: % Base <u>See Terms and Conditions</u>	\$13,835
Total (Share: Recipient <u>30.00%</u> Federal <u>70.00%</u>)	\$162,919
Total Approved Assistance Amount	\$112,656
Program Income	\$0
Total EPA Amount Awarded This Action	\$112,656
Total EPA Amount Awarded To Date	\$112,656

Administrative Conditions

1. In accordance with Section 2(d) of the Prompt Payment Act (P.L. 97-177), Federal funds may not be used by the recipient for the payment of interest penalties to contractors when bills are paid late nor may interest penalties be used to satisfy cost sharing requirements. Obligations to pay such interest penalties will not be obligations of the United States.
2. The recipient understands that none of the funds for this project (including funds contributed by the recipient as cost sharing) may be used to pay for the travel of Federal employees or for other costs associated with Federal participation in this project. Except, however if a federal agency is selected through the recipient's procurement process to carry out some of the work as a contractor to the recipient, funds may be used to allow necessary Federal travel and other costs associated with Federal participation in this project.

3. UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESS ENTERPRISES

GENERAL COMPLIANCE, 40 CFR, Part 33

The recipient agrees to comply with the requirements of EPA's Program for Utilization of Small, Minority and Women's Business Enterprises in procurement under assistance agreements, contained in 40 CFR, Part 33.

FAIR SHARE OBJECTIVES, 40 CFR, Part 33, Subpart D

Pursuant to 40 CFR, Section 33.412, Tribal and Insular Area recipients are not required to negotiate a fair share goal until 3 years from the effective date of the DBE Rule. After that 3-year phase-in period has expired, Tribal and Insular Area recipients are required to adhere to the full requirements of 40 CFR, Part 33, Subpart D, as applicable.

SIX GOOD FAITH EFFORTS, 40 CFR, Part 33, Subpart C

Pursuant to 40 CFR, Section 33.301, the recipient agrees to make the following good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement, and to require that sub-recipients, loan recipients, and prime contractors also comply. Records documenting compliance with the six good faith efforts shall be retained.

- (a) Require DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
- (b) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.
- (c) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
- (d) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.
- (e) Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.
- (f) If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

MBE/WBE REPORTING, 40 CFR, Part 33, Sections 33.502 and 33.503

The recipient agrees to complete and submit EPA Form 5700-52A, "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements" beginning with the Federal fiscal year reporting period the recipient receives the award, and continuing until the project is completed. **Only procurements with certified MBE/WBEs are counted toward a recipient's MBE/WBE accomplishments.** The reports must be submitted **semiannually** for the periods ending March 31st and September 30th for:

- Recipients of financial assistance agreements that capitalize revolving loan programs (CWSRF, DWSRF, Brownfields); and
- All other recipients not identified as annual reporters (40 CFR Part 30 and 40 CFR Part 35, Subpart A and Subpart B recipients are annual reporters).

The reports are due within 30 days of the end of the semiannual reporting periods (April 30th and October 30th). Reports should be sent to ENTER APPROPRIATE REGIONAL INFORMATION. Final MBE/WBE reports must be submitted within 90 days after the project period of the grant ends. Your grant cannot be officially closed without all MBE/WBE reports.

EPA Form 5700-52A may be obtained from the EPA Office of Small Business Program's Home Page on the Internet at www.epa.gov/osbp.

CONTRACT ADMINISTRATION PROVISIONS, 40 CFR, Section 33.302

The recipient agrees to comply with the contract administration provisions of 40 CFR, Section 33.302.

BIDDERS LIST, 40 CFR, Section 33.501(b) and (c)

Recipients of a Continuing Environmental Program Grant or other annual reporting grant, agree to create and maintain a bidders list. Recipients of an EPA financial assistance agreement to capitalize a revolving loan fund also agree to require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. Please see 40 CFR, Section 33.501 (b) and (c) for specific requirements and exemptions.

4. In accordance with EPA regulations (40 C.F.R. 31.40 for State, local, and tribal governments; 40 C.F.R. 30.51 for other recipients), the recipient agrees to submit quarterly progress reports to the EPA Project Officer within 30 days after each reporting period. These reports shall cover work status, work progress, difficulties encountered, preliminary data results and a statement of activity anticipated during the subsequent reporting period, including a description of equipment, techniques, and materials to be used or evaluated. A discussion of expenditures along with a comparison of the percentage of the project completed to the project schedule and an explanation of significant discrepancies shall be included in the report. The report shall also include any changes of key personnel concerned with the project.

In addition, the report shall include brief information on each of the following areas: 1) a comparison of actual accomplishments with the anticipated outputs/outcomes specified in the assistance agreement work plan; 2) reasons why anticipated outputs/outcomes were not met; 3) other pertinent information, including, when appropriate, analysis and explanation of cost overruns or high unit costs. The recipient agrees that it will notify EPA of problems, delays, or adverse conditions which materially impair the ability to meet the outputs/outcomes specified in the assistance agreement work plan.

5. By accepting this agreement for the electronic method of payment through the Automated Clearing House (ACH) network using the EPA-ACH payment system, the recipient agrees to:

(a) Request funds based on the recipient's immediate disbursement requirements by presenting an EPA-ACH Payment Request to your EPA Servicing Finance Office (see EPA-ACH Payment System Recipients Manual for additional information.)

(b) Provide timely reporting of cash disbursements and balances in accordance with the EPA-ACH Payment System Recipients Manual; and

(c) Impose the same standards of timing and reporting on subrecipients, if any.

Failure on the part of the recipient to comply with the above conditions may cause the recipient to be placed on the reimbursement payment method.

6. In accordance with EPA regulations (40 C.F.R. 31.40 for State, local and tribal governments; 40 C.F.R. 30.51 for other recipients), the recipient agrees to submit to the EPA Project Officer within 90 days after the expiration or termination of the approved project period a final report and at least one reproducible copy suitable for printing. The final report shall document project activities over the entire project period and shall include brief information on each of the following areas: 1) a comparison of actual accomplishments with the anticipated outputs/outcomes specified in the assistance agreement work plan; 2) reasons why anticipated outputs/outcomes were not met; and 3) other pertinent information, including, when appropriate, analysis and explanation of cost overruns or high unit costs. The recipient agrees that it will notify EPA of problems, delays, or adverse conditions which materially impair the ability to meet the outputs/outcomes specified in the assistance agreement work plan.

7. Pursuant to 40 CFR 31.41(b) and 31.50(b), EPA recipients shall submit a final Federal Financial Report (SF-425) to EPA no later than 90 calendar days after the end of the project period. The form is available on the internet at <http://www.epa.gov/ocfo/finservices/forms.htm>. All FFRs must be submitted to the Las Vegas Finance Center: US EPA, LVFC, 4220 S. Maryland Pkwy., Bldg. C, Rm. 503, Las Vegas, NV 89119, or by Fax to: 702-798-2423.

The LVFC will make adjustments, as necessary, to obligated funds after reviewing and accepting a final Federal Financial Report. Recipients will be notified and instructed by EPA if they must complete any additional forms for the closeout of the assistance agreement.

EPA may take enforcement actions in accordance with 40 CFR 31.43 if the recipient does not comply with this term and condition.

8. HOTEL-MOTEL FIRE SAFETY

Pursuant to 40 CFR 30.18, if applicable, and 15 USC 2225a, the recipient agrees to ensure that all space for conferences, meetings, conventions, or training seminars funded in whole or in part with federal funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (PL 101-391, as amended). Recipients may search the Hotel-Motel National Master List at <http://www.usfa.dhs.gov/applications/hotel/to> to see if a property is in compliance (FEMA ID is currently not required), or to find other information about the Act.

9. The chief executive officer of this recipient agency shall ensure that no grant funds awarded under this assistance agreement are used to engage in lobbying of the Federal Government or in litigation against the United States unless authorized under existing law. The recipient shall abide by its respective OMB Circular (A-21, A-87, or A-122), which prohibits the use of federal grant funds for litigation against the United States or for lobbying or other political activities.

10. In accordance with Section 18 of the Lobbying Disclosure Act of 1995, PL. No. 105-65, 109 Stat. 691, the recipient affirms that:

(1) it is not a nonprofit organization described in Section 501 (c)(4) of the Internal Revenue Code of 1986; or

(2) it is a nonprofit organization described in Section 501 (c)(4) of the Internal Revenue Code of 1986 but does not and will not engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act of 1995.

11. Recipients shall fully comply with Subpart C of 2 CFR Part 180 entitled, “Responsibilities of Participants Regarding Transactions Doing Business With Other Persons,” as implemented and supplemented by 2 CFR Part 1532. Recipient is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 2 CFR Part 180, entitled “Covered Transactions,” includes a term or condition requiring compliance with Subpart C. Recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. Recipient acknowledges that failing to disclose the information required under 2 CFR 180.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment.

Recipients may access suspension and debarment information at <http://www.sam.gov>. This system allows recipients to perform searches determining whether an entity or individual is excluded from receiving Federal assistance. This term and condition supersedes EPA Form 5700-49, “Certification Regarding Debarment, Suspension, and Other Responsibility Matters.”

12. The recipient organization of this EPA assistance agreement must make an ongoing, good faith effort to maintain a drug-free workplace pursuant to the specific requirements set forth in Title 2 CFR Part 1536 Subpart B. Additionally, in accordance with these regulations, the recipient organization must identify all known workplaces under its federal awards, and keep this information on file during the performance of the award.

Those recipients who are individuals must comply with the drug-free provisions set forth in Title 2 CFR Part 1536 Subpart C.

The consequences for violating this condition are detailed under Title 2 CFR Part 1536 Subpart E. Recipients can access the Code of Federal Regulations (CFR) Title 2 Part 1536 at <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=0e898f356b7deb1f1dfb3ea7eac14ead&rgn=div5&view=text&node=2:1.1.1.8.17&idno=2>

13 a. The recipient agrees to:

- (1) Establish all subaward agreements in writing;
- (2) Maintain primary responsibility for ensuring successful completion of the EPA-approved project (this responsibility cannot be delegated or transferred to a subrecipient);
- (3) Ensure that any subawards comply with the standards in Section 210(a)-(d) of OMB Circular A-133 and are not used to acquire commercial goods or services for the recipient;
- (4) Ensure that any subawards are awarded to eligible subrecipients and that proposed subaward costs are necessary, reasonable, and allocable;
- (5) Ensure that any subawards to 501(c)(4) organizations do not involve lobbying activities;
- (6) Monitor the performance of their recipients and ensure that they comply with all applicable regulations, statutes, and terms and conditions which flow down in the subaward;
- (7) Obtain EPA’s consent before making a subaward to a foreign or international organization, or a subaward to be performed in a foreign country; and
- (8) Obtain approval from EPA for any new subaward work that is not outlined in the approved work plan in accordance with 40 CFR Parts 30.25 and 31.30, as applicable.

b. Any questions about subrecipient eligibility or other issues pertaining to subawards should be addressed to the recipient’s EPA Project Officer. Additional information regarding subawards may be found at <http://www.epa.gov/ogd/guide/subaward-policy-part-2.pdf>. Guidance for distinguishing between vendor and subrecipient relationships and ensuring compliance with Section 210(a)-(d) of OMB Circular A-133 can be found at <http://www.epa.gov/ogd/guide/subawards-appendix-b.pdf> and http://www.whitehouse.gov/omb/financial_fin_single_audit.

c. The recipient is responsible for selecting its subrecipients and, if applicable, for conducting subaward competitions.

14. Management fees or similar charges in excess of the direct costs and approved indirect rates are not allowable. The term “management fees or similar charges” refers to expenses, unforeseen liabilities, or for other similar costs which are not allowable under this assistance agreement. Management fees or similar charge may not be used to improve or expand the project funded under this agreement, except to the extent authorized as a direct cost of carrying out the scope of work.

15. The recipient acknowledges that two employees of this recipient organization must complete the mandatory online training, “EPA Grant Management Training for Non-Profit Applicants and Recipients.” One person must be the project manager, or equivalent, for this assistance agreement. The training must be completed by both employees prior to the return of the award document to EPA and the receipt of any grant funds. The course can be accessed at:

<http://www.epa.gov/ogd/>

At the end of the course the recipient must print out, sign and return the certificate of completion with the affirmation of acceptance to the appropriate grants office. The training certification will expire 3 years from the last training date. No funds will be released to the recipient by EPA until the required training is completed.

16. EPA’s financial obligations to the recipient are limited by the amount of federal funding awarded to date as shown on line 15 in its EPA approved budget. If the recipient incurs costs in anticipation of receiving additional funds from EPA, it does so at its own risk.

17. a. If the recipient does not have a previously established indirect cost rate, and is not approved for use of the 10% flat IDC rate, it agrees to prepare and submit its indirect costs rate proposal in accordance with 2 CFR 225, “Cost Principles for State, Local, and Indian Tribal Governments”.

The recipient must send its proposal to the U.S. Department of the Interior within ninety (90) days from the effective date of the award of this assistance agreement to:

National Business Center
Indirect Cost Services
U.S. Department of the Interior
2180 Harvard Street, Suite 430
Sacramento, CA 95815

The recipient must copy this EPA office with its proposal via email at OGD_IndirectCost@EPA.GOV.

b. Recipients may not draw down indirect costs unless they: i) have a current rate agreement; ii) have been approved for a flat 10% rate; or iii) have submitted, within 90 days of award, an indirect cost rate proposal to the U.S. Department of the Interior for review and approval and a final rate has been determined.

c. Recipients are responsible for maintaining an approved indirect cost rate. Recipients with differences between their provisional rates and final rates are not entitled to more than the amount identified in the award for indirect costs without EPA approval.

18. Trafficking in persons.

a. *Provisions applicable to a recipient that is a private entity.*

1. You as the recipient, your employees, subrecipients under this award, and subrecipients’ employees may not—

- i. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
- ii. Procure a commercial sex act during the period of time that the award is in effect; or
- iii. Use forced labor in the performance of the award or subawards under the award.

2. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity —

- i. Is determined to have violated a prohibition in paragraph a.1 of this award term; or
- ii. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either—
 - A. Associated with performance under this award; or
 - B. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our Agency at 2 CFR 1532.

- b. *Provision applicable to a recipient other than a private entity.* We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity—
1. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or
 2. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either—
 - i. Associated with performance under this award; or
 - ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 2 CFR 1532
- c. *Provisions applicable to any recipient.*
1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.
 2. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:
 - i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
 - ii. Is in addition to all other remedies for noncompliance that are available to us under this award.
 3. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.
- d. *Definitions.* For purposes of this award term:
1. “Employee” means either:
 - i. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
 - ii. Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
 2. “Forced labor” means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
 3. “Private entity”:
 - i. Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.
 - ii. Includes:
 - A. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).
 - B. A for-profit organization.
 4. “Severe forms of trafficking in persons,” “commercial sex act,” and “coercion” have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

19.

- I. Reporting Subawards and Executive Compensation.
 - a. Reporting of first-tier subawards.
 1. Applicability. Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e of this award term).
 2. Where and when to report.
 - i. You must report each obligating action described in paragraph a.1. of this award term to www.fsrs.gov.
 - ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. What to report. You must report the information about each obligating action that the submission instructions posted at www.fsrs.gov specify.

b. Reporting Total Compensation of Recipient Executives.

1. Applicability and what to report. You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if --

- i. the total Federal funding authorized to date under this award is \$25,000 or more;
- ii. in the preceding fiscal year, you received—
 - (A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
- iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. Where and when to report. You must report executive total compensation described in paragraph b.1. of this award term:

- i. As part of your registration Central Contractor Registration/System for Award Management profile available at www.sam.gov.
- ii. By the end of the month following the month in which this award is made, and annually thereafter.

c. Reporting of Total Compensation of Subrecipient Executives.

1. Applicability and what to report. Unless you are exempt as provided in paragraph d. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if --

- i. in the subrecipient's preceding fiscal year, the subrecipient received—
 - (A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
- ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. Where and when to report. You must report subrecipient executive total compensation described in paragraph c.1. of this award term:

- i. To the recipient.
- ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. Exemptions

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

- i. subawards,

- and
- ii. the total compensation of the five most highly compensated executives of any subrecipient.
- e. Definitions. For purposes of this award term:
1. Entity means all of the following, as defined in 2 CFR part 25:
 - i. A Governmental organization, which is a State, local government, or Indian tribe;
 - ii. A foreign public entity;
 - iii. A domestic or foreign nonprofit organization;
 - iv. A domestic or foreign for-profit organization;
 - v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
 2. Executive means officers, managing partners, or any other employees in management positions.
 3. Subaward:
 - i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
 - ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. --.210 of the attachment to OMB Circular A-133, “Audits of States, Local Governments, and Non-Profit Organizations”).
 - iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.
 4. Subrecipient means an entity that:
 - i. Receives a subaward from you (the recipient) under this award; and
 - ii. Is accountable to you for the use of the Federal funds provided by the subaward.
 5. Total compensation means the cash and noncash dollar value earned by the executive during the recipient’s or subrecipient’s preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):
 - i. *Salary and bonus.*
 - ii. *Awards of stock, stock options, and stock appreciation rights.* Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
 - iii. *Earnings for services under non-equity incentive plans.* This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
 - iv. *Change in pension value.* This is the change in present value of defined benefit and actuarial pension plans.
 - v. *Above-market earnings on deferred compensation which is not tax-qualified.*
 - vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

20. Central Contractor Registration/System for Award Management and Universal Identifier Requirements.

A. Requirement for Central Contractor Registration (CCR)/System for Award Management. Unless you are exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain the currency of your information in the SAM until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

B. Requirement for Data Universal Numbering System (DUNS) numbers. If you are authorized to make subawards under this award, you:

1. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you unless the entity has provided its DUNS number to you.
2. May not make a subaward to an entity unless the entity has provided its DUNS number to you.

C. Definitions. For purposes of this award term:

1. Central Contractor Registration (CCR)/System for Award Management (SAM) means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the System for Award Management (SAM) Internet site <http://www.sam.gov>.

2. Data Universal Numbering System (DUNS) number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities. A DUNS number may be obtained from D&B by telephone (currently 866-705-5711) or the Internet (currently at <http://fedgov.dnb.com/webform>).

3. Entity, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:

- a. A Governmental organization, which is a State, local government, or Indian tribe;
- b. A foreign public entity;
- c. A domestic or foreign nonprofit organization;
- d. A domestic or foreign for-profit organization; and
- e. A Federal agency, but only as a subrecipient under an award or subaward to a non-

Federal entity.

4. Subaward:

- a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. --.210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
- c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.

5. Subrecipient means an entity that:

- a. Receives a subaward from you under this award; and
- b. Is accountable to you for the use of the Federal funds provided by the subaward.

21. This award is subject to the provisions contained in the Department of Interior, Environment, and Related Agencies Appropriations Act, 2012, HR 2055, Division E, Sections 433 and 434 (sections 433 and 434) regarding unpaid federal tax liabilities and federal felony convictions. Accordingly, by accepting this award the recipient acknowledges that it: (1) is not subject to any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, and (2) has not been convicted (or had an officer or agent acting on its behalf convicted) of a felony criminal conviction under any Federal law within 24 months preceding the award, unless EPA has considered suspension or debarment of the corporation, or such officer or agent, based on these tax liabilities or convictions and determined that such action is not necessary to protect the Government's interests. If the recipient fails to comply with these provisions, EPA will annul this agreement and may recover any funds the recipient has expended in violation of sections 433 and 434.

Programmatic Conditions

1. The award recipient agrees that EPA Project Officer will be significantly involved in this cooperative agreement. The recipient will participate in, at a minimum, annual conference calls to discuss larger issues associated with the development and administration of the assistance agreement. An EPA staff member will participate in conference calls with the CUWR staff that works on the assistance agreement.
2. The EPA Project Officer will continuously monitor progress on the development and administration of the final deliverable and report.
3. The EPA Project Officer will also review and comment on quarterly and annual reports from the grant recipient as necessary.
4. The EPA Project Officer will have responsibility for monitoring the project through regular meetings and phone calls with the recipient. As appropriate, the EPA project Officer may also visit the grantee's office or other location as appropriate.
5. Acceptable Quality Assurance Documentation must be submitted to the EPA Project Officer within 60 days of the acceptance of this agreement. No work involving direct measurements or data generation, environmental modeling, compilation of data from literature or electronic media, and data supporting the design, construction, and operation of environmental technology shall be initiated under this project until the EPA Project Officer, in concert with the EPA Quality Assurance manager, has approved the quality assurance documentation (see 40 CFR 30.54 or 31.45 as appropriate). Additional information on these requirements can be found at the EOA Office of Grants and Debarment Web Site:

<http://www.epa.gov/ogd/grants/assurance.htm>

Activity 2.c Federal Rules and Regulations

The rules and regulations govern how EPA functions. Grant recipients agree to comply with these regulations when they accept an EPA assistance agreement award. All federal regulations use a consistent format or official **Regulation Numbering System**.

*Locate Title 40 of the Code of Federal Regulations in the Appendix.
Use Title 40 CFR Part 31 Section 41 Paragraph (a) to answer the following questions.*

TITLE refers to a broad subject area.

What is the title of this code?

PART designates the rules for a single program or function.

What is the name of this part of the code?

SUBPART groups the regulation into shorter units by how or when they are used.

How many subparts is 40 CFR Part 31 divided into?

What is the name of the Subpart containing Section 41?

SECTION indicates one provision of a program or function rules.

What is the name of this section of the code?

How many sections does 40 CFR Part 31 Subpart C – Reports, Records, Retention, and Enforcement – contain?

PARAGRAPH describes detailed specific requirements.

Which paragraph were you asked to locate?

SUBPARAGRAPHS use numbers and lower-case Roman numerals in an outline format to further define specific requirements.

How many subparagraphs are included in 40 CFR Part 31 Subpart C Paragraph (a)?

What is the designation for the last Paragraph in Section 41?

Title 40 of the Code of Federal Regulations is available online at <http://www.epa.gov/lawsregs/search/40cfr.html>.
The portions you will need for grant compliance are provided in the **Appendix**.

Activity 2.d Contact Information with Tracking Document

Complete a contact list for your award project based on current information. This information should be provided on the cover page of your award document. A full page form is provided in the **Appendix**. Feel free to add additional pages and update often.

Replace text with information on key contacts for your award. Keep in a handy yet confidential location.

<i>Surname</i>	<i>First Name</i>		<i>Responsibility</i>	<i>Questions</i>	<i>Dates</i>	<i>Comments</i>
<i>Title</i>						
<i>Organization</i>						
<i>Address</i>						
<i>City</i>	<i>State</i>	<i>Zip Code</i>				
<i>Phone</i>	<i>Fax</i>	<i>Email</i>	<i>Website</i>			

Activity 2.e American Indian Tribal Portal

Know your EPA regional office personnel.

Visit the American Indian Tribal Portal, <http://www.epa.gov/tribalportal/>.

1. Locate your regional Grants Management Office.
2. Add contact information for your regional personnel on the *Contact Information with Tracking Document* you already started.



Activity 2.f Grants Management Planning Calendar

A good way to keep track of important events during the award period is to map out a Grants Management Planning Calendar with your Project Officer. If you do not have a copy of your own work plan, you may use the sample work plan provided below to complete this exercise.

Draft a Grants Management Planning Calendar for your award project.

- Include benchmarks, milestones, due dates, etc.
- Match the names of personnel responsible for meeting each deadline.

Ask your Project Officer for ways to make the process easier for you.

2013	Oct	Nov	Dec	2014	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

Activities Booklet

Year 1
FY 2009 (October 1, 2011 – December 30, 2012)

General Assistance Program			
WORK PLAN			
WORK PLAN COMPONENT 1:	<i>Begin sampling PSP levels in the local subsistence clams.</i>		
PERSONNEL: PRIMARY CAPACITY AREA DEVELOPED (check one): Legal ___ Enforcement/Compliance ___ Technical <input checked="" type="checkbox"/> Communication ___ Administrative ___ Solid/Hazardous Waste Implementation ___			
ENVIRONMENTAL OUTCOME(S):	<ul style="list-style-type: none"> ▪ Human health risks will be minimized substantially. 		
INTERMEDIATE OUTCOME(S): (this work plan period)	<ul style="list-style-type: none"> ▪ We will have accurate test results indicating PSP levels in the subsistence clams on a monthly basis. ▪ The public will be informed of the risks associated with consuming local clams each month. ▪ Our staff, along with local residents will have a greater understanding of what PSP is and how it can affect us if consumed. ▪ The test results will be a valuable long-term resource. They can be used as a comparator against future sample results to establish a long range pattern. 		
ESTIMATED COMPONENT COST: \$12,469.36		ESTIMATED WORK YEARS: 1.2	
COMMITMENTS		CAPACITY AREA DEVELOPED	END DATE
1.1	<i>The IGAP Staff will gather all of the information that they can find about PSP in clams.</i>	<i>Technical</i>	<i>12/1/11</i>
1.2	<i>The IGAP Staff will create educational materials to distribute through-out the community to educate residents and visitors about PSP in clams.</i>	<i>Communications</i>	<i>2/5/12</i>
1.3	<i>The IGAP Coordinator will contact the Anonymous Department of Environmental Conservation (ADEC) to set up the details for monthly testing of the clams and order the necessary shipping materials</i>	<i>Administrative</i>	<i>12/5/11</i>
1.4	<i>The IGAP Staff will dig the necessary amount of clams each month, prepare them as directed by ADEC, and ship them out for testing.</i>	<i>Compliance/ Non-Administrative</i>	<i>9/30/12</i>
1.5	<i>The IGAP Staff will create a sign which will be located near the clam bed to inform the public of the monthly PSP levels and if the clams are safe to consume.</i>	<i>Communications</i>	<i>10/30/12</i>
1.6	<i>The IGAP Coordinator will ensure that an electronic copy of the results is created and that a hard copy is available for public viewing.</i>	<i>Technical/ Administrative</i>	<i>11/30/12</i>
Goal 1:		Objective 1.1:	
		Sub-objective 1.1.1:	

Activity 2.g Policies and Procedures

Try your hand at writing policies and procedures.

1. Read the regulation.
2. Examine the sample policy statement.
3. Write your own policy statement.
4. Outline the procedures your Tribal Nation would take to implement this policy.

Regulation 40 CFR 31.22 Allowable Costs

(a) *Limitation on use of funds.* Grant funds may be used only for:

(1) The allowable costs of the grantees, subgrantees and cost-type contractors, including allowable costs in the form of payments to fixed-price contractors; and

(2) Reasonable fees or profit to cost-type contractors but not any fee or profit (or other increment above allowable costs) to the grantee or subgrantee.

(b) *Applicable cost principles.* For each kind of organization, there is a set of Federal principles for determining allowable costs. Allowable costs will be determined in accordance with the cost principles applicable to the organization incurring the costs.*

*For the costs of an Indian Tribal government use the principles in OMB Circular A-87.

Sample Policy Statement

It is the policy of TRIBE to purchase only those goods and services that are needed and necessary to support approved business operations and programs and which are considered necessary and allowable under all grants and contracts which TRIBE may administer. It is also the policy of TRIBE to maximize program and service delivery by purchasing goods and services at the lowest possible cost.

Your Policy Statement

Your Procedures (ensure the policy is implemented correctly)

Activity 2.h “Terms and Conditions”

Examine your assistance agreement award document. If you do not have your award with you, use the example to answer the following questions. Share your answers with those seated at your table and/or your fellow project team members.


1. What administrative terms and conditions are listed?

*New grants effective October 1, 2008 and thereafter do not contain a lobbying certification section.
However, grants awarded before 2006 may still require submission of EPA Form 5700-53.*

2. What programmatic terms and conditions are listed?

3. Are there any high risk conditions? If so, what

Figure 2: Sample Award Letter

	U.S. ENVIRONMENTAL PROTECTION AGENCY Grant Agreement	ASSISTANCE ID NO.			DATE OF AWARD <i>9/11/2011</i>	
		PROGRA M	DOCUMENT ID	AMENDMEN T#		
		<i>US-</i>	<i>12345678-</i>	<i>0</i>		
		TYPE OF ACTION <i>New</i>			MAILING DATE <i>9/18/2011</i>	
PAYMENT METHOD: <i>ACH</i>			ACH# <i>pend</i>			
RECIPIENT TYPE: <i>Indian Tribe</i>		Send Payment Request to: <i>Las Vegas Finance Center</i>				
RECIPIENT: <i>Tribe 1234 Rural Route 2 Somewhere, ST 12345 EIN: 12-3456789</i>		PAYEE: <i>President</i>				
PROJECT MANAGER		EPA PROJECT OFFICER		EPA GRANT SPECIALIST		
<i>Jane Doe Tribe E-Mail: jdoe@tribe.org Phone: 555-666-9898; FAX: 555-666-9899</i>		<i>Sandra Vine 222 North 89th St. Somewhere, ST 98765 E-Mail: svine@epa.gov Phone: 555-666-7878 ext. 123</i>		<i>Dean Mulberry 333 South 67th St. Somewhere, ST 98765 E-Mail: dmulberry@epa.gov Phone: 555-666-4545 ext. 678</i>		
PROJECT TITLE AND DESCRIPTION <i>Indian General Assistance Program</i> <i>Build Tribe's environmental capacity; improve ability to communicate about environmental issues; represent Tribes on statewide environmental panels; aid state and federal agencies in their relationships with Tribes; increase communication between Tribes and agencies, and assist Tribes to better protect their environments.</i>						
BUDGET PERIOD <i>10/01/2011 – 09/30/2013</i>		PROJECT PERIOD <i>10/01/2011 – 09/30/2013</i>		TOTAL BUDGET PERIOD COST <i>\$12,220,429</i>		
				TOTAL PROJECT PERIOD COST <i>\$12,220,429</i>		
NOTICE OF AWARD						
<p>Based on your application dated 07/08/2008, including all modifications and amendments, the United States, acting by and through the U.S. Environmental Protection Agency (EPA), hereby awards \$2,000,000. EPA agrees to cost-share 55.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$2,000,000. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.</p>						
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE			
ORGANIZATION / ADDRESS			ORGANIZATION / ADDRESS			
<i>EPA Region 25 Mail Code, OMP-123 900 Elm Avenue Somewhere, ST 98765</i>			<i>EPA Region 25 Office of the Executive 900 Elm Avenue Somewhere, ST 98765</i>			
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY						
SIGNATURE OF AWARD OFFICIAL <i>Johnny Bean</i>		TYPED NAME AND TITLE <i>Johnny Bean, Regional Administrator</i>		DATE <i>09/11/2011</i>		
AFFIRMATION OF AWARD						
BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION						
SIGNATURE <i>James Stone</i>		TYPED NAME AND TITLE <i>James Stone, President, Tribal Leader's Council</i>		DATE <i>10/02/2011</i>		

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action			\$2,000,000
EPA In-Kind Amount			\$0
Unexpended Prior Year Balance			\$0
Other Federal Funds			\$0
Recipient Contribution			\$220,429
State Contribution			\$2,000,000
Local Contribution			\$0
Other Contribution			\$0
Allowable Project Cost			\$12,220,429

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.418 – Construction Grants for Waste Water Treatment Works	Clean Water Act: Sec. 518(c)	40 CFR Parts 31 and 35 Subpart I

Fiscal									
Site Name	DC N	FY	Appropriation Code	Budget Organization	PR C	Object Class	Site / Project	Cost organization	Obligation / Deobligation
Somewhere Nation	-	2008	GH1	104	GH5	4111	-	-	\$2,000,000
									\$2,000,000

BUDGET INFORMATION – Construction Programs			OMB Approval No. 0348-0041
Certain federal assistance programs require additional computations to arrive at the federal share of project costs eligible for participation. If such is the case, you will be notified.			
Program Element Classification (Construction)	a. Total Costs	b. Costs Not Allowable for Participation	Total Allowable Costs (Columns a minus b)
1. Administrative and legal expenses	\$0	\$0	\$0
2. Land Structures, right of way, appraisals, etc.	\$180,978	\$180,978	\$0
3. Relocation expenses and payments	\$0	\$0	\$0
4. Architectural Engineering Basic Fees	\$1,783,913	\$1,783,913	\$0
5. Other Architectural Engineering Fees	\$465,194	\$465,194	\$0
6. roject inspection fees:			
a. Force Account – KCWTD (includes 40% for benefits)	\$1,703,247	\$1,703,247	\$0
7. Site work	\$0	\$0	\$0
8. Demolition and Removal	\$0	\$0	\$0
9. Construction:			
a. Wastewater Treatment Plant Contract	\$7,794,651	\$0	\$7,794,651
b. Outfall Contract	\$222,446	\$222,446	\$0
10. Equipment	\$20,000	\$20,000	\$0
11. Miscellaneous	\$50,000	\$50,000	\$0
12. Subtotal (Lines 1 thru 11)	\$12,220,429	\$4,425,778	\$7,794,651
13. Contingencies	\$611,021	\$221,289	\$389,733
14. Subtotal (Lines 12 thru 13)	\$12,831,450	\$4,647,067	\$8,184,384
15. Project/Program Income	\$0	\$0	\$0
16. TOTAL PROJECT COSTS (Lines 15 minus 14)	\$12,831,450	\$4,647,067	\$8,184,384
FEDERAL FUNDING			
Federal assistance requested, calculate as follows: (Consult Federal agency for Federal percentage share.) Enter the resulting Federal share.		Enter eligible costs from line 16 Multiply X 55%	\$4,501,411

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Standard Form 424C (Rev. 7-97)
Prescribed by OMB Circular A-102

Figure 3: Sample Award Letter (page 2)

Administrative Conditions

1. Payment Information

a. Electronic Funds Transfer (EFT) systems: There are two EFT payment systems available to recipients, whereby payments are sent directly to the recipient's financial institution within 3-5 business days. Recipients may use either EPA's EFT-IFMS system or ASAP, as follows:

Under EPA's EFT-IFMS your payment request must be made on the EPA Region 25 EFT-Payment Request Form.

Under the Automated Standard Application for Payment (ASAP) the recipient follows Department of Treasury ASAP instructions.

To enroll in either system (if not currently enrolled), or if you have questions, please call Norma Buttons at 555-666-3434.

2. Cost Principles/Indirect Costs Not Included (All Organizations)

The cost principles of OMB Circular A-21 (educational institutions), A-87 (state, local, or Indian Tribal governments), or A-122 (non-profit organizations) are applicable, as appropriate, to this award. Since there are no indirect costs included in the assistance budget, they are not allowable under this Assistance Agreement.

3. Federal Financial Report (FFR)

Pursuant to 40 CFR 31.41(b) and 31.50(b), EPA recipients shall submit a final Federal Financial Report (SF-425) to EPA no later than 90 calendar days after the end of the project period. The form is available on the internet at <http://www.epa.gov/ocfo/finservices/forms.htm>. All FFRs must be submitted to the Las Vegas Finance Center: US EPA, LVFC, 4220 S. Maryland Pkwy., Bldg. C, Rm. 503, Las Vegas, NV 89119, or by Fax to: 702-798-2423.

The LVFC will make adjustments, as necessary, to obligated funds after reviewing and accepting a final Federal Financial Report. Recipients will be notified and instructed by EPA if they must complete any additional forms for the closeout of the assistance agreement.

EPA may take enforcement actions in accordance with 40 CFR 31.43 if the recipient does not comply with this term and condition.

4. Audit Requirements

The recipient agrees to comply with the requirements of OMB Circular A-133 "Audits of States, Local Governments, and Non-Profit Organizations."

5. Hotel and Motel Fire Safety Act

Effective October 1, 1994 the recipient agrees to ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the Hotel and Motel Fire Safety Act of 1990.

Figure 4: Sample Award Letter (page 3)

Administrative Conditions

6. Recycled Paper

ALL APPLICANTS:

Pursuant to EPA Order 1000.25 dated January 24, 1990, the recipient agrees to use recycled paper for all reports which are prepared as a part of this agreement and delivered to the Agency. This requirement does not apply to Standard Forms. These forms are printed on recycled paper as available through the General Services Administration.

STATE AGENCIES AND POLITICAL SUBDIVISIONS:

Any state agency or agency of a political subdivision of a state which is using appropriated federal funds shall comply with the requirements set forth in Section 5002 of the Resource conservation and Recovery Act (RCRA) (42 U.S.C. 6962). Regulations issued under RCRA Section 6002 require that preference be given in procurement programs to the purchase of specific products containing recycled materials identified in guidelines developed by EPA. These guidelines are listed in 40 CFR 247.

STATE AND LOCAL INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND NON-PROFIT ORGANIZATIONS:

Pursuant to 40 CFR 30.16 state and local institutions of higher education, hospitals, and non-profit organizations that receive direct federal funds shall give preference in their procurement programs to the purchase of recycled products.

7. Lobbying

ALL APPLICANTS:

The recipient agrees to comply with Title 40 CFR Part 34 “New Restrictions on Lobbying”. The recipient shall include the language of this provision in award documents for all subawards exceeding \$100,000 and require that subrecipients submit certification and disclosure forms accordingly.

In accordance with the Byrd Anti-Lobbying Amendment, any recipient who makes a prohibited expenditure under Title 40 CFR Part 34 or fails to file the required certification or lobbying forms shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure.

PART 30 RECIPIENTS:

All contracts awarded by a recipient shall contain, when applicable, the anti-lobbying provision as stipulated in the Appendix of Title 40 CFR Part 30.

Pursuant to Section 18 of the Lobbying Disclosure Act, the recipient affirms that it is not a non-profit organization described in Section 501(c)(4) of the Internal Revenue Code of 1986; or that it is a non-profit organization described in Section 501(c)(4) of the Code but does not and will not engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act.

[Figure 5: Sample Award Letter \(page 4\)](#)

Administrative Conditions**8. Lobbying and Litigation****ALL APPLICANTS:**

The recipient agrees to provide EPA Form 5700-53 “Lobbying and Litigation Certificate” as mandated by EPA’s annual Appropriations Act. The Chief Executive Officer of any entity receiving assistance funds must certify that none of these funds have been used to engage in the lobbying of the federal government or in litigation against the United States unless authorized under existing law. The certification must be submitted to your EPA Grants Specialist within 90 days after the end of the project period.

Recipient shall abide by its respective OMB Circular (A-21, A-87, or A-122), which prohibits the use of federal funds for litigation against the United States. Any Part 30 recipient shall abide by its respective OMB Circular (A-21 or A-122), which prohibits the use of federal grant funds to participate in various forms of lobbying or other political activities.

9. Suspension and Debarment

Recipients shall fully comply with Subpart C of 2 CFR Part 180 entitled, “Responsibilities of Participants Regarding Transactions Doing Business With Other Persons,” as implemented and supplemented by 2 CFR Part 1532. Recipient is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 2 CFR Part 180, entitled “Covered Transactions,” includes a term or condition requiring compliance with Subpart C. Recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. Recipient acknowledges that failing to disclose the information required under 2 CFR 180.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment.

Recipients may access suspension and debarment information at <http://www.sam.gov>. This system allows recipients to perform searches determining whether an entity or individual is excluded from receiving Federal assistance. This term and condition supersedes EPA Form 5700-49, “Certification Regarding Debarment, Suspension, and Other Responsibility Matters.”

10. Small and Disadvantaged Business Utilization Requirements (Non-SRF Recipients)

The recipient agrees to comply with the requirements of EPA’s Program for Utilization of Disadvantaged Business Enterprises in procurement under assistance agreements:

- (a) The recipient accepts the applicable Disadvantaged Business Enterprise (DBE) “fair share” objectives negotiated with EPA by your organization.
- (b) The recipient agrees to ensure, to the fullest extent possible, that at least the applicable “fair share” objectives of federal funds for prime contracts or subcontracts for supplies, construction, equipment, or services are made available to organizations owned or controlled by socially and economically disadvantaged individuals, women, and Historically Black Colleges and Universities.
- (c) The recipient agrees to include in its bid documents the applicable “fair share” objectives and require all of its prime contractors to include in their bid documents for subcontracts the negotiated “fair share” percentages.
- (d) The recipient agrees to follow the six affirmative steps stated in 40 CFR 30.44(b), 31.36(e), 35.3145(d), or 35.6580, as appropriate, and retain records documenting compliance.

[Figure 6: Sample Award Letter \(page 5\)](#)

Administrative Conditions

(e) The recipient agrees to submit an EPA Form 5700-52A “MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements” as follows:

For grants awarded under 40 CFR Part 35, Subpart A (refer to the Regulatory Authority box shown in the middle of Page 2 of this Assistance Agreement/Amendment). Reports are due annually by October 30 of each year (covers the federal fiscal year October 1 thru September 30).

All reports must be submitted to the Office for Civil Rights and Environmental Justice, CEJ-987, 4343 Main St., Somewhere, ST 98765. For further information, please contact your DBE Coordinator, Linda Forest, at 555.987.6543, FAX 555.987.6565.

(f) If race and/or gender neutral efforts prove inadequate to achieve a “fair share” objective, the recipient agrees to notify EPA in advance of conscious action it plans to take to more closely achieve the “fair share” objective. EPA may take corrective action under 40 CFR Parts 30, 31, and 35, as appropriate, if the recipient fails to comply with these terms and conditions.

11. Small Business in Rural Areas (SBRA)

In accordance with Section 129 of Public Law 100-590, the Small Business Administration and Reauthorization and Amendment Act of 1988, the recipient agrees to utilize and to encourage any prime contractors under the assistance agreement to utilize small businesses located in rural areas to the maximum extent possible through the use of the six affirmative steps.

If a contract is awarded under this assistance agreement, the recipient is also required to utilize the following affirmative steps:

- (a) Place SBRA on solicitation lists.
- (b) Make sure that SBRA are solicited whenever there are potential sources.
- (c) Divide total requirements, when economically feasible, into small tasks or quantities to permit maximum participation by SBRA.
- (d) Establish delivery schedules, where the requirements of work permit, to encourage participation by SBRA.
- (e) Use the services of the Small Business Administration and the Minority Business Development Agency of the U.S. Department of Commerce, as appropriate.
- (f) Require the prime contractor to comply with the affirmative steps outlined above.
- (g) The recipient also agrees to retain records documenting compliance.

For assistance awards for continuing environmental programs, the recipient agrees to submit an EPA Form 5700-52A by October 30 each year. All reports should be submitted to the Office for Civil Rights and Environmental Justice, CEJ-987, 4343 Main St., Somewhere, ST 98765.

[Figure 7: Sample Award Letter \(page 6\)](#)

Administrative Conditions**12. Availability of Funds**

The recipient understands that additional funds may be awarded under this assistance agreement, subject to availability of additional appropriated funds. EPA's approval of the work plan, budget, and project/budget periods does not constitute an EPA commitment to provide funds in excess of the amount currently funded in this agreement.

13. Payment to Consultants

EPA participation in the salary rate (excluding overhead) paid to individual consultants is limited to the maximum daily rate for a Level IV of the Executive Schedule, to be adjusted annually. This limit applies to consultation services of designated individuals with specialized skills who are paid at a daily or hourly rate. The consultant rate is currently \$483.20. This rate does not include overhead or travel costs and the recipient may pay these in accordance with its normal travel practices.

Subagreements with firms for services which are awarded using the procurement requirements in 40 CFR Parts 30 or 31, as applicable, are not affected by this limitation unless the terms of the contract provide the recipient with responsibility for the selection, direction, and control of the individuals who will be providing services under the contract at an hourly or daily rate of compensation. The recipient may refer to 40 CFR 30.27 or 40 CFR 31.36(j)(2), as applicable, for additional information.

NOTE: For future years' limits, the recipient may find the annual salary for Level IV of the Executive Schedule on the Internet site: <http://www.opm.gov/oca>. Select "Salary and Wages" then "Executive Schedule". The annual salary is divided by 2087 hours to determine the maximum hourly rate, which is then multiplied by 8 to determine the maximum daily rate.

14. Executive Order 13202 Preservation of Open Competition

The assistance recipient agrees to comply with Executive Order 13202 (February 22, 2001, 66 Federal Regulation 11225, entitled "Preservation of Open Competition and Government neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects") as amended by Executive Order 13208 (April 11, 2001, 66 Federal Regulation 18717 entitled "Amendment to Executive Order 13202, "Preservation of Open Competition and Government neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects").

15. Recipient Contribution/Share amounts – For Information ONLY

The share percentages currently shown in the Table A budgets and page one of this agreement are calculated based on the current EPA funding amount and total project cost. The percentage will change if and when additional funding is provided by assistance amendment.

Figure 8: Sample Award Letter (page 7)

Programmatic Conditions

1. Quarterly Performance Reports

The recipient shall submit quarterly performance reports, which are due 30 calendar days after the end of each federal fiscal quarter. (Federal fiscal quarters end the last day of March, June, September, and December.) Reports shall be submitted to the EPA Project Officer and may be provided electronically.

In accordance with 40 CFR Part 30.51(d) and 31.40, as appropriate, the recipient agrees to submit performance reports that include brief information on each of the following areas:

- (a) A comparison of actual accomplishments with the goals and objectives (outputs/outcomes) established for the reporting period
- (b) Reasons for slippages or why established goals (outputs/outcomes) were not met
- (c) Other pertinent information, including when appropriate analysis and information of cost overruns or high unit costs

In addition to the quarterly performance reports, the recipient shall immediately notify the EPA Project Officer of developments that have a significant impact on the award-supported activities. In accordance with 40 CFR Part 30.51(f) and 31.40(d), as appropriate, the recipient agrees to inform the EPA Project Officer as soon as problems, delays, or adverse conditions become known which will materially impair the ability to meet the objectives (outputs/outcomes) specified in the assistance agreement work plan. This notification shall include a statement of the action taken or contemplated and any assistance needed to resolve the situation.

2. Final Performance Report

In addition to the periodic performance reports, the recipient shall submit a final performance report, which is due 90 calendar days after the expiration or termination of the award. The report shall be submitted to the EPA Project Officer and may be provided electronically. The report shall generally contain the same information as in the periodic reports, but should cover the entire project period. If appropriate, the EPA Project Officer may waive the requirement for a final performance report after completion of the project, if the EPA Project Officer deems such a report is inappropriate or unnecessary.

3. Submissions

The grantee agrees to submit the following to the EPA Project Officer:

- (a) Quarterly Reports updating the status of the Title II construction grants to be closed. Reports are due October 31, January 31, April 30, and July 31 of each year. Each report shall include:

- A listing of the grants to be closed
- The activities remaining
- The estimate dates for submitting the administration completion packages or audit resolution work to EPA
- A listing of the FTEs charged against the 205(g) grants

- (b) An annual Closeout Strategy, due in August of each year, in accordance with EPA guidance.

END OF ASSISTANCE AGREEMENT US-12345678-0

Figure 9: Sample Award Letter (page 8)

Activity for Module 3

Activity 3.a FFATA Reporting Requirements

You have received an EPA grant award of \$250,000 on October 1, 2011. Please answer the following questions:

1. Are you subject to FFATA reporting requirements? ____ Yes, ____ No
2. What is required to be reported as part of the Transparency Act?

3. Do you need to have a current DUNS number for FFATA reporting purposes? __ Yes, __ No
4. Do you need to be registered in the Central Contractor Registration? ____ Yes, ____ No
5. What is the deadline for your organization to report your FFATA Requirements for this example?
6. Where do you report your FFATA requirements?

In February, 2012, you issue a contract with a consultant for \$15,000.

7. Is this contract subject to FFATA reporting requirements? ____ Yes, ____ No

In April, 2012, you increase the amount of the contract with the consultant by another \$10,000.

8. Does this contract amendment change your FFATA reporting requirements? ____Yes, __ No.

If you answered yes to the above question, why is there a change in the reporting requirements?

2 CFR Part 170, Appendix A — Award term

I. Reporting Subawards and Executive Compensation.

a. Reporting of first-tier subawards.

1. Applicability. Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e of this award term).

2. Where and when to report.

i. You must report each obligating action described in paragraph a.1. of this award term to www.fsr.gov.

ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. What to report. You must report the information about each obligating action that the submission instructions posted at www.fsr.gov specify.

b. Reporting Total Compensation of Recipient Executives.

1. Applicability and what to report. You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if --

i. the total Federal funding authorized to date under this award is \$25,000 or more;

ii. in the preceding fiscal year, you received—

(A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. Where and when to report. You must report executive total compensation described in paragraph b.1. of this award term:

i. As part of your registration Central Contractor Registration/System for Award Management profile available at www.sam.gov.

ii. By the end of the month following the month in which this award is made, and annually thereafter.

c. Reporting of Total Compensation of Subrecipient Executives.

1. Applicability and what to report. Unless you are exempt as provided in paragraph d. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if

--

i. in the subrecipient's preceding fiscal year, the subrecipient received—
(A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. Where and when to report. You must report subrecipient executive total compensation described in paragraph c.1. of this award term:

i. To the recipient.

ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. Exemptions

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

i. subawards,
and

ii. the total compensation of the five most highly compensated executives of any subrecipient.

e. Definitions. For purposes of this award term:

1. Entity means all of the following, as defined in 2 CFR part 25:

i. A Governmental organization, which is a State, local government, or Indian tribe;

ii. A foreign public entity;

iii. A domestic or foreign nonprofit organization;

iv. A domestic or foreign for-profit organization;

v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

2. Executive means officers, managing partners, or any other employees in management positions.

3. Subaward:

- i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. -- .210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
- iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

4. Subrecipient means an entity that:

- i. Receives a subaward from you (the recipient) under this award; and
- ii. Is accountable to you for the use of the Federal funds provided by the subaward.

5. Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

- i. *Salary and bonus.*
- ii. *Awards of stock, stock options, and stock appreciation rights.* Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
- iii. *Earnings for services under non-equity incentive plans.* This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
- iv. *Change in pension value.* This is the change in present value of defined benefit and actuarial pension plans.
- v. *Above-market earnings on deferred compensation which is not tax-qualified.*
- vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000

Activities for Module 4

Activity 4.a Knowing Where to Find the Information When it is Needed

Let's go on a scavenger hunt. Knowing where to find information is "half the battle" when managing federal grants.

Search the Appendix to locate the information listed below.

1. Which page(s) provide a synopsis or summary of 40 CFR?

2. On which page does 2 CFR Part 225, Attachment B begin?

3. Where are the goals and objectives for administrative and financial guidance outlined?

4. Where can you find an administrative checklist?

5. Where can you find a survey of management systems?

6. In the sample Tribal Office Management and Administration Manual, which policies and procedures are modeled?

7. Where is EPA's Administrative and Financial Onsite Review Questionnaire?

Activity 4.b Organizational Chart

Sketch an organizational chart for your Tribal Nation's administrative and financial systems.

Are there any gaps in responsibility or lines of authority that need to be addressed?

Organizational Chart

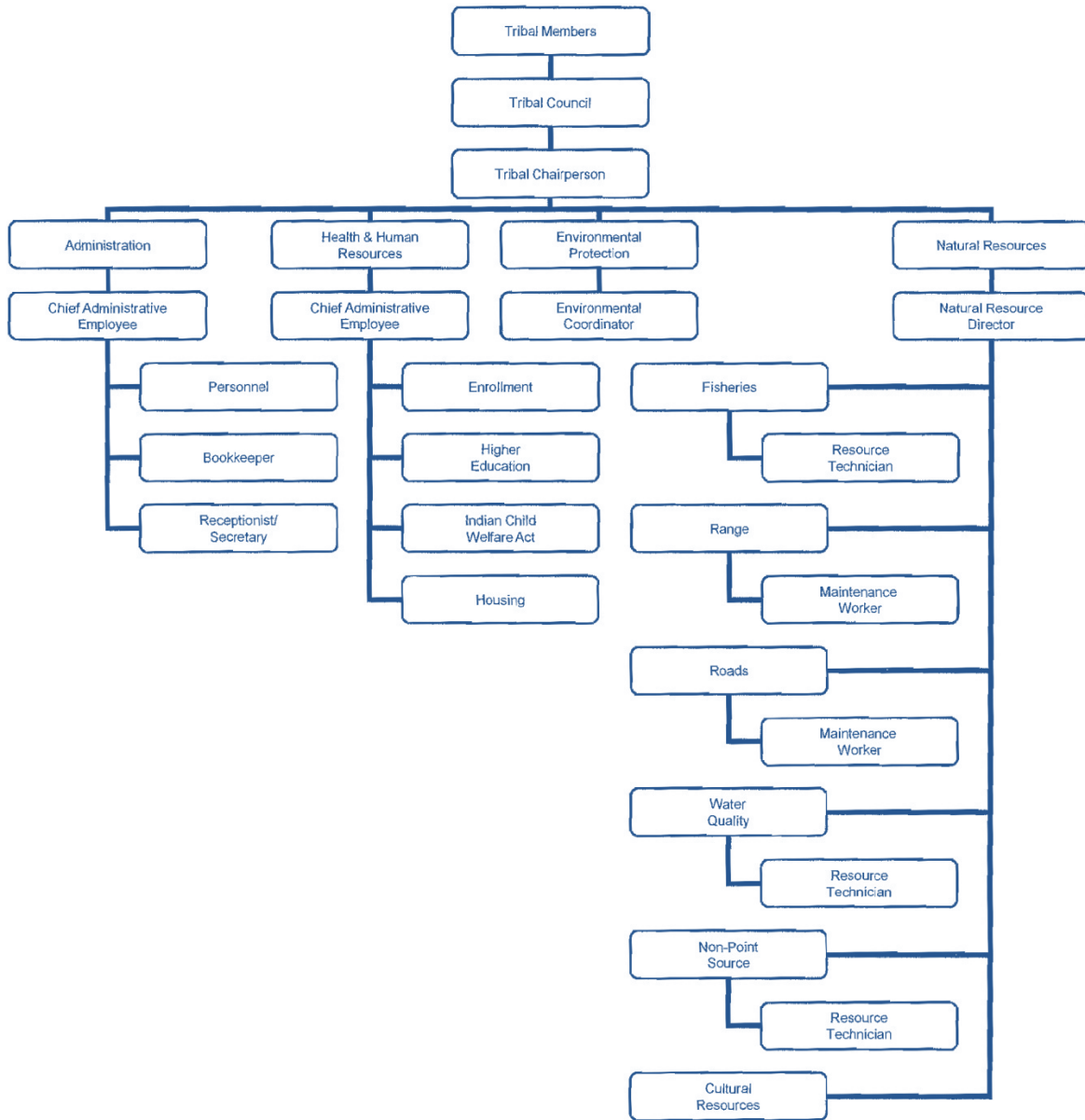


Figure 10: Sample Organizational Chart
Courtesy of Summit Lake Paiute Reservation, Nevada
http://www.summitlaketribe.org/uploads/SLPC_Council_Resolution_SL-11-2008_021608.pdf

Activities for Module 5

Activity 5.a Timesheets

*Examine the timesheet provided in the Manual, Module 5, page 120.
Share your answers to the following questions with the class.*

1. What number of direct hours was worked each week on each project?

2. What is the total for the two week period?

3. How many hours were taken as sick leave?

4. How are these coded?

5. Look at the payroll allocation; what do the percentages mean?

6. What personal information is required?

7. How many signatures are required?

Activity 5.b Award Terminology

*Match each of the following terms with its correct definition.
Write the correct term on the line in front of its definition.
You may work individually or in teams at your table.*

Award	Subaward	Subgrant	Contract	Subcontract								
_____				A grant, cost reimbursement contract, and other agreements directly related to the issuance of federal funds between a Tribal Nation’s government and the federal government.								
_____				An award of financial assistance in the form of money, or property in lieu of money, made under a grant by a grantee to an eligible subgrantee. It includes financial assistance when provided by contractual legal agreement, but does not include procurement purchases, nor does it include technical assistance which provides service instead of money, or other assistance in the form of revenue sharing, loans, fellowships, or other lump sum awards, loan guarantees, interest subsidies, insurance, or direct appropriations.								
_____				Procurement under a contract legally obligating the seller to furnish the supplies or services and the buyer to pay for them.								
_____				Procurement under a grant or subgrant legally obligating the seller to furnish the supplies or services (including construction) and the buyer to pay for them.								
_____				An award of financial assistance in the form of money, or property in lieu of money, made under an award by a recipient to an eligible subrecipient or by a subrecipient to a lower tier subrecipient. It may include financial assistance when provided by any legal agreement, even if the agreement is called a “contract”, but does not include procurement of goods or services nor does it include any form of assistance which is excluded from the definition of “award”.								
				<table border="0" style="width: 100%;"> <tr> <td style="text-align: center;">Federally Recognized Indian Tribal Government</td> <td style="text-align: center;">Fund</td> </tr> <tr> <td style="text-align: center;">Grantee/Tribal Nation Department/Agency/Recipient</td> <td></td> </tr> <tr> <td style="text-align: center;">Recipient</td> <td style="text-align: center;">Subgrantee</td> </tr> <tr> <td></td> <td style="text-align: center;">Subrecipient</td> </tr> </table>	Federally Recognized Indian Tribal Government	Fund	Grantee/Tribal Nation Department/Agency/Recipient		Recipient	Subgrantee		Subrecipient
Federally Recognized Indian Tribal Government	Fund											
Grantee/Tribal Nation Department/Agency/Recipient												
Recipient	Subgrantee											
	Subrecipient											
_____				An independent fiscal and accounting entity (i.e., a Tribal Nation) with a self-balancing set of accounts: where debits = credits, expenditures = income, and obligations and disbursements balance evenly.								
_____				The governing body or a governmental agency of any Indian tribe, band, nation, or other organized group or community certified by the Secretary of the Interior as eligible for the special programs and services provided through the Bureau of Indian Affairs.								
_____				The government or other legal entity awarded a subgrant and held accountable to the grantee for use of the funds provided, also called a subaward recipient or subrecipient.								
_____				The government or other legal entity to which a subgrant is awarded and which is accountable to the grantee for the use of the funds provided.								
_____				The legal entity to which a subaward is made and which is accountable to the recipient for the use of the funds provided. They may be a foreign or international organization (such as agencies of the United Nations) and are eligible at the discretion of the federal awarding agency.								
_____				The party responsible for performing and/or administering a federal award.								

Activities for Module 6

Activity 6.a Financial Terminology

*Match each of the following terms with its correct definition.
Write the correct term on the line in front of its definition.
You may work individually or in teams at your table.*

Accounting	Bookkeeping	Fund Accounting
Modified Accrual Basis of Accounting		Financial Management System

- _____ A recording of all and any financial transactions that need to be maintained for all the Tribal Nation’s financial activities.
- _____ An established set of procedures and principles for maintaining integrity through accurate records of receipt and expenditure of funds.
- _____ An organized way to manage cash and other financial resources, which records financial resources and obligations in established categories.
- _____ The recommended method for tracking General, Special Revenue, and Debt Service Funds.
- _____ The recording of financial transactions.

Allocation	Central Service Cost Allocation Plan Indirect Cost Rate Proposal	Cost Sharing or Matching
-------------------	---	---------------------------------

- _____ A strategy identified and consistently allocated to the benefiting departments to cover the needs for the Tribal Nation, as well as for the federal government award project.
- _____ The assignment of costs to a particular cost objective in the budget work plan.
- _____ The documentation prepared by a Tribal Nation to substantiate its request for the establishment of funds allocated to costs not directly related to but necessary for successful completion of an award funded project.
- _____ The portion of project or program costs not borne by the federal government.

Applicable Credits	Cost Principles	Internal Controls	Project Costs
---------------------------	------------------------	--------------------------	----------------------

- _____ All allowable costs, as set forth in applicable federal cost principles and incurred by the Tribal Nation, as well as the value of the contributions made by third parties in accomplishing the tasks of the award during the project period.
- _____ Guidelines to provide that federal awards bear their fair share of cost.
- _____ Measures employed by the Tribal Nation for the purpose of safeguarding resources, promoting accuracy and reliability, and measuring compliance.
- _____ Receipts or reductions of expenditures that offset or reduce costs allocable to Federal awards as direct or indirect costs.

Activity 6.c Federal Financial Report (FFR)

Practice filling out a Federal Financial Report.

Use your own award document and financial reports to complete the FFR.

Federal Financial Report Instructions

Report Submissions

- 1) Recipients will be instructed by Federal agencies to submit the *Federal Financial Report (FFR)* to a single location, except when an automated payment management reporting system is utilized. In this case, a second submission location may be required by the agency.
- 2) If recipients need more space to support their *FFRs*, or *FFR Attachments*, they should provide supplemental pages. These additional pages must indicate the following information at the top of each page: Federal grant or other identifying number (if reporting on a single award), recipient organization, Data Universal Numbering System (DUNS) number, Employer Identification Number (EIN), and period covered by the report.

Reporting Requirements

- 1) The submission of interim *FFRs* will be on a quarterly, semi-annual, or annual basis, as directed by the Federal agency. A final *FFR* shall be submitted at the completion of the award agreement. The following reporting period end dates shall be used for interim reports: 3/31, 6/30, 9/30, or 12/31. For final *FFRs*, the reporting period end date shall be the end date of the project or grant period.
- 2) Quarterly and semi-annual interim reports shall be submitted no later than 90 days after the end of each reporting period. Final reports shall be submitted no later than 90 days after the project or grant period end date.

Note: For single award reporting:

- 1) Federal agencies may require both cash management information on lines 10(a) through 10(c) and financial status information lines 10(d) through 10(o).
- 2) 10(b) and 10(e) may not be the same until the final report.

Line Item Instructions for the Federal Financial Report

FFR Number	Reporting Item	Instructions
Cover Information		
1	Federal Agency and Organizational Element to Which Report is Submitted	Enter the name of the Federal agency and organizational element identified in the award document or as instructed by the agency.
2	Federal Grant or Other Identifying Number Assigned by Federal Agency	For a single award, enter the grant number assigned to the award by the Federal agency. For multiple awards, report this information on the <i>FFR Attachment</i> . <i>Do not complete this box if reporting on multiple awards.</i>
3	Recipient Organization	Enter the name and complete address of the recipient organization including zip code.
4a	DUNS Number	Enter the recipient organization’s Data Universal Numbering System (DUNS) number or Central Contract Registry extended DUNS number.
4b	EIN	Enter the recipient organization’s Employer Identification Number (EIN).
5	Recipient Account Number or Identifying Number	Enter the account number or any other identifying number assigned by the recipient to the award. This number is for the recipient’s use only and is not required by the Federal agency. For multiple awards, report this information on the <i>FFR Attachment</i> . <i>Do not complete this box if reporting on multiple awards.</i>
6	Report Type	Mark appropriate box. <i>Do not complete this box if reporting on multiple awards.</i>
7	Basis of Accounting	Specify whether a cash or accrual basis was used for recording transactions

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	(Cash/Accrual)	related to the award(s) and for preparing this FFR. Accrual basis of accounting refers to the accounting method in which expenses are recorded when incurred. For cash basis accounting, expenses are recorded when they are paid.
8	Project/Grant Period, From: (Month, Day, Year)	Indicate the period established in the award document during which Federal sponsorship begins and ends. Note: Some agencies award multi-year grants for a project period that is funded in increments or budget periods (typically annual increments). Throughout the project period, agencies often require cumulative reporting for consecutive budget periods. Under these circumstances, enter the beginning and ending dates of the project period not the budget period. <i>Do not complete this box if reporting on multiple awards.</i>
	Project/Grant Period, To: (Month, Day, Year)	See the above instructions for "Project/Grant Period, From: (Month, Day, Year)."
9	Reporting Period End Date: (Month Day, Year)	Enter the ending date of the reporting period. For quarterly, semi-annual, and annual interim reports, use the following reporting period end dates: 3/31, 6/30, 9/30, or 12/31. For final FFRs, the reporting period end date shall be the end date of the project or grant period.
10	<p>Transactions Enter cumulative amounts from date of the inception of the award through the end date of the reporting period specified in line 9. Use Lines 10a through 10c, Lines 10d through 10o, or Lines 10a through 10o, as specified by the Federal agency, when reporting on single grants. Use Line 12, Remarks, to provide any information deemed necessary to support or explain FFR data.</p>	
Federal Cash (To report multiple grants, also use FFR Attachment)		
10a	Cash Receipts	Enter the cumulative amount of actual cash received from the Federal agency as of the reporting period end date.
10b	Cash Disbursements	Enter the cumulative amount of Federal fund disbursements (such as cash or checks) as of the reporting period end date. Disbursements are the sum of actual cash disbursements for direct charges for goods and services, the amount of indirect expenses charged to the award, and the amount of cash advances and payments made to subrecipients and contractors. For multiple grants, report each grant separately on the FFR Attachment. The sum of the cumulative cash disbursements on the FFR Attachment must equal the amount entered on Line 10b, FFR.
10c	Cash On Hand (Line 10a Minus Line 10b)	Enter the amount of Line 10a minus Line 10b. This amount represents immediate cash needs. If more than three business days of cash are on hand, the Federal agency may require an explanation on Line 12, Remarks, explaining why the drawdown was made prematurely or other reasons for the excess cash.
Federal Expenditures and Unobligated Balance: Do not complete this section if reporting on multiple awards.		
10d	Total Federal Funds Authorized	Enter the total Federal funds authorized as of the reporting period end date.
10e	Federal Share of Expenditures	Enter the amount of Federal fund expenditures. For reports prepared on a cash basis, expenditures are the sum of cash disbursements for direct charges for property and services; the amount of indirect expense charged; the value of third-party in-kind contributions applied; and the amount of cash advance payments and payments made to subrecipients. For reports prepared on an accrual basis, expenditures are the sum of cash disbursements for direct charges for property and services; the amount of indirect expense incurred; the value of in-kind contributions applied; and the net increase or decrease in the amounts owed by the recipient for (1) goods and other property received; (2) services performed by employees, contractors, subrecipients, and other payees; and (3) programs for which no current services or performance are required. Do not include program income expended in accordance with the deduction alternative, rebates, refunds, or other credits. (Program income expended in accordance with the deduction alternative should be reported separately on Line 10o.)

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10f	Federal Share of Unliquidated Obligations	Unliquidated obligations on a cash basis are obligations incurred, but not yet paid. On an accrual basis, they are obligations incurred, but for which an expenditure has not yet been recorded. Enter the Federal portion of unliquidated obligations. Those obligations include direct and indirect expenses incurred but not yet paid or charged to the award, including amounts due to subrecipients and contractors. On the final report, this line should be zero unless the awarding agency has provided other instructions. <i>Do not include any amount in Line 10f that has been reported in Line 10e. Do not include any amount in Line 10f for a future commitment of funds (such as a long-term contract) for which an obligation or expense has not been incurred.</i>
10g	Total Federal Share (Sum of Lines 10e and 10f)	Enter the sum of Lines 10e and 10f.
10h	Unobligated Balance of Federal Funds (Line 10d Minus Line 10g)	Enter the amount of Line 10d minus Line 10g.
Recipient Share: Do not complete this section if reporting on multiple awards.		
10i	Total Recipient Share Required	Enter the total required recipient share for reporting period specified in line 9. The required recipient share should include all matching and cost sharing provided by recipients and third-party providers to meet the level required by the Federal agency. This amount should not include cost sharing and match amounts in excess of the amount required by the Federal agency (for example, cost overruns for which the recipient incurs additional expenses and, therefore, contributes a greater level of cost sharing or match than the level required by the Federal agency).
10j	Recipient Share of Expenditures	Enter the recipient share of actual cash disbursements or outlays (less any rebates, refunds, or other credits) including payments to subrecipients and contractors. This amount may include the value of allowable third party in-kind contributions and recipient share of program income used to finance the non-Federal share of the project or program. Note: On the final report this line should be equal to or greater than the amount of Line 10i.
10k	Remaining Recipient Share to be Provided (Line 10i Minus Line 10j)	Enter the amount of Line 10i minus Line 10j. If recipient share in Line 10j is greater than the required match amount in Line 10i, enter zero.
Program Income: Do not complete this section if reporting on multiple awards.		
10l	Total Federal Program Income Earned	Enter the amount of Federal program income earned. Do not report any program income here that is being allocated as part of the recipient's cost sharing amount included in Line 10j.
10m	Program Income Expended in Accordance With the Deduction Alternative	Enter the amount of program income that was used to reduce the Federal share of the total project costs.
10n	Program Income Expended in Accordance With the Addition Alternative	Enter the amount of program income that was added to funds committed to the total project costs and expended to further eligible project or program activities.
10o	Unexpended Program Income (Line 10l Minus Line 10m or Line 10n)	Enter the amount of Line 10l minus Line 10m or Line 10n. This amount equals the program income that has been earned but not expended, as of the reporting period end date.
11	Indirect Expense: Complete this information only if required by the awarding agency and in accordance with agency instructions.	
11a	Type of Rate(s)	State whether indirect cost rate(s) is Provisional, Predetermined, Final, or Fixed.
11b	Rate	Enter the indirect cost rate(s) in effect during the reporting period.
11c	Period From; Period To	Enter the beginning and ending effective dates for the rate(s).
11d	Base	Enter the amount of the base against which the rate(s) was applied.
11e	Amount Charged	Enter the amount of indirect costs charged during the time period specified. (Multiply 11b. x 11d.)
11f	Federal Share	Enter the Federal share of the amount in 11e.
11g	Totals	Enter the totals for columns 11d, 11e, and 11f.
Remarks, Certification, and Agency Use Only		
12	Remarks	Enter any explanations or additional information required by the Federal sponsoring agency including excess cash as stated in line 10c.

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13a	Typed or Printed Name and Title of Authorized Certifying Official	Enter the name and title of the authorized certifying official.
13b	Signature of Authorized Certifying Official	The authorized certifying official must sign here.
13c	Telephone (Area Code, Number and Extension)	Enter the telephone number (including area code and extension of the individual listed in Line 13a).
13d	E-mail Address	Enter the e-mail address of the individual listed in Line 13a.
13e	Date Report Submitted (Month, Day, Year)	Enter the date the <i>FFR</i> is submitted to the Federal agency using the month, day, year format.
14	Agency Use Only	This section is reserved for Federal agency use.

Line Item Instructions for the Federal Financial Report Attachment

(To be completed if reporting on cash management activity for multiple grants.)

There is *not* a separate attachment form.

Attach one *FFR* for each award providing the information described below for each additional award.

Box Number	Reporting Item	Instructions
1	Federal Agency and Organizational Element to Which Report is Submitted	Enter the name of the Federal agency and organizational element identified in the award document or as instructed by the agency. (This information should be identical to that entered in Box 1, <i>FFR</i> .)
2	Recipient Organization	Enter the name and complete address of the recipient organization including zip code. (Same information as entered in Box 3, <i>FFR</i> .)
3a	DUNS Number	Enter the recipient organization's Data Universal Numbering System (DUNS) number or Central Contract Registry extended DUNS number. (Same information as entered in Box 4a, <i>FFR</i> .)
3b	EIN	Enter the recipient organization's Employer Identification Number (EIN). (Same information as entered in Box 4b, <i>FFR</i> .)
4	Reporting Period End Date: (Month Day, Year)	Enter the ending date of the reporting period of this report. (Same information as entered in Box 9, <i>FFR</i> .)
5	Federal Grant Number	Enter the grant number assigned to each award by the Federal agency.
	Recipient Account Number	Enter the account number or any other identifying number assigned by the recipient to the award. This number is for the recipient's use only and is not required by the Federal agency.
	Cumulative Federal Cash Disbursement	Enter the cumulative amount of the Federal share of cash disbursed for each award. Cash disbursements are the sum of actual cash disbursements for direct charges for goods and series, the amount of indirect expenses charged to the award, and the amount of cash advances and payments made to subrecipients and contractors.
	Total	Enter the total for the Cumulative Cash Disbursement. This column should equal the amount reported on Line 10b, <i>FFR</i> .

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FEDERAL FINANCIAL REPORT

(Follow form instructions)

1. Federal Agency and Organizational Element to Which Report is Submitted United States Environmental Protection Agency		2. Federal Grant or Other Identifying Number Assigned by Federal Agency (To report multiple grants, use FFR Attachment)				Page	Of
						1	Pages
3. Recipient Organization (Name and complete address including Zip code)							
4a. DUNS Number	4b. EIN	5. Recipient Account Number of Identifying Number (To report multiple grants, use FFR Attachment)			6. Report Type <input type="checkbox"/> Quarterly <input type="checkbox"/> Semi-Annual <input type="checkbox"/> Annual <input type="checkbox"/> Final	7. Basis of Accounting <input type="checkbox"/> Cash <input type="checkbox"/> Accrual	
8. Project/Grant Period From: (Month, Day, Year)		To: (Month, Day, Year)			9. Reporting Period End Date (Month, Day, Year)		
10. Transactions				Cumulative			
<i>(Use lines a-c for single or multiple grant reporting)</i>							
Federal Cash (To report multiple grants, also use FFR Attachment):							
a. Cash Receipts							
b. Cash Disbursements							
c. Cash on Hand (line a minus b)							
<i>(Use lines d-o for single grant reporting)</i>							
Federal Expenditures and Unobligated Balance:							
d. Total Federal funds authorized							
e. Federal share of expenditures							
f. Federal share of unliquidated obligations							
g. Total Federal share (sum of lines e and f)							
h. Unobligated balance of Federal funds (line d minus g)							
Recipient Share:							
i. Total recipient share required							
j. Recipient share of expenditures							
k. Remaining recipient share to be provided (line l minus j)							
Program Income:							
l. Total Federal program income earned							
m. Program income expended in accordance with the deduction alternative							
n. Program income expended in accordance with the addition alternative							
o. Unexpended program income (line l minus line m or line n)							
11. Indirect Expense	a. Type	b. Rate	c. Period From	Period To	d. Base	e. Amount Charged	f. Federal Share
				g. Totals:			
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation:							
13. Certification: By signing this report, I certify that it is true, complete, and accurate to the best of my knowledge. I am aware that any false, fictitious, or fraudulent information may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 18, Section 1001)							
a. Typed or Printed Name and Title of Authorized Certifying Official					c. Telephone (Area code, number and extension)		
					d. Email address		
b. Signature of Authorized Certifying Official					e. Date Report Submitted (Month, Day, Year)		
					14. Agency use only: Federal Share Calculation		
Standard Form 425 OMB Approval Number: 0348-0061 Expiration Date: 10/31/2011							
Paperwork Burden Statement According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is 0348-0061. Public reporting burden for this collection of information is estimated to average 1.5 hours 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 (0348-0060), Washington, DC 20503.							

Table 1: Federal Financial Report, SF425

Activities for Module 7

Activity 7.a for Novices Allowable Costs

What did you hope to accomplish with this assistance agreement award?

1. Read your assistance agreement award and review your budget.
2. Examine the OMB Circular A-87 on Cost Principles.
3. Determine which of your costs are allowable and which are not.
4. List all allowable expenses in the space provided below.

Allowable expenses are those supplies and activities for which the Tribal Nation **can** use award funds.

Non-allowable expenses are those supplies and activities for which the Tribal Nation **cannot** use award funds.

Allowable Costs

Activity 7.a for Experts Stump the System

Let's play "Stump the System".

- Get into small groups of 3-5 people.
- Describe, in writing, situations where costs might not be considered reasonable, allowable, or allocable.
- Write only one situation on each card or piece of paper.
- Mix the descriptions together, so no one knows who wrote them.
- Designate a reader to read the descriptions to the entire group.
- Discuss each situation; consider the positive and negative aspects of each.
- Use the checklist to help determine which are allowable and which are not.
- Vote on whether the cost should be deemed a reasonable, allowable, and allocable cost or not.

- Reasonable:** Is the use of program dollars reasonable?
- Necessary:** Is it necessary in performing the requirements of the program?
- Allowable:** Is the use of program dollars allowable?
 - Is it within the scope of the program project as proposed to EPA?
 - Is the purchase allowable under OMB A-87, Attachment A?
- Clear business purpose:** Is there a clear business purpose? It is evident to a third party that the purchase is not for personal use.
- Budgeted:** Is the purchase properly budgeted for?
- Funding available:** Is there funding still available in the budget? If a budget revision needs to be done in accordance with the program regulations, the Project Officer has been contacted.
- Coded:** Is the purchase order or check request properly coded with the correct fund, program, year, and account codes?
- Approved:** Has the purchase order or check request been properly approved by supervisors?
- Conflict of interest:** Do any of the supervisors have a conflict of interest in making this purchase? Do any of the supervisors have a personal relationship or stand to gain personally by making this purchase?
- Processed within deadlines:** Have you followed policy and allowed enough time for the paperwork to be processed within established deadlines?
- Policy followed:** Each check request and purchase order must be documented to stand on its own as to what, where, why, when, and how the funding was used.
- Documented:** If you do not think it would be clear to an outside third party, such as an auditor, then please take a moment and document the reasons for the purchase. Remember, at the end of the year or two years from now, you might not be here to explain the purchase.
- Comfortable:** Would you be comfortable with making this purchase if it was reported on the front page of the daily newspaper with photos of you?

Activity 7.b Direct vs. Indirect Costs

Compare your work plan to the regulations for allowable costs.

If you do not have the budget for your award, then use the example provided in the **Appendix**. OMB Circular A-87 can also be found in the **Appendix**.

1. Which costs are indicated in your project budget?

2. Which of these costs are allowable under the cost principles outlined in OMB Circular A-87 as **direct costs**?

3. Which of these costs can be reimbursed as **indirect costs**?

Activities for Module 8

Activity 8.a

Financial and Accounting Procedures

Compare the recommended financial and accounting procedures with your Tribal Nation's existing process.

Consider the following questions:

- How does your Tribal Nation departmentalize financial and accounting duties?
- What forms do you use for purchasing?
- Are these forms in a location that is consistent, easy to find, and well organized?
- Which forms might you want to add to your process to make it easier to track purchases?

On the following page, draw a diagram of your Tribal Nation's purchasing procedures for:

- Ordering
- Tracking
- Shipping
- Receiving
- Invoicing
- Payment
- Travel authorization
- Travel vouchers

Activity 8.b Conferences

- A. Examine the *Best Practices Guide for Conferences* in the **Appendix**.
- B. Read the paragraph entitled "How To Use This Guide".
- C. Use the following scenario to answer the questions below.

You are concerned about the quality of water in the river that runs through the reservation. You are asking EPA to fund a conference for local environmental agencies and businesses to discuss how to handle this problem. You intend to make out the agenda and invite attendees at a time and location that best suits your schedule.

1. Would this be an EPA, Tribal Nation, or joint conference?
2. Which Chapter of the guide explains how EPA funds can be used?
3. Can EPA provide assistance agreement award funds for this conference?
4. Can you invite EPA staff to advise conference planners?
5. Can you use EPA grant funds to pay for food at a social gathering the night before the conference begins?
6. Can you use EPA grant funds to pay for travel expenses incurred by local business owners?
7. Can you use funds not spent on the conference to send a Tribal Member to the state capitol to talk to congressional representatives about funding clean-up efforts.
8. Can the conference be held at a local hotel instead of a big conference center?

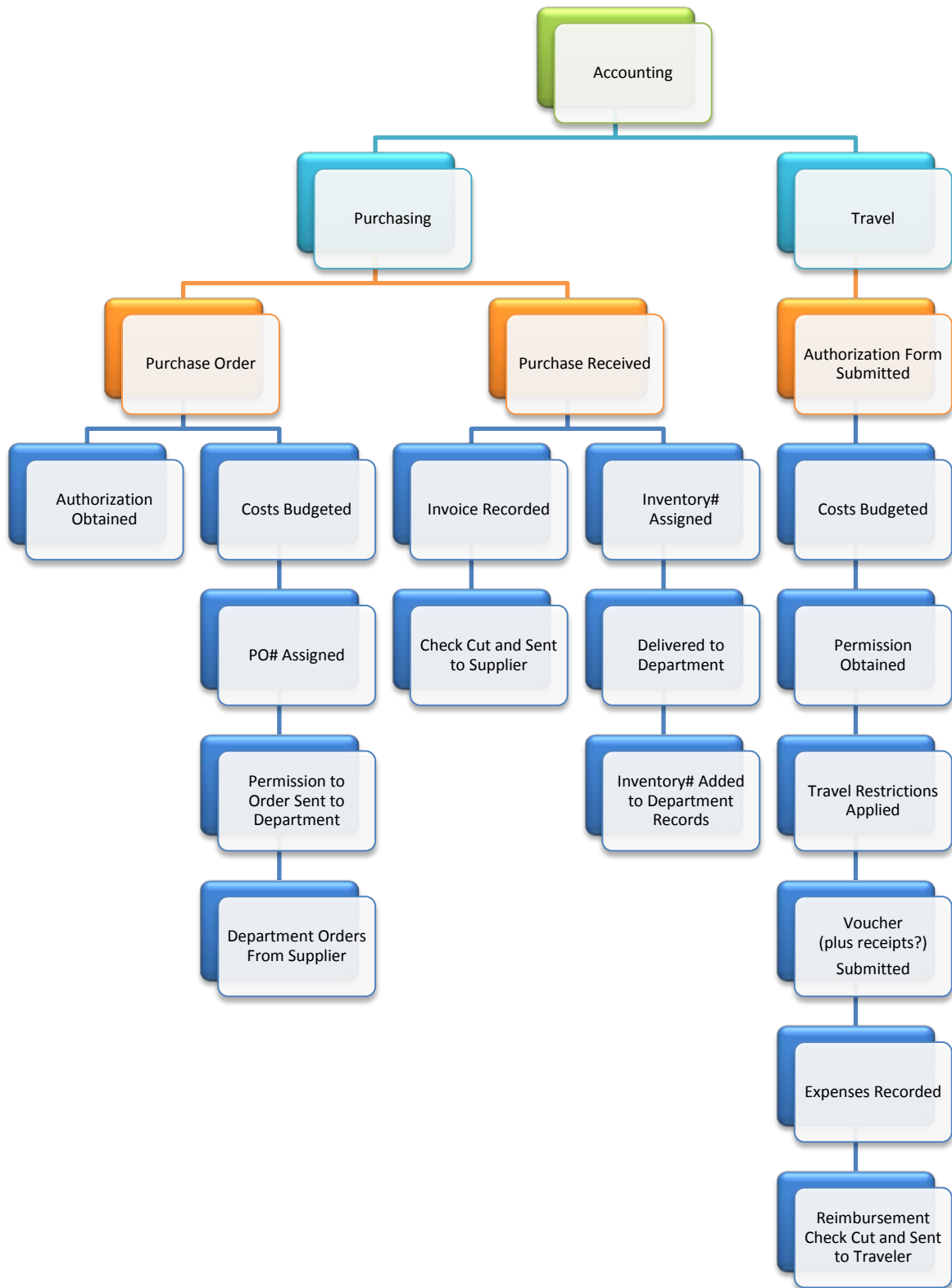


Figure 11: Sample Purchasing Process Diagram

Activities Booklet
Activities for Module 9

Activity 9.a Six Good Faith Efforts

Analyze the following Six Good Faith Efforts. Discuss with others what they mean and how to use them. Share these findings with your colleagues.

1. Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Tribal Nations, state and local and government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
2. Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.
3. Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Tribal Nations, state and local government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
4. Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.
5. Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce. (Some Nations only allow Tribally owned and/or Tribally approved subcontractors. Check your Tribal Nation's policy to determine which Tribal businesses are eligible.)
6. If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (1) through (5) of this section.

Activity 9.b Bidders List

Create a Bidders List.

1. Locate vendors in your area.

Start with one of the following options to locate a DBE vendor in your market area.

- Ask your state and/or EPA regional office if they already have a bidders list started.
- Examine the "Subcontracting with DOT" directory at http://osdbuweb.dot.gov/Procurement/subcontracting_directory.cfm.
- Explore the "System for Award Management" database at <http://www.sam.gov>.
- Peruse the "U.S. Small Business Administration's Dynamic Small Business Search" site at http://dsbs.sba.gov/dsbs/search/dsp_dsbs.cfm.
- Search the "Minority Business Development Agency" database at <http://www.mbda.gov/>.
- Visit the "Department of Transportation's Office of Small Business Programs" website at <http://osdbu.dot.gov/>.
- National Association of Women Business Owners <http://www.nawbo.org/>
- Minority Business Development Agency <http://www.mbda.gov/>
- National Center for American Indian Enterprise Development <http://www.ncaied.org>

2. Create a bidders list. You may use your own or the form on the following page. The longer the list, the more options available when you need them.
3. Ask for a copy of each vendor's DBE Certification.
4. Keep this information handy.
5. Update bidder information frequently.

Activities Booklet

Table 2: Sample Bidders List

	Bidder	Procurement	Date	Certification
Company Name Address City, State Zip Phone Email	<i>Quality Construction 987 Main Street Somewhere, ST 98765 1.800.203.555.9786 Quality@tbc.com</i>	<i>Construction Equipment</i>	<i>01/22/2012</i>	<i>DBE, MBE, Tribal Tribal qualifies as MBE on DBE forms</i>
Company Name Address City, State Zip Phone Email				
Company Name Address City, State Zip Phone Email				
Company Name Address City, State Zip Phone Email				
Company Name Address City, State Zip Phone Email				
Company Name Address City, State Zip Phone Email				
Company Name Address City, State Zip Phone Email				
Company Name Address City, State Zip Phone Email				
Company Name Address City, State Zip Phone Email				
Company Name Address City, State Zip Phone Email				

Activity 9.c

EPA Form 5700-52A

Test your DBE report writing skills.


This is just practice to help you become familiar with the form.

Fill in the form with as much information as you can, based on the award and procurement information provided. Speculate on possible content for information you do not yet know.

Included in this activity:

- An award document
- Procurement schedule
- EPA 5700-52A DBE reporting form

1. If you are reporting for a vendor or contractor who is both a minority and women-owned business, choose a single category under which to report the dollar amount.
2. In Block 1A use the federal fiscal year, October 1 through September 30.
3. The last year of the annual report is listed as the fiscal year.
 - a. (For example, procurements made in November 2011 and July 2012 are reported for the federal fiscal year 2012.)
4. In Block 2B enter the name of the regional EPA official designated in the “terms and conditions” of the award as the recipient of DBE reports.
 - a. This person should be located in the regional EPA office from which your financial assistance agreement originated.
5. In Block 4B the program/project title and the CFDA number can be found on your assistance agreement award document.
6. Data is entered in Block 5C only when Block 5B is not checked.
7. In Block 6 of the reporting form explain how you ensure that DBE’s are being notified about and afforded opportunities to compete on EPA-funded projects.
 - a. For example, “When there are no DBEs available locally, we search statewide to identify DBEs who can provide the needed products or services.”

	U.S. ENVIRONMENTAL PROTECTION AGENCY Grant Agreement	ASSISTANCE ID NO.			DATE OF AWARD <i>9/11/2011</i>	
		PROGRA M	DOCUMENT ID	AMENDMEN T#		
		<i>US-</i>	<i>12345678-</i>	<i>0</i>		
		TYPE OF ACTION			MAILING DATE <i>9/18/2011</i>	
<i>New</i>						
PAYMENT METHOD: <i>ACH</i>			ACH# <i>pend</i>			
RECIPIENT TYPE: <i>Indian Tribe</i>		Send Payment Request to: <i>Las Vegas Finance Center</i>				
RECIPIENT: <i>Tribe 1234 Rural Route 2 Somewhere, ST 12345 EIN: 12-3456789</i>		PAYEE: <i>President</i>				
PROJECT MANAGER		EPA PROJECT OFFICER		EPA GRANT SPECIALIST		
<i>Jane Doe Tribe E-Mail: jdoe@tribe.org Phone: 555-666-9898; FAX: 555-666-9899</i>		<i>Sandra Vine 222 North 89th St. Somewhere, ST 98765 E-Mail: svine@epa.gov Phone: 555-666-7878 ext. 123</i>		<i>Dean Mulberry 333 South 67th St. Somewhere, ST 98765 E-Mail: dmulberry@epa.gov Phone: 555-666-4545 ext. 678</i>		
PROJECT TITLE AND DESCRIPTION <i>Indian General Assistance Program</i> <i>Build Tribe's environmental capacity; improve ability to communicate about environmental issues; represent Tribes on statewide environmental panels; aid state and federal agencies in their relationships with Tribes; increase communication between Tribes and agencies, and assist Tribes to better protect their environments.</i>						
BUDGET PERIOD <i>10/01/2011 – 09/30/2013</i>		PROJECT PERIOD <i>10/01/20011 – 09/30/2013</i>		TOTAL BUDGET PERIOD COST <i>\$12,220,429</i>		
				TOTAL PROJECT PERIOD COST <i>\$12,220,429</i>		
NOTICE OF AWARD						
<i>Based on your application dated 07/08/2008, including all modifications and amendments, the United States, acting by and through the U.S. Environmental Protection Agency (EPA), hereby awards \$2,000,000. EPA agrees to cost-share 55.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$2,000,000. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.</i>						
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE			
ORGANIZATION / ADDRESS			ORGANIZATION / ADDRESS			
<i>EPA Region 25 Mail Code, OMP-123 900 Elm Avenue Somewhere, ST 98765</i>			<i>EPA Region 25 Office of the Executive 900 Elm Avenue Somewhere, ST 98765</i>			
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY						
SIGNATURE OF AWARD OFFICIAL <i>Johnny Bean</i>			TYPED NAME AND TITLE <i>Johnny Bean, Regional Administrator</i>		DATE <i>09/11/2011</i>	
AFFIRMATION OF AWARD						
BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION						
SIGNATURE <i>James Stone</i>		TYPED NAME AND TITLE <i>James Stone, President, Tribal Leader's Council</i>		DATE <i>10/02/2011</i>		

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action			\$2,000,000
EPA In-Kind Amount			\$0
Unexpended Prior Year Balance			\$0
Other Federal Funds			\$0
Recipient Contribution			\$220,429
State Contribution			\$2,000,000
Local Contribution			\$0
Other Contribution			\$0
Allowable Project Cost			\$12,220,429

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.418 – Construction Grants for Waste Water Treatment Works	Clean Water Act: Sec. 518(c)	40 CFR Parts 31 and 35 Subpart I

Fiscal									
Site Name	DC N	FY	Appropriation Code	Budget Organization	PRC	Object Class	Site / Project	Cost organization	Obligation / Deobligation
Somewhere Nation	-	2008	GH1	104	GH5	4111	-	-	\$2,000,000
									\$2,000,000

BUDGET INFORMATION – Construction Programs			OMB Approval No. 0348-0041
NOTE: Certain federal assistance programs require additional computations to arrive at the federal share of project costs eligible for participation. If such is the case, you will be notified.			
Program Element Classification (Construction)	a. Total Costs	b. Costs Not Allowable for Participation	Total Allowable Costs (Columns a minus b)
1. Administrative and legal expenses	\$0	\$0	\$0
2. Land Structures, right of way, appraisals, etc.	\$180,978	\$180,978	\$0
3. Relocation expenses and payments	\$0	\$0	\$0
4. Architectural Engineering Basic Fees	\$1,783,913	\$1,783,913	\$0
5. Other Architectural Engineering Fees	\$465,194	\$465,194	\$0
6. Project inspection fees:			
a. Force Account – KCWTD (includes 40% for benefits)	\$1,703,247	\$1,703,247	\$0
7. Site work	\$0	\$0	\$0
8. Demolition and Removal	\$0	\$0	\$0
9. Construction:			
a. Wastewater Treatment Plant Contract	\$7,794,651	\$0	\$7,794,651
b. Outfall Contract	\$222,446	\$222,446	\$0
10. Equipment	\$20,000	\$20,000	\$0
11. Miscellaneous	\$50,000	\$50,000	\$0
12. Subtotal (Lines 1 thru 11)	\$12,220,429	\$4,425,778	\$7,794,651
13. Contingencies	\$611,021	\$221,289	\$389,733
14. Subtotal (Lines 12 thru 13)	\$12,831,450	\$4,647,067	\$8,184,384
15. Project/Program Income	\$0	\$0	\$0
16. TOTAL PROJECT COSTS (Lines 15 minus 14)	\$12,831,450	\$4,647,067	\$8,184,384
FEDERAL FUNDING			
Federal assistance requested, calculate as follows: (Consult Federal agency for Federal percentage share.) Enter the resulting Federal share.	Enter eligible costs from line 16 Multiply X 55%		\$4,501,411

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Standard Form 424C (Rev. 7-97)
Prescribed by OMB Circular A-102

Administrative Conditions

1. Payment Information

- a. Electronic Funds Transfer (EFT) systems: There are two EFT payment systems available to recipients, whereby payments are sent directly to the recipient's financial institution within 3-5 business days. Recipients may use either EPA's EFT-IFMS system or ASAP, as follows:

Under EPA's EFT-IFMS your payment request must be made on the EPA Region 25 EFT-Payment Request Form.

Under the Automated Standard Application for Payment (ASAP) the recipient follows Department of Treasury ASAP instructions.

To enroll in either system (if not currently enrolled), or if you have questions, please call Norma Buttons at 555-666-3434.

Under any of the above payment mechanisms, recipients may request/draw down advances for their immediate cash needs, provided the recipient meets the requirements of 40 CFR 30.22(b) or 40 CFR 31.21(c) as applicable. Additionally, recipients must liquidate all obligations incurred within 90 calendar days of the project period end date. Therefore, recipients must submit the final request for payment, and refund to EPA any balance of unobligated cash advanced within 90 calendar days after the end of the project period.

2. Cost Principles/Indirect Costs Not Included (All Organizations)

The cost principles of OMB Circular A-21 (educational institutions), A-87 (state, local, or Indian Tribal governments), or A-122 (non-profit organizations) are applicable, as appropriate, to this award. Since there are no indirect costs included in the assistance budget, they are not allowable under this Assistance Agreement.

3. Federal Financial Report (FFR)

Pursuant to 40 CFR 31.41(b) and 31.50(b), EPA recipients shall submit a final Federal Financial Report (SF-425) to EPA no later than 90 calendar days after the end of the project period. The form is available on the internet at <http://www.epa.gov/ocfo/finservices/forms.htm>. All FFRs must be submitted to the Las Vegas Finance Center: US EPA, LVFC, 4220 S. Maryland Pkwy., Bldg. C, Rm. 503, Las Vegas, NV 89119, or by Fax to: 702-798-2423.

The LVFC will make adjustments, as necessary, to obligated funds after reviewing and accepting a final Federal Financial Report. Recipients will be notified and instructed by EPA if they must complete any additional forms for the closeout of the assistance agreement.

EPA may take enforcement actions in accordance with 40 CFR 31.43 if the recipient does not comply with this term and condition.

4. Audit Requirements

The recipient agrees to comply with the requirements of OMB Circular A-133 "Audits of States, Local Governments, and Non-Profit Organizations."

5. Hotel and Motel Fire Safety Act

Effective October 1, 1994 the recipient agrees to ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the Hotel and Motel Fire Safety Act of 1990.

6. Recycled Paper

ALL APPLICANTS:

Pursuant to EPA Order 1000.25 dated January 24, 1990, the recipient agrees to use recycled paper for all reports which are prepared as a part of this agreement and delivered to the Agency. This requirement does not apply to Standard Forms. These forms are printed on recycled paper as available through the General Services Administration.

STATE AGENCIES AND POLITICAL SUBDIVISIONS:

Any state agency or agency of a political subdivision of a state which is using appropriated federal funds shall comply with the requirements set forth in Section 5002 of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6962). Regulations issued under RCRA Section 6002 require that preference be given in procurement programs to the purchase of specific products containing recycled materials identified in guidelines developed by EPA. These guidelines are listed in 40 CFR 247.

Administrative Conditions

STATE AND LOCAL INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND NON-PROFIT ORGANIZATIONS:

Pursuant to 40 CFR 30.16 state and local institutions of higher education, hospitals, and non-profit organizations that receive direct federal funds shall give preference in their procurement programs to the purchase of recycled products.

7. Lobbying

ALL APPLICANTS:

The recipient agrees to comply with Title 40 CFR Part 34 “New Restrictions on Lobbying”. The recipient shall include the language of this provision in award documents for all subawards exceeding \$100,000 and require that subrecipients submit certification and disclosure forms accordingly.

In accordance with the Byrd Anti-Lobbying Amendment, any recipient who makes a prohibited expenditure under Title 40 CFR Part 34 or fails to file the required certification or lobbying forms shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure.

PART 30 RECIPIENTS:

All contracts awarded by a recipient shall contain, when applicable, the anti-lobbying provision as stipulated in the Appendix of Title 40 CFR Part 30.

Pursuant to Section 18 of the Lobbying Disclosure Act, the recipient affirms that it is not a non-profit organization described in Section 501(c)(4) of the Internal Revenue Code of 1986; or that it is a non-profit organization described in Section 501(c)(4) of the Code but does not and will not engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act.

8. Lobbying and Litigation

ALL APPLICANTS:

The recipient agrees to provide EPA Form 5700-53 “Lobbying and Litigation Certificate” as mandated by EPA’s annual Appropriations Act. The Chief Executive Officer of any entity receiving assistance funds must certify that none of these funds have been used to engage in the lobbying of the federal government or in litigation against the United States unless authorized under existing law. The certification must be submitted to your EPA Grants Specialist within 90 days after the end of the project period.

Recipient shall abide by its respective OMB Circular (A-21, A-87, or A-122), which prohibits the use of federal funds for litigation against the United States. Any Part 30 recipient shall abide by its respective OMB Circular (A-21 or A-122), which prohibits the use of federal grant funds to participate in various forms of lobbying or other political activities.

9. Suspension and Debarment

Recipients shall fully comply with Subpart C of 2 CFR Part 180 entitled, “Responsibilities of Participants Regarding Transactions Doing Business With Other Persons,” as implemented and supplemented by 2 CFR Part 1532. Recipient is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 2 CFR Part 180, entitled “Covered Transactions,” includes a term or condition requiring compliance with Subpart C. Recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. Recipient acknowledges that failing to disclose the information required under 2 CFR 180.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment.

Recipients may access suspension and debarment information at <http://www.sam.gov>. This system allows recipients to perform searches determining whether an entity or individual is excluded from receiving Federal assistance. This term and condition supersedes EPA Form 5700-49, “Certification Regarding Debarment, Suspension, and Other Responsibility Matters.”

Administrative Conditions

10. Small and Disadvantaged Business Utilization Requirements (Non-SRF Recipients)

The recipient agrees to comply with the requirements of EPA's Program for Utilization of Disadvantaged Business Enterprises in procurement under assistance agreements:

- (a) The recipient accepts the applicable Disadvantaged Business Enterprise (DBE) "fair share" objectives negotiated with EPA by your organization.
- (b) The recipient agrees to ensure, to the fullest extent possible, that at least the applicable "fair share" objectives of federal funds for prime contracts or subcontracts for supplies, construction, equipment, or services are made available to organizations owned or controlled by socially and economically disadvantaged individuals, women, and Historically Black Colleges and Universities.
- (c) The recipient agrees to include in its bid documents the applicable "fair share" objectives and require all of its prime contractors to include in their bid documents for subcontracts the negotiated "fair share" percentages.
- (d) The recipient agrees to follow the six affirmative steps stated in 40 CFR 30.44(b), 31.36(e), 35.3145(d), or 35.6580, as appropriate, and retain records documenting compliance.
- (e) The recipient agrees to submit an EPA Form 5700-52A "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements" as follows:
 For grants awarded under 40 CFR Part 35, Subpart A (refer to the Regulatory Authority box shown in the middle of Page 2 of this Assistance Agreement/Amendment). Reports are due annually by October 30 of each year (covers the federal fiscal year October 1 thru September 30).
 All reports must be submitted to the Office for Civil Rights and Environmental Justice, CEJ-987, 4343 Main St., Somewhere, ST 98765. For further information, please contact your DBE Coordinator, Linda Forest, at 555.987.6543, FAX 555.987.6565.
- (f) If race and/or gender neutral efforts prove inadequate to achieve a "fair share" objective, the recipient agrees to notify EPA in advance of conscious action it plans to take to more closely achieve the "fair share" objective. EPA may take corrective action under 40 CFR Parts 30, 31, and 35, as appropriate, if the recipient fails to comply with these terms and conditions.

11. Small Business in Rural Areas (SBRA)

In accordance with Section 129 of Public Law 100-590, the Small Business Administration and Reauthorization and Amendment Act of 1988, the recipient agrees to utilize and to encourage any prime contractors under the assistance agreement to utilize small businesses located in rural areas to the maximum extent possible through the use of the six affirmative steps.

If a contract is awarded under this assistance agreement, the recipient is also required to utilize the following affirmative steps:

- (a) Place SBRA on solicitation lists.
- (b) Make sure that SBRA are solicited whenever there are potential sources.
- (c) Divide total requirements, when economically feasible, into small tasks or quantities to permit maximum participation by SBRA.
- (d) Establish delivery schedules, where the requirements of work permit, to encourage participation by SBRA.
- (e) Use the services of the Small Business Administration and the Minority Business Development Agency of the U.S. Department of Commerce, as appropriate.
- (f) Require the prime contractor to comply with the affirmative steps outlined above.
- (g) The recipient also agrees to retain records documenting compliance.

For assistance awards for continuing environmental programs, the recipient agrees to submit an EPA Form 5700-52A by October 30 each year. All reports should be submitted to the Office for Civil Rights and Environmental Justice, CEJ-987, 4343 Main St., Somewhere, ST 98765.

Administrative Conditions

12. Availability of Funds

The recipient understands that additional funds may be awarded under this assistance agreement, subject to availability of additional appropriated funds. EPA's approval of the work plan, budget, and project/budget periods does not constitute an EPA commitment to provide funds in excess of the amount currently funded in this agreement.

13. Payment to Consultants

EPA participation in the salary rate (excluding overhead) paid to individual consultants is limited to the maximum daily rate for a Level IV of the Executive Schedule, to be adjusted annually. This limit applies to consultation services of designated individuals with specialized skills who are paid at a daily or hourly rate. The consultant rate is currently \$483.20. This rate does not include overhead or travel costs and the recipient may pay these in accordance with its normal travel practices.

Subagreements with firms for services which are awarded using the procurement requirements in 40 CFR Parts 30 or 31, as applicable, are not affected by this limitation unless the terms of the contract provide the recipient with responsibility for the selection, direction, and control of the individuals who will be providing services under the contract at an hourly or daily rate of compensation. The recipient may refer to 40 CFR 30.27 or 40 CFR 31.36(j)(2), as applicable, for additional information.

NOTE: For future years' limits, the recipient may find the annual salary for Level IV of the Executive Schedule on the Internet site: <http://www.opm.gov/oca>. Select "Salary and Wages" then "Executive Schedule". The annual salary is divided by 2087 hours to determine the maximum hourly rate, which is then multiplied by 8 to determine the maximum daily rate.

14. Executive Order 13202 Preservation of Open Competition

The assistance recipient agrees to comply with Executive Order 13202 (February 22, 2001, 66 Federal Regulation 11225, entitled "Preservation of Open Competition and Government neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects") as amended by Executive Order 13208 (April 11, 2001, 66 Federal Regulation 18717 entitled "Amendment to Executive Order 13202, "Preservation of Open Competition and Government neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects").

15. Recipient Contribution/Share amounts – For Information ONLY

The share percentages currently shown in the Table A budgets and page one of this agreement are calculated based on the current EPA funding amount and total project cost. The percentage will change if and when additional funding is provided by assistance amendment.

Programmatic Conditions

1. Quarterly Performance Reports

The recipient shall submit quarterly performance reports, which are due 30 calendar days after the end of each federal fiscal quarter. (Federal fiscal quarters end the last day of March, June, September, and December.) Reports shall be submitted to the EPA Project Officer and may be provided electronically.

In accordance with 40 CFR Part 30.51(d) and 31.40, as appropriate, the recipient agrees to submit performance reports that include brief information on each of the following areas:

- (a) A comparison of actual accomplishments with the goals and objectives (outputs/outcomes) established for the reporting period
- (b) Reasons for slippages or why established goals (outputs/outcomes) were not met
- (c) Other pertinent information, including when appropriate analysis and information of cost overruns or high unit costs

In addition to the quarterly performance reports, the recipient shall immediately notify the EPA Project Officer of developments that have a significant impact on the award-supported activities. In accordance with 40 CFR Part 30.51(f) and 31.40(d), as appropriate, the recipient agrees to inform the EPA Project Officer as soon as problems, delays, or adverse conditions become known which will materially impair the ability to meet the objectives (outputs/outcomes) specified in the assistance agreement work plan. This notification shall include a statement of the action taken or contemplated and any assistance needed to resolve the situation.

2. Final Performance Report

In addition to the periodic performance reports, the recipient shall submit a final performance report, which is due 90 calendar days after the expiration or termination of the award. The report shall be submitted to the EPA Project Officer and may be provided electronically. The report shall generally contain the same information as in the periodic reports, but should cover the entire project period. If appropriate, the EPA Project Officer may waive the requirement for a final performance report after completion of the project, if the EPA Project Officer deems such a report is inappropriate or unnecessary.

3. Submissions

The grantee agrees to submit the following to the EPA Project Officer:

- (a) Quarterly Reports updating the status of the Title II construction grants to be closed. Reports are due October 31, January 31, April 30, and July 31 of each year. Each report shall include:
 - o A listing of the grants to be closed
 - o The activities remaining
 - o The estimate dates for submitting the administration completion packages or audit resolution work to EPA
 - o A listing of the FTEs charged against the 205(g) grants
- (b) An annual Closeout Strategy, due in August of each year, in accordance with EPA guidance.

END OF ASSISTANCE AGREEMENT US-12345678-0

Sample Work Schedule

Wastewater Treatment Plant Construction Schedule

Activity ID	Activity Name	Days	Start	Finish
Start		20	9/20/2011	9/20/2011
ST1000	Pre-Construction Meeting	1	9/20/2011	9/20/2011
ST1010	Notice to Proceed	0	10/4/2011	
ST1020	Mobilization	10	10/4/2011	10/15/2011
Surveying		5	10/18/2011	10/22/2011
SV1100	Survey Cleaning Limits and Buffer	1	10/18/2011	10/18/2011
SV1110	Location of Silt Fence	1	10/19/2011	10/19/2011
SV1120	Survey Site Grades	1	10/20/2011	10/20/2011
SV1130	Location of Utilities	1	10/21/2011	10/21/2011
SV1140	Location of Structures	1	10/22/2011	10/22/2011
Clearing and Grubbing		4	10/25/2011	10/28/2011
CG1200	Clear and Grub Site	3	10/25/2011	10/27/2011
CG1210	Provide Tree Protection	1	10/25/2011	10/25/2011
CG1220	Cut/Demo Trees	1	10/25/2011	10/25/2011
CG1230	Haul Waste	1	10/28/2011	10/28/2011
Erosion Control		5	10/29/2011	11/4/2011
EC1300	Install Silt Fence	1	10/29/2011	10/29/2011
EC1310	Construct Entrance	1	11/1/2011	11/1/2011
EC1320	Install Filter Bags	1	11/2/2011	11/2/2011
EC1330	Build Swales	1	11/3/2011	11/3/2011
EC1340	Install Perforated Pipe	1	11/4/2011	11/4/2011
Grading		13	11/5/2011	11/18/2011
GR1400	Rough Grade Site	3	11/5/2011	11/9/2011
GR1410	Rough-in Roads	1	11/10/2011	11/10/2011
GR1420	Install Road Bases	1	11/11/2011	11/11/2011
GR1430	Base Temporary Office and Parking	1	11/12/2011	11/12/2011
GR1440	Final grade	1	11/15/2011	11/15/2011
GR1450	Apply Top Course Rock	1	11/16/2011	11/16/2011
GR1460	Install Temporary Fence	1	11/17/2011	11/17/2011
GR1470	Install Permanent Fence	1	11/18/2011	11/18/2011
Water Main		13	11/19/2011	12/7/2011
WM1600	Excavate Jack pit	2	11/19/2011	11/22/2011
WM1610	Bore	2	11/23/2011	11/24/2011
WM1620	Install Casing/Pipe	1	11/25/2011	11/25/2011
WM1630	Install Piping	5	11/29/2011	12/3/2011

Activities Booklet

Sample Bidders List

	Bidder	Procurement	Date	Certification
Company Name Address City, State Zip Phone Email	Quality Construction 987 Main Street Somewhere, ST 98765 1.800.203.555.9786 Quality@tbc.com	Construction Equipment	10/10/2011	DBE, MBE, Tribal Tribal qualifies as MBE on DBE forms
	Double Duty Carpentry 82 Main Street Meadows, ST 98766	Builders	10/10/2011	MBE /Tribal
	Environmental Technologies 3477 56 th Street Durant, ST 98762 555.668.3579	Waste Management Consulting Services	10/10/2011	Non-DBE; debarred
	Estes Construction P.O. Box 9876 Simpleton, ST 98765 555.777.7243 Estes.construction@tbc.com	Construction Contractor	10/10/2011	MBE /Tribal
	Ever Steady, Inc. 539539 Rural Route #5 Stone City, ST 98764	Concrete Company	10/10/2011	Rural; difficult communication
	Hillsborough and Sons 876 92 nd Avenue Simpleton, ST 98765	Construction Supplies	10/10/2011	Non-DBE
	Hometown Plumbing and Heating Fairhaven, ST 98765	Plumbers	10/10/2011	MBE; debarred
	Performance Plus 2748 19 th Street Rock Falls, ST 98763 555.669.2384	Plumbers and Pipe Fitters	10/10/2011	Non-DBE
	Quality Construction 987 Main Street Somewhere, ST 98765 1.800.203.555.9786 Quality@tbc.com	Construction Equipment	10/10/2011	MBE /Tribal; union issues
	Realistic Plumbing 936 42 nd Street, Suite 300 Stone City, ST 98764 realistic@tbc.com	Plumbers	10/10/2011	Non-DBE; under external audit by IRS
	Rock Falls Electric 471 Pine Avenue Rock Falls, ST 98763 1.800.503.6226	Electricians	10/10/2011	WBE

(These are fictitious companies for example only.)

Activities Booklet

OMB CONTROL NO. 2090-0030
APPROVED: 05/01/2008
APPROVAL EXPIRES: 01/31/2011

**U.S. ENVIRONMENTAL PROTECTION AGENCY
MBE/WBE UTILIZATION UNDER FEDERAL GRANTS, COOPERATIVE
AGREEMENTS, AND INTERAGENCY AGREEMENTS**

PART 1. (Reports are required even if no procurements are made during the reporting period.)

1A. FEDERAL FISCAL YEAR 200_____	1B. REPORTING PERIOD (Check ALL appropriate boxes) <input type="checkbox"/> 1 st (Oct-Dec) <input type="checkbox"/> 2 nd (Jan-Mar) <input type="checkbox"/> 3 rd (Apr-Jun) <input type="checkbox"/> 4 th (Jul-Sep) <input type="checkbox"/> Annual <input type="checkbox"/> Check if this is the last report for the project (Project completed).																				
1C. REVISION OF A PRIOR REPORT? Y or N Year: _____ Quarter: _____	BRIEFLY DESCRIBE THE REVISIONS YOU ARE MAKING:																				
2A. EPA FINANCIAL ASSISTANCE OFFICE ADDRESS (ATTN: DBE Coordinator)		3A. RECIPIENT NAME AND ADDRESS																			
2B. EPA DBE COORDINATOR Name: E-mail:	2C. PHONE: Fax:	3B. RECIPIENT REPORTING CONTACT: Name: E-mail:	3C. PHONE: Fax:																		
4A. FINANCIAL ASSISTANCE AGREEMENT ID NUMBER (SRF State Recipients, refer to Instructions for Completion of blocks 4A, 5A and 5C.)		4B. FEDERAL FINANCIAL ASSISTANCE PROGRAM TITLE or CFDA NUMBER:																			
5A. TOTAL ASSISTANCE AGREEMENT AMOUNT (SRF State Recipients, refer to Instructions for Completion of blocks 4A, 5A, and 5C.) EPA Share: \$ _____ Recipient Share: \$ _____		5B. If NO procurement and NO accomplishments were made this reporting period, check, and skip to Block No. 7. (<u>Procurements</u> are all expenditures through contract, order, purchase, lease, or barter of supplies, equipment, construction, or services needed to complete Federal assistance programs. <u>Accomplishments</u> , in this context, are procurements made with MBEs and/or WBEs. <input type="checkbox"/>																			
5C. Total Procurement and MBE/WBE Accomplishments This Reporting Period (Only include amount not reported in any prior reporting period) Were sub-awards issued under this assistance agreement? Yes___ No___ Were contracts issued under this assistance agreement? Yes___ No___ Total Procurement Amount \$ _____ (Include total dollar values awarded by recipient, sub-recipients and SRF loan recipients.) Actual MBE/WBE Procurement Accomplished: (Include total dollar values awarded by recipient, sub-recipients, SRF loan recipients, and Prime Contractors.) <table border="0" style="width:100%"> <tr> <td></td> <td align="center"><u>Construction</u></td> <td align="center"><u>Equipment</u></td> <td align="center"><u>Services</u></td> <td align="center"><u>Supplies</u></td> <td align="center"><u>Total</u></td> </tr> <tr> <td>MBE:</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>WBE:</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </table>					<u>Construction</u>	<u>Equipment</u>	<u>Services</u>	<u>Supplies</u>	<u>Total</u>	MBE:	_____	_____	_____	_____	_____	WBE:	_____	_____	_____	_____	_____
	<u>Construction</u>	<u>Equipment</u>	<u>Services</u>	<u>Supplies</u>	<u>Total</u>																
MBE:	_____	_____	_____	_____	_____																
WBE:	_____	_____	_____	_____	_____																
6. COMMENTS: (If no MBE/WBE procurements were accomplished during the reporting period, please explain what steps you are taking to achieve the MBE/WBE Program requirements specified in the terms and conditions of the Assistance Agreement.)																					
7. NAME OF RECIPIENT'S AUTHORIZED REPRESENTATIVE	TITLE																				
8. SIGNATURE OF RECIPIENT'S AUTHORIZED REPRESENTATIVE	DATE																				

EPA FORM 5700-52A available electronically at http://www.epa.gov/osbp/pdfs/5700_52a.pdf

MBE/WBE PROCUREMENTS MADE DURING REPORTING PERIOD

EPA Financial Assistance Agreement Number: _____

1. Procurement Made By			2. Business Enterprise		3. \$ Value of Procurement	4. Date of Award MM/DD/YY	5. Type of Product or Services (Enter Code)	6. Name/Address/Phone Number of MBE/WBE Contractor or Vendor
Recipient	Sub-Recipient and/or SRF Loan Recipient	Prime	Minority	Women				

Type of product or service codes:

1 = Construction

2 = Supplies

3 = Services

4 = Equipment

Note: Refer to Terms and conditions of your Assistance Agreement to determine the frequency of reporting. Recipients are required to submit MBE/WBE reports to EPA beginning with the Federal fiscal year quarter the recipients receive the award, continuing until the project is completed.

EPA FORM 5700-52A - (Approval Expires 12/22/13)

Instructions:

A. General Instructions:

MBE/WBE utilization is based on 40 CFR Part 33. EPA Form 5700-52A must be completed by recipients of Federal grants, cooperative agreements, or other Federal financial assistance which involve procurement of supplies, equipment, construction or services to accomplish Federal assistance programs.

Recipients are required to report 30 days after the end of each federal fiscal quarter, semiannually, or annually, per the terms and conditions of the financial assistance agreement.

	Quarterly Reporting Due Date	Semiannual Reporting Due Date	Annual Reporting Due Date
Agreements awarded prior to May 27, 2008	January 30, April 30, July 30, October 30	N/A	October 30
Agreements awarded on or after May 27, 2008	N/A	April 30, October 30	October 30

MBE/WBE program requirements, including reporting, are material terms and conditions of the financial assistance agreement.

B. Definitions:

Procurement is the acquisition through contract, order, purchase, lease or barter of supplies, equipment, construction or services needed to accomplish Federal assistance programs.

A **contract** is a written agreement between an EPA recipient and another party (also considered “prime contracts”) and any lower tier agreement (also considered “subcontracts”) for equipment, services, supplies, or construction necessary to complete the project. This definition excludes written agreements with another public agency. This definition includes personal and professional services, agreements with consultants, and purchase orders.

A **minority business enterprise (MBE)** is a business concern that is (1) at least 51 percent owned by one or more minority

individuals, or, in the case of a publicly owned business, at least 51 percent of the stock is owned by one or more minority individuals; and (2) whose daily business operations are managed and directed by one or more of the minority owners. In order to qualify and participate as an MBE prime or subcontractor for EPA recipients under EPA’s DBE Program, an entity must be properly certified as required by 40 CFR Part 33, Subpart B.

U.S. citizenship is required. Recipients shall presume that minority individuals include Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, or other groups whose members are found to be disadvantaged by the Small Business Act or by the Secretary of Commerce under section 5 of Executive order 11625. The reporting contact at EPA can provide additional information.

A **woman business enterprise (WBE)** is a business concern that is, (1) at least 51 percent owned by one or more women, or, in the case of a publicly owned business, at least 51 percent of the stock is owned by one or more women and (2) whose daily business operations are managed and directed by one or more of the women owners. In order to qualify and participate as a WBE prime or subcontractor for EPA recipients under EPA’s DBE Program, an entity must be properly certified as required by 40 CFR Part 33, Subpart B.

Business firms which are 51 percent owned by minorities or women, but are in fact managed and operated by non-minority individuals do not qualify for meeting MBE/WBE procurement goals. U.S. Citizenship is required.

Good Faith Efforts

A recipient is required to make the following good faith efforts whenever procuring construction, equipment, services, and supplies under an EPA financial assistance agreement. These good faith efforts for utilizing MBEs and WBEs must be documented. Such documentation is subject to EPA review upon request:

1. Include MBEs/WBEs on solicitation lists.
2. Assure that MBEs/WBEs are solicited once they are identified.

3. Divide total requirements into smaller tasks to permit maximum MBE/WBE participation, where feasible.
4. Establish delivery schedules which will encourage MBE/WBE participation, where feasible.
5. Encourage use of the services of the U.S. Department of Commerce's Minority Business Development Agency (MBDA) and the U.S. Small Business Administration to identify MBEs/WBEs.
6. Require that each party to a subgrant, subagreement, or contract award take the good faith efforts outlined here.

C. Instructions for Part I:

- 1a. Specify Federal fiscal year this report covers. The Federal fiscal year runs from October 1st through September 30th (e.g. **November 29, 2010 falls within Federal fiscal year 2011**)
- 1b. Check applicable reporting box, quarterly, semiannually, or annually. Also indicate if this is the last report for the project.
- 1c. Indicate if this is a revision to a previous year, half-year, or quarter, and provide a brief description of the revision you are making.
- 2a-c. Please refer to your financial assistance agreement for the mailing address of the EPA financial assistance office for your agreement.

The "EPA DBE Reporting Contact" is the DBE Coordinator for the EPA Region from which your financial assistance agreement was originated. For a list of DBE Coordinators please refer to the EPA OSBP website at www.epa.gov/osbp. Click on "Regional Contacts" for the name of your coordinator.
- 3a-c. Identify the agency, state authority, university or other organization which is the recipient of the Federal financial assistance and the person to contact concerning this report.
- 4a. Provide the Assistance Agreement number assigned by EPA. A separate

report must be submitted for each Assistance Agreement.

***For SRF recipients:** In box 4a list numbers for ALL OPEN Assistance Agreements being reported on this form. Please note that although the New DBE Rule (which took effect May 27, 2008) revised the reporting frequency requirements from quarterly to semiannually, that change only applies to agreements awarded AFTER the New DBE Rule took effect. Therefore, SRF recipients may either continue to report activity for all Agreements on one form on a quarterly basis until the last award that was made prior to the New DBE Rule has been closed out; OR, the recipient may split the submission of SRF reports into quarterly reports for Agreements awarded prior the New DBE Rule, and semiannually for the awards made after the New DBE Rule.

- 4b. Refer back to Assistance Agreement document for this information.
- 5a. Provide the total amount of the Assistance Agreement which includes Federal funds plus recipient matching funds and funds from other sources.

***For SRF recipients only:** SRF recipients will not enter an amount in 5a. Please leave 5a blank.
- 5b. Self-explanatory.
- 5c. Provide the total dollar amount of **ALL** procurements awarded this reporting period by the recipient, sub-recipients, and SRF loan recipients, **including** MBE/WBE expenditures. For example: Actual dollars for procurement from the procuring office; actual contracts let from the contracts office; actual goods, services, supplies, etc., from other sources including the central purchasing/ procurement centers).

***NOTE:** To prevent double counting on line 5C, if any amount on 5E is for a subcontract and the prime contract has already been included on Line 5C in a prior reporting period, then report the amount going to MBE or WBE

- subcontractor on line 5E, but exclude the amount from Line 5C. To include the amount on 5C again would result in double counting because the prime contract, which includes the subcontract, would have already been reported.
- 5d. State whether or not sub-awards and/or subcontracts have been issued under the assistance agreement by indicating “yes” or “no”.
- 5e. Where requested, also provide the total dollar amount of all MBE/WBE procurement awarded during this reporting period by the recipient, sub-recipients, SRF loan recipients, and prime contractors in the categories of construction, equipment, services and supplies. These amounts include Federal funds plus recipient matching funds and funds from other sources.
- *For SRF recipients only:** In 5c please enter the total procurement amount for the quarter, or semiannual period, under all of your SRF Assistance Agreements. The figure reported in this section is **not** directly tied to an individual Assistance Agreement identification number. **(SRF state recipients report state procurements in this section)**
6. If there were no MBE/WBE accomplishments this reporting period, please briefly explain what specific steps you are taking to achieve the MBE/WBE requirements specified in the terms and conditions of the Assistance Agreement.
7. Name and title of official administrator or designated reporting official.
8. Signature, month, day, and year report submitted.

D. Instructions for Part II:

For each MBE/WBE procurement made under this assistance agreement during the reporting period, provide the following information:

1. Check whether this procurement was made by the recipient, sub-recipient/SRF loan recipient, or the prime contractor.

2. Check either the MBE or WBE column. If a firm is both an MBE and WBE, the recipient may choose to count the entire procurement towards EITHER its MBE or WBE accomplishments. The recipient may also divide the total amount of the procurement (using any ratio it so chooses) and count those divided amounts toward its MBE and WBE accomplishments. If the recipient chooses to divide the procurement amount and count portions toward its MBE and WBE accomplishments, please state the appropriate amounts under the MBE and WBE columns on the form. **The combined MBE and WBE amounts for that MBE/WBE contractor must not exceed the “Value of the Procurement” reported in column #3**
3. Dollar value of procurement.
4. Date of procurement, shown as month, day, year. Date of procurement is defined as the date the contract or procurement was awarded, **not** the date the contractor received payment under the awarded contract or procurement, unless payment occurred on the date of award. **(Where direct purchasing is the procurement method, the date of procurement is the date the purchase was made)**
5. Using codes at the bottom of the form, identify type of product or service acquired through this procurement (e.g., enter 1 if construction, 2 if supplies, etc).
6. Name, address, and telephone number of MBE/WBE firm.

****This data is requested to comply with provisions mandated by: statute or regulations (40 CFR Part 30, 31, and 33); OMB Circulars; or added by EPA to ensure sound and effective assistance management. Accurate, complete data are required to obtain funding, while no pledge of confidentiality is provided.**

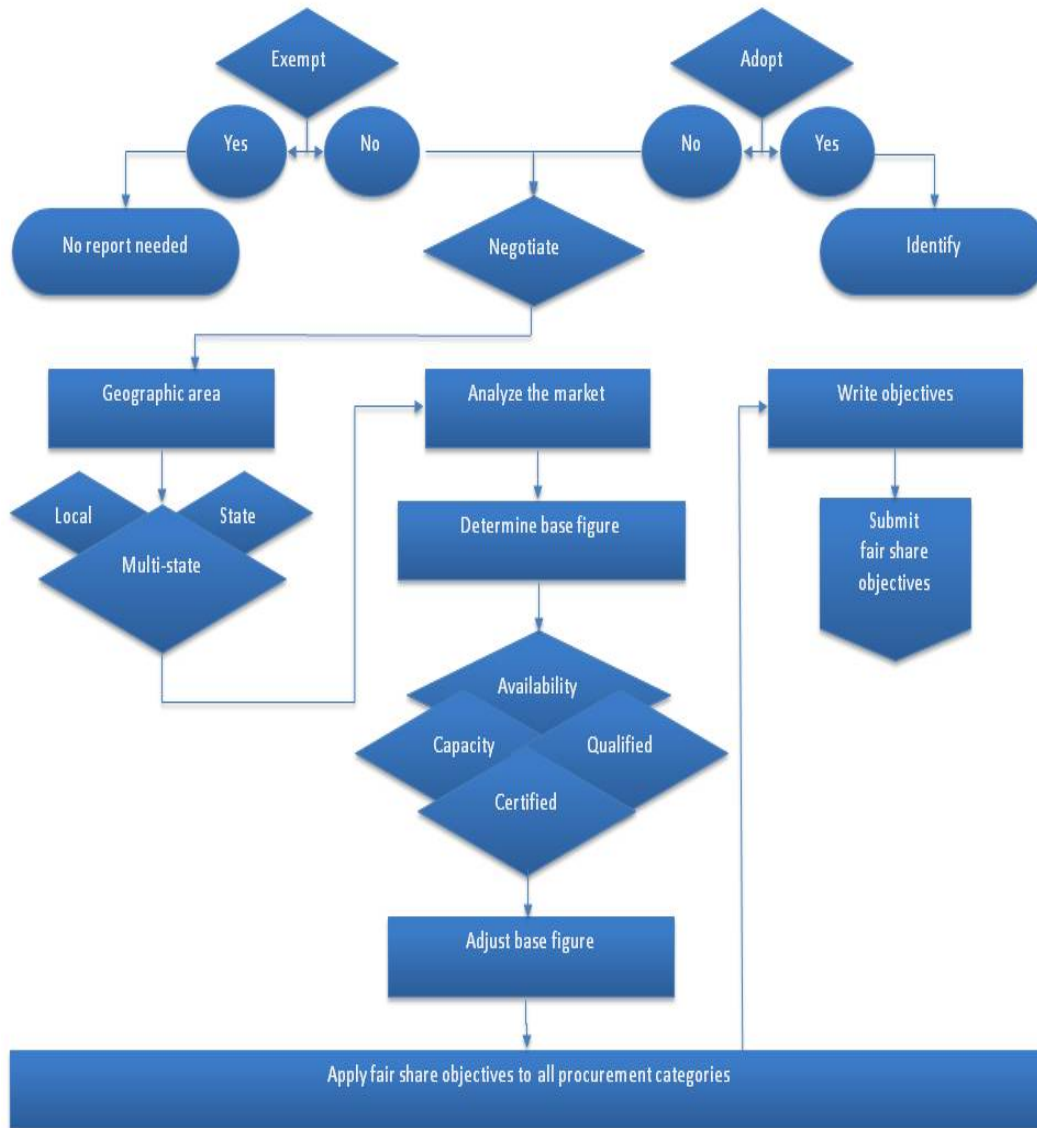
The public reporting and recording burden for this collection of information is estimated to average 1 hour per response annually. Burden means the total time, effort, or financial resources expended by persons to generate,

maintain, retain, or disclosure or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, OPPE Regulatory Information Division, U.S. Environmental Protection Agency (2136), 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460. Include the OMB Control number in any correspondence. Do not send the completed form to this address.

**Activity 9D: Negotiating Fair Share Objectives
Conducting an Availability Analysis Exercise**

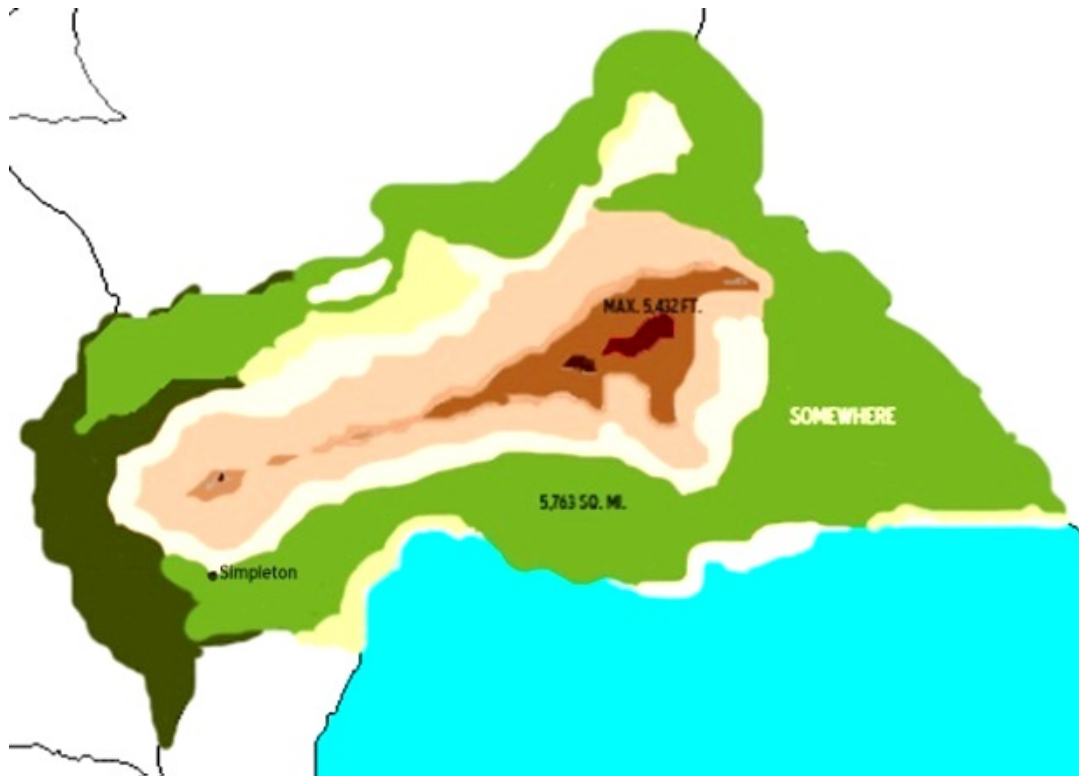
*Practice negotiating Fair Share Objectives by answering the following questions.
Use the information provided in Module 9 and below.*



Directions: Answer the following questions based on the information provided in Module 9 and below. Discuss the questions with your team members before making any decisions. Feel free to ask members of other teams and/or facilitators for clarification.

(1) What are the seven steps in conducting an availability analysis?

(2) Step # 1: What is your relevant geographical buying market? 5,763 square miles



(3) Step # 2: What is the purpose in going back several years identifying previous types of EPA awards your organization has received??

(4) Step # 3: What is the purpose for identifying previous categories of procurement?

(5) Step # 4: From the list below, determine the total number of companies for each procurement category no matter who the owners are and create a list by procurement category.

Note: Be sure to check the information provided to ensure all of the companies are eligible and have the capacity and availability to do the work.

Potential Companies Located in Region 25

	Bidder	Procurement	Date	Certification
Company Name Address City, State Zip Phone Email	Quality Construction 987 Main Street Somewhere, ST 98765 1.800.203.555.9786 Quality@tbc.com	Construction	10/10/2011	MBE
	Equipment Plus 75 Main Street Simpleton, ST 98765 1.800.203.648.9754 EP@zmail.com	Equipment	10/10/2011	Non-DBE
	Steve's Services 987 Main Street Somewhere, ST 98765 1.800.203.648.2288 steves@tbc.com	Services	10/10/2011	Non-DBE
	John's Supply Company 2752 Easy Street Blue Bay, ST 98762 800.668.4680 john@tbc.com	Supplies	10/10/2011	Non-DBE
	Double Duty Construction 82 Main Street Meadows, ST 98766	Construction Contractor	10/10/2011	Non-DBE
	Express Equipment Company 435 Main Street Stone City, ST 98764	Equipment	10/10/2011	Non-DBE
	ABC Services, Inc Blue Bay, ST 98762 555.668.4567	Services	10/10/2011	Certified DBE - MBE
	# 1 Supply Company 847 Main Street Simpleton, ST 98765	Supplies	10/10/2011	Certified DBE - MBE
	Environmental Construction Technologies 3477 56 th Street Durant, ST 98762 555.668.3579	Construction Contractor	10/10/2011	Non-DBE; Debarred
	Equipment 'R Us 3477 56 th Street Blue Bay, ST 98762 555.668.5511	Equipment	10/10/2011	Certified DBE - WBE
	Easy Ed's Supply Company 8868 27 th Street Durant, ST 98762 555.668.1122	Supplies	10/10/2011	Non-DBE - debarred

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	Bidder	Procurement	Date	Certification
Company Name Address City, State Zip Phone Email	Ever Ready Equipment P.O. Box 111 Simpleton, ST 98765 555.777.1010 ere@tbc.com	Equipment	10/10/2011	Non-DBE
	Joe Dokes Services 87 – 45 th Avenue SE Simpleton, ST 98765 555.777.9876 jds@tbc.com	Services	10/10/2011	Non-DBE
	Supplies for Less 437 Main Street Meadows, ST 98766 800.777.7243 sfl@tbc.com	Supplies	10/10/2011	Non-DBE
	Ever Steady, Inc. 539539 Rural Route #5 Stone City, ST 98764	Concrete Construction	10/10/2011	Non-DBE
	Equipment Equinox, Inc. 3477 56 th Street Blue Bay, ST 98762 555.668.3689	Equipment	10/10/2011	Non-DBE
	Services, Inc. Blue Bay, ST 98762 555.668.4567	Services	10/10/2011	Non-DBE
	Mary's Supply Shack 437 – 19 th Street Stone City, ST 98764 800.425.8175	Supplies	10/10/2011	WBE
	Hillsborough and Sons 876 92 nd Avenue Simpleton, ST 98765	Construction Contractor	10/10/2011	Non-DBE
	A -1 Services 815 38 th Street Durant, ST 98762 555.668.4688	Services	10/10/2011	Non-DBE
	Supplies Unlimited 847 Easy Street Blue Bay, ST 98762 800.668.1927	Supplies	10/10/2011	Non-DBE
	Hometown Plumbing and Heating Fairhaven, ST 98765	Construction Contractor	10/10/2011	MBE (Outside Market Area)
	All-Star Equipment 3545 SE Aspen Way Fairhaven, ST 98765	Equipment	10/10/2011	MBE
	Services & More, Inc. 777 Marginal Way Fairhaven, ST 98765	Services	10/10/2011	MBE

Activities Booklet

	Bidder	Procurement	Date	Certification
Company Name Address City, State Zip Phone Email	Performance Plus 2748 19 th Street Rock Falls, ST 98763 555.669.2384	Construction	10/10/2011	Non-DBE
	A-1 Equipment 405 13 th Street Rock Falls, ST 98763 555.669.9579	Equipment	10/10/2011	Non-DBE
	Superior Services 5566 47 th Street Rock Falls, ST 98763 555.669.9994	Services	10/10/2011	Non-DBE
	Sandy's Superior Supply Company 333 29 th Street Rock Falls, ST 98763 555.669.3456	Supplies	10/10/2011	WBE
	M1 Construction 888 Main Street Somewhere, ST 98765 1.800.123.456.9786 M1@tbc.com	Concrete Construction	10/10/2011	MBE /Tribal
	Smith & Sons, Inc. 547 Main Street Somewhere, ST 98765 1.800.203.555.1234 ssi@tbc.com	Equipment	10/10/2011	Non-DBE
	Over The Rainbow Services 325 Main Street Blue Bay, ST 98762 800.668.7773 otrs@tbc.com	Services	10/10/2011	Non-DBE
	Quality Supplies 555 Main Street Somewhere, ST 98765 800.555.5432 qs@tbc.com	Supplies	10/10/2011	Non-DBE
	Realistic Plumbing 936 42 nd Street, Suite 300 Stone City, ST 98764 realistic@tbc.com	Construction	10/10/2011	Non-DBE
	Joe's Equipment Co. 235 43 rd Street Stone City, ST 98764 joe@tbc.com	Equipment	10/10/2011	Non-DBE
	Services Plus 454 – 43 rd Street Stone City, ST 98764 servicesplus@tbc.com	Services	10/10/2011	Non-DBE

Activities Booklet

	Bidder	Procurement	Date	Certification
Company Name Address City, State Zip Phone Email	Stone City Supplies 825 – 35 th Street Stone City, ST 98764 scs@tbc.com	Supplies	10/10/2011	Non-DBE
	Johnson & Co. 101 7th Street Simpleton, ST 98765	Equipment	10/10/2011	Non-DBE
	Environmental Technologies 2222 47 th Street Durant, ST 98762 555.668.1357	Waste Management Consulting Services	10/10/2011	WBE
	Garcia's Supply Company 42 Marginal Way Fairhaven, ST 98765 800.123.4567	Supplies	10/10/2011	Certified DBE – WBE
	Estes Construction P.O. Box 9876 Simpleton, ST 98765 555.777.7243 Estes.construction@tbc.com	Construction Company	10/10/2011	WBE

Procurement Category: Construction

	Bidder	Procurement	Date	Certification
Company Name Address City, State Zip Phone Email				

Procurement Category: Equipment

Company Name Address City, State Zip Phone Email	Bidder	Procurement	Date	Certification

Procurement Category: Services

	Bidder	Procurement	Date	Certification
Company Name Address City, State Zip Phone Email				

Procurement Category: Supplies

Company Name	Bidder	Procurement	Date	Certification
Address City, State Zip Phone Email				

- (6) Step # 5: Count the companies identified in the market region for the total number of eligible and available contractors/vendors by procurement category.
- (7) Step # 6: Sort companies by industry, ethnicity, and gender. Categorize companies by the four procurement categories: construction, equipment, service, and supply. Also determine the number of companies per category that are MBEs and WBEs. This data will be needed for EPA reports.
- (8) Step # 7: Calculate availability. After collecting information about companies calculate their availability by dividing the number of DBE companies by the number of companies. The result of this calculation is expressed as the percentage of available companies that qualify for DBE compliance. This can be done to figure the percentage of MBEs and WBEs as well.

Procurement Category	TOTAL DBE's	MBE's	WBE's
Construction			
Equipment			
Services			
Supplies			

These are the numbers that you would submit as your fair share objective for this project. (Don't forget to provide the proper supporting documentation such as lists and calculations completed above.)

- (9) How long do you have after receiving your award to submit your fair share objectives?
- (10) How soon will you learn whether your fair share objective has been accepted or not?

Activities for Module 10

Activity 10.a What if...?

Anticipate the unexpected.

List some of the problems you might encounter that could potentially jeopardize your project.

1. What might go wrong?

2. How might you be able to avoid these problems?

3. What might you need to do to work around these problems?

If _____ happens, we can _____.

For example: EPA awards you with a grant to collect data on rare species living in your area. The scientist most qualified to analyze this data is diagnosed with cancer and therefore unable to work on the project until next year. Notify your EPA Project Officer. Draft a new project schedule based on the dates the scientist provides for his return to work. Ask EPA for an extension on the project. Complete as much of the work as possible with field researchers. Collate the data for easier analysis.

Activity 10.b Types of External Audits

Match the following descriptions to the type of audit they describe.

- Indirect Cost Audits
- Interim and Final Cost Audits
- OMB A-133 Single Audits
- Pre-award Audits

-
- Reviews of financial and administrative compliance
-
- Reviews conducted to evaluate prospective cost or pricing data
-
- Reviews conducted to assess the allowability of costs claimed under the assistance agreement or contract; they ensure compliance with the applicable requirements and award conditions
-
- Reviews conducted to determine whether prospective indirect cost rates properly allocate allowable costs

Activity 10.c Compliance Review

A certain percentage of award recipients are randomly chosen each year in each region for an onsite compliance review. Don't be caught by surprise when your program is selected. Get a sneak preview of the official review form. Be prepared!

On the following pages:

1. Examine the EPA Administrative and Financial Onsite Review Questionnaire to be sure your program is ready.
2. Answer the questions to the best of your ability at this time.
3. Highlight, tab, or otherwise mark the questions you are unable to answer.
4. Ask your Program Manager or EPA Project Officer for clarification.

EPA Administrative and Financial Onsite Review Questionnaire

I. Organization Policies and Procedures

A. General Information / Policies and Procedures.

Many of these questions have “Yes” or “No” answers. For “Yes” answers, please provide the specific reference to your policies and procedures. Please explain all “No” and “Not Applicable” answers.

Thank you in advance for completing this questionnaire.

Note: 40 CFR 31 and OMB Circular A-87 (codified as Title 2 CFR 225) references apply to States, Local Governments, and Indian Tribes.

1.	Who or which office(s) in your organization is/are responsible for reviewing, approving, and signing applications, awards, and amendments?	
2.	Who or which office(s) in your organization is/are responsible for monitoring and overseeing assistance agreements once received from EPA?	
3.	Do you have a current Organizational Chart? Show or explain any non-profit or for profit organization and/or entities your affiliated with. <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
4.	How does your organization keep up-to-date on federal regulations, legal decisions, OMB Circulars, etc.?	
5.	Does your organization have provisions for seeking written prior approvals for specific revisions, from the awarding agency under certain conditions? (40 CFR 31.30) <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
6.	The Code of Federal Regulations (40) and OMB Circulars require organizations receiving federal assistance agreements to have written policies and procedures for the following areas. (40 CFR 31.20 and 31.21) Do your policies and procedures address the items described below?	
a.	Personnel, including qualifications for each position, duties and responsibilities, salary ranges, EEO, annual performance appraisals, types and levels of fringe benefits, and standards of conduct governing duties and responsibilities including disciplinary actions for not adhering to the standards, for employees engaged in the award and administration of contracts. (OMB A 87 / 2 CFR Part 225, Appendix B, section 8) <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	

b.	Time reporting, tracked to each project; (OMB A 87 / 2 CFR Part 225, Appendix B, Section 8.h)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

c.	Redistributions (Chargeback's); (i.e., other organizational department costs; written, established rates required)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

d.	Payroll processing and internal controls; (OMB A 87 / 2CFR Part 225, Appendix B, Section 8.h)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

e.	Overtime (if allowed); (OMB A-87 / 2CFR Part 225, Appendix B, section 8)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

f.	Vacation and Sick Leave (if offered by your organization); (OMB A 87 / 2 CFR Part 225, Appendix B, section 8.d)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

g.	Compensatory time (if allowed).	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

h.	Equipment and property purchases including cost and price analysis, purchase, use of, inventory and disposition of at the end of the project; (40 CFR 31.31, 31.32 & 31.36(f))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

(A cost analysis is the review and evaluation of each element of cost to determine reasonableness, allocability, and allowability when you do not have other proposals to compare costs against. A price analysis may be accomplished in various ways, including the comparison of price quotations submitted, market prices, and similar indicators, together with discounts.)

i.	Electronic Funds Transfers (EFT) drawdowns from EPA's accounts. Does your policy address who is authorized to request payment from the federal government, what procedures are used to verify that the request are accurate, and when drawdown of funds will occur etc.; (40 CFR31.20(b)(7) and 31.21)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

j.	Receipt and deposit of advanced payments (40 CFR 31.21 (c)&(e))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

k.	Records retention. (40 CFR 31.42)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

l.	Travel, authorizations, vouchering after the trip and, if required, trip reporting; (OMB A 87 / 2CFR Part 225, Appendix B, section 43)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

m.	Procurement Standards for supplies, expendable property, equipment, real property, and services. Standards for contracting, purchasing, consultant agreements, sub-awards or grants (if applicable, especially for monitoring sub grantees) and other types of awards that transfer federal funds outside of your organization; (40 CFR 31.36, 40 CFR 31.37 and 31.40(a))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

n.	Provisions for utilizing Small Businesses, Minority Owned Firms, Women’s Business Enterprises, and Labor Surplus Area Firms (where possible) (40 CFR Part 33)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

o.	Program income. Is it identified, authorized, accounted for, and are limitations placed on its use; (40 CFR 31.25)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

p.	Cost sharing, matching, and In-Kind contributions. Is it identified, accounted for and reported; (40 CFR 31.24 and OMB A 87 / 2CFR Part 225, Appendix B, section 12)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

7. Do you have the following documents for each grant award:

a.	Original application and certifications; (SF 424, 424A, et al.)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

b.	Work plans and/or statement of work;	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

c.	Initial award and all amendment documents;	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

d.	Request for and approvals of scope and/or budget changes; (40 CFR 31.30 (a),(b) & (c))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

e.	Financial Status Reports and reimbursement requests, if applicable; (40 CFR 31.41(b))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
f.	Payment requests backed up by financial records to support the request; (40 CFR 31.20(a)(2))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
g.	Progress reports; (40 CFR 31.40(b))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
h.	Contracts / Subgrants; (40 CFR 31.37)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
i.	Purchases; (40 CFR 31.32 for equipment, 40 CFR 31.33 for supplies)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
j.	Consultant agreements; (40 CFR 31.36(j))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
k.	Correspondence and approvals, including emails to and from EPA officials.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

II. Accounting and Financial Management

Many of these questions have “Yes” and “No” answers. For “Yes” answers, please provide the specific reference to your policies and procedures. Please explain all “No” and “Not Applicable” answers.

A. Accounting

1.	Does your organization have an accounting manual? (40 CFR 31.20) The CFR requires certain accounting practices / procedures addressed in the questions below to be written.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2.	Does your organization’s accounting and financial management system(s) follow Generally Accepted Accounting Principles (GAAP)? (OMB A 87 / 2CFR Part 225, Appendix B, section 8)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

3.	Does your organization's accounting and financial management system(s) provide accurate, current and complete disclosure of the financial results of each federally-sponsored project or program (i.e. each award is accounted for separately) (40 CFR 31.20(b)(1)), and produce financial reports in accordance with the requirements of 40 CFR 31.41?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
4.	Does your organization's financial management system(s) provide records that adequately identify the source and application of funds for federally-sponsored activities, such as authorizations, obligations, unliquidated obligations, assets, outlays, income, and interest? (40 CFR 31.20,.21 &.22)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
5.	Does your organization's accounting and financial management system(s) provide accurate, current and complete disclosure of the financial results of each federally-sponsored project or program (i.e. each award is accounted for separately) (40 CFR 31.20(b)(1)), and produce financial reports in accordance with the requirements of 40 CFR 31.41?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
6.	Does your organization have written policies and procedures to ensure that costs are reasonable, allocable, and allowable? (40 CFR 31.20 (b)(5); OMB Circular A-87 / 2CFR Part 225, Appendix A, Section C)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
7.	Does your organization monitor allowable costs to ensure they are charged to the grant within the specified period? (40 CFR 31.23)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
8.	Does your financial management system(s) report and provide for a comparison of outlays or grant project expenditures, with budget amounts for each grant project/award or have the capability to do so? (40 CFR 31.20(b)(4))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
9.	Does your organization have budgetary controls to preclude incurring excess expenditures? (40 CFR 31.20(b)(4))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
10.	Does your accounting system have provisions for reviewing and monitoring project budgets and program plans, and reporting and rectifying deviations that may occur in them? (40 CFR 31.20(b)(4) and 31.30)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

11.	Do you have a current audit? (40 CFR 31.26)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

12.	If your organization expended more than \$500,000 of Federal funds in the most recent fiscal year, did you obtain an audit in accordance with OMB Circular A-133? (40 CFR 31.26(a))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

13.	If your organization had an OMB A-133 Single Audit performed, were there any findings, material weaknesses, or reportable conditions identified? If there were, briefly explain or provide a copy of the findings section and your corrective actions taken.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

14.	If your organization requests reimbursement for indirect costs under the grant award, does your organization have an approved indirect cost rate? (OMB Circular A-87 / 2CFR Part 225, Appendix E)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

15.	Does your organization have written procedures for drawing grant funds and issuing payments? (40 CFR 31.20(b)(7) and 31.21 (b) and (c)) Note: Payment requests should be restricted to immediate needs, i.e. drawing down funds 3 to 5 working days in advance of disbursements.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

16.	What type of accounting and financial management system(s) does your organization use? Name of automated system(s)?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

17.	Are accounting records supported by source documentation? (40 CFR 31.20(b) (6))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

B. Personnel / Timekeeping

(Reference: OMB Circular A-97 / 2 CFR Part 225, Appendix B, section 8)

Many of these questions have “Yes” or “No” answers. For “Yes” answers, please provide the specific reference to your policies and procedures. Please explain all “No” and “Not Applicable” answers.

1.	Does your organization have written payroll policies and procedures?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

2.	Do your employees record: actual hours worked directly on all projects, indirect or administrative time not charged directly to a project, and leave taken?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

3.	For those employees required to work away from the office, are actual hours worked documented?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

4.	Do payroll registers and reports match up with costs for each employee whose compensation is charged to an assistance agreement?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

5.	Are timesheets required to be signed by the individual or supervisor?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

C. Personnel / Payroll

Many of these questions have “Yes” or “No” answers. For “Yes” answers, please provide the specific reference to your policies and procedures. Please explain all “No” and “Not Applicable” answers.

Does your organization’s written policies and procedures provide for the following controls for the payroll function?

1.	Does the policy provide adequate separation of duties?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

2.	Are salaries and wage rates established, authorized, and approved in your organization to ensure equity?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

3.	Does your payroll process ensure that all deductions from employee’s salaries are authorized by the employee, and proper?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

4.	How are payrolls distributed?	<input type="checkbox"/> EFT <input type="checkbox"/> Manual Checks <input type="checkbox"/> Both

5.	If checks are distributed manually, are there sufficient controls to ensure that payroll checks are distributed to the correct employee?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

D. Travel (Ref: OMB Circular A-87/ 2 CFR 225, Appendix B, section 43)

Many of these questions have “Yes” or “No” answers. For “Yes” answers, please provide the specific reference to your policies and procedures. Please explain all “No” and “Not Applicable” answers.

1.	Does your organization have written travel policies and procedures?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

2.	Are internal controls in place to ensure that employees follow your organization’s travel policy, i.e. levels of review prior to authorizing payment and that the travel was associated with the specific grant project?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

3.	Are internal controls in place to ensure that travel and time reporting support the employee’s activities while on travel?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

4.	Do the policies and procedures include provisions to ensure that travel costs are allowable, allocable, and reasonable?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

E. Matching, Cost Sharing, In-Kind Contributions and Program Income

40 CFR 31.24 (a) to (e) provides criteria on the acceptability, purpose, and types of contributions made in relation to cost sharing or matching purposes, and the support for such. 40 CFR 30.24 and 31.25 addresses the accounting for Program Income related to federally funded projects.

Many of the questions below have “Yes” or “No” answers. For “Yes” answers, please provide the specific reference to your policies and procedures. Please explain all “No” and “Not Applicable” answers.

1.	Does your organization currently have any Matching, Cost Sharing and/or In-Kind costs included in any active awards or anticipate any of these types of costs in the foreseeable future? No ____ (Skip this entire section) Yes ____ (Please complete the rest of this section.)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

2.	Do any of the matching costs come from another federal grant(s)? (If Yes, it must be authorized in the terms and conditions of the assistance agreement)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

3.	Are these costs identified in the approved grant project budget?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

4.	Does your organization track, record, report and verify these costs?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

5.	Are all matching costs verifiable from accounting records and valued according to applicable OMB Circular cost principles?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

OMB Circular A-87 / 2CFR Part 225, Appendix B, paragraphs 8 & 12

6.	Has any program income been used to satisfy the recipient's contribution for any current award or added to the funds committed for the project?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

7.	Is there a term and condition in the award that permits the use of program income for match requirements or for adding it to the funds committed to the project?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

8.	If there is no term and condition, has the program income been deducted from the total allowable project cost?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

F. Procurement / Contracts / Subagreements

Many of these questions have "Yes" or "No" answers. For "Yes" answers, please provide the specific reference to your policies and procedures. Please explain all "No" and "Not Applicable" answers.

1.	Does your organization have written procurement policies and procedures?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

2.	Has your organization awarded contracts or subagreements under any of the award agreements being reviewed? (Agreements refer to subgrant(s). Subgrant(s) mean an award of financial assistance in the form of money, or property in lieu of money, made under a grant by a grantee to an eligible subgrantee, subrecipient or by a subrecipient to a lower tier subrecipient. This includes financial assistance when provided by contractual legal agreement, but does not include procurement purchases of goods and services.) (40 CFR 31.3)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

3. Were contracts awarded in accordance with your organization's contracting policy and does this policy comply with 40 CFR Part 30.40 to 30.48 or Part 31.36 & .37, as described below:

a.	Contains a written code of conduct that addresses conflict of interests and disciplinary actions. (40 CFR 31.36(b)(3))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

b.	Provides for competing transactions in a free and open manner. (40 CFR 31.36(c))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

c.	Provides for a review to avoid unnecessary purchases, a review of lease vs. purchase alternatives (when appropriate), conducting solicitations with a clear scope of work and bidder requirements, conserving natural resources, and utilizing small, MBE and WBE firms when possible. (40 CFR 31.36(c)(3))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
d.	Requires performing and documenting a cost analysis for sole source procurements. (A cost analysis is the review and evaluation of each element of cost to determine reasonableness, allocability, and allowability when you do not have other proposals to compare costs against.) (40 CFR 31.36(f))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
e.	Requires performing and documenting a price analysis for competitive bidding and small purchase procurement actions. (A price analysis may be accomplished in various ways, including the comparison of price quotations submitted, market prices, and similar indicia, together with discounts.) (40 CFR 31.36(f))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
f.	Requires documenting the basis for all procurement selections, justifying a lack of competition and basis for award cost and price. (40 CFR 31.36 (b)(9))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
g.	Provides for the Grantor's pre-award review of the procurement when the award or contract modification exceeds \$100,000, is not competed, or only one bid is received. (40 CFR 31.36(g)(2))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
h.	Discusses purchase/agreement /contract cost thresholds (small purchases vs. major procurements) and personnel required to approve procurements.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
i.	Have provisions that no contract or sub award will be entered into with parties that are debarred, suspended, or excluded from Federal assistance programs. (40 CFR 31.35)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
4.	Do any of your organization's contracts for grant projects exceed the Federal Small Purchases threshold, (\$100,000)?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

5.	If Yes, did EPA request to review the contract prior to award? (40 CFR 31.36(g)(2))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
6.	If Yes, did EPA provide written comments?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
7.	Does your organization use a pre-qualified list of persons, firms, or products to acquire goods and services?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
8.	Did your organization follow its procurement policies to place and update vendors on the list?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
9.	Has your organization established an affirmative procurement system for recycled materials and compliance with environmental statutes? (40 CFR 31.13)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
10.	Does your organization have internal control processes to ensure that only required goods and services are acquired in quantities needed? (40 CFR 31.36(b)(4))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
11.	Does your organization have internal control processes to ensure that only acceptable goods and services are paid for by the accounting/finance department? (40 CFR 31.20(b)(5))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
12.	Does your organization have guidelines for documenting its contract files?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
13.	Has your organization awarded contracts to consultants under current assistance agreements?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
14.	Are internal controls for consulting agreements in place to ensure that your organization does not charge EPA assistance agreements more than the authorized direct salary cap? (40 CFR 31.36(j))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

15.	Do your consulting agreements specify the services to be provided, engagement duration, reporting requirements, work location, and pay rates including base rate, fringe benefits, and overhead?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

G. Small Businesses, Minority Owned Firms, Women' Business Enterprises and Labor Surplus Area Firms (where applicable). (40 CFR Part 33)

For "Yes" answers, please provide the specific reference to your policies and procedures. Please explain all "No" and "Not Applicable" answers.

1.	Does your organization submit timely reports (MBE/WBE Reports) to EPA, on business activities with these types of firms?	<input type="checkbox"/> Yes, date of the last submittal to EPA _____ Date <input type="checkbox"/> No, please explain.

H. Property Management (40 CFR 31.31 & 40 CFR 31.32)

Many of these questions have "Yes" or "No" answers. For "Yes" answers, please provide the specific reference to your policies and procedures. Please explain all "No" and "Not Applicable" answers.

1.	Does your organization have written property management policies and procedures?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

2.	Has your organization purchased capital equipment on any of its active assistance agreements? Yes ___ (Please complete this section.) No ___ (Go to Section I.)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Equipment, under Federal Guidelines, is equipment that is considered tangible items with a useful life greater than one year and greater than \$5,000 in value. Grantees may have limits that are different than the Federal Guidelines. That is acceptable as long as the limits are not greater than the Federal Guidelines.

3.	Does your organization have an inventory control system? (40 CFR 31.32)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

4.	Does your organization maintain property records that identify equipment purchased, either entirely or partially, with Federal funds? (40 CFR 31.32(d))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

5.	Does your organization perform a property inventory at least every two years? Date of last inventory _____	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

6.	Does your organization maintain records of property dispositions?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

I. Internal Controls

Many of these questions have “Yes” or “No” answers. For “Yes” answers, please provide the specific reference to your policies and procedures. Please explain all “No” and “Not Applicable” answers.

1.	Does your organization have policies and procedures to ensure compliance with the cash management requirements in 40 CFR 31.20((b)(3)?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

a.	Does your organization have an internal auditor, audit staff or someone on the Board of Directors that provides for an independent review of the accounting and financial management process, cash receipts and payments, and safeguarding of assets?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

2.	Does your organization have policies and procedure to ensure compliance with closing out assistance awards after the performance and budget periods? (40 CFR 31.50)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

3. Does your organization have a process in place to ensure compliance with the Programmatic Term and Conditions in the following areas:

A.	Submitting programmatic progress reports;	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

B.	Establishing and obtaining approval of a Quality Action Plan, if required;	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

C.	Establishing a process to track, monitor, and report on Environmental Results?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 30 hours per respondent. If you wish to comment on the Agency’s need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, send them to US EPA, Collections Strategies Division (2822T), 1200 Pennsylvania Ave. NW, Washington, DC 20460.

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