

Grants Policy Issuance (GPI) 16-01:

EPA Subaward Policy

1.0 Purpose

(a) This policy establishes the requirements and procedures for Grants Management Offices and Program Offices in making determinations regarding subrecipient eligibility, overseeing pass-through entity monitoring and management of subawards, and authorizing fixed amount subawards under [2 CFR 200.330](#), [200.331](#), and [200.332](#) (“the applicable regulations”). This policy supersedes [EPA’s previous Subaward Policy contained in Part 2, Section 01 of EPA’s Assistance Administration Manual](#).

(b) In order to effectively implement the EPA Subaward Policy it is important at the outset for EPA personnel as well as pass-through entities to understand the difference between subawards and procurement contracts since the rules for these two types of transactions are different.

1. Pass-through entities make subawards to other organizations to carry out a portion of the Federal award under terms that establish a financial assistance relationship to accomplish a public purpose that is authorized under a Federal program. Subrecipients only receive reimbursement for their actual direct or approved indirect costs such that they do not “profit” from the transaction and subrecipients are subject to the same Federal requirements as the pass-through entity. There is no requirement in the applicable regulations for pass-through entities to compete subawards.

2. In contrast, procurement contractors (including individual consultants) typically provide goods and services on commercial terms, operate in a competitive environment and a reasonable profit is allowable. Additional guidance is available in Section 7.0 and [Appendix A: Distinctions Between Subrecipients and Contractors](#) of this policy. The [Procurement Standards of 2 CFR Part 200](#) include competition requirements.

(c) A pass-through entity may use the term ‘contract’ to characterize a subaward arrangement. Therefore, it is important to examine the substance of the agreement using [Appendix A: Distinctions Between Subrecipients and Contractors](#) of this policy to determine if the transaction is a subaward or a procurement contract.

2.0 Applicability and Effective Date

This policy applies to all financial assistance agreements awarded to pass-through entities on or after March 29, 2016 including new agreements and incremental or supplemental amendments to existing agreements. The Subaward Policy does not apply to collaborative relationships, including those documented in a written agreement, between recipients and a third parties that do not involve the transfer of assistance funds or property purchased with assistance funds. The Agency may apply the Subaward Policy, or selected provisions of it, to other financial assistance agreements with the consent of the pass-through entity.

3.0 Definitions

For purposes of this Subaward Policy:

Contract: This term is defined at [2 CFR 200.22](#). A contract does not include a Federal award or subaward.

Contractor: This term is defined at [2 CFR 200.23](#).

Federal Award: This term is defined at [2 CFR 200.38](#).

Federal Financial Assistance: This term is defined at [2 CFR 200.40](#).

Fixed Amount Awards: This term is defined at [2 CFR 200.45](#).

Indian Tribe: This term is defined at [2 CFR 200.54](#).

Individual: A human being.

Institutions of Higher Education: This term is defined at [2 CFR 200.55](#).

Local Government: This term is defined at [2 CFR 200.64](#).

Non-Federal Entity: This term is defined at [2 CFR 200.69](#).

Nonprofit Organization: This term is defined at [2 CFR 200.70](#).

Obligation: This term is defined at [2 CFR 200.71](#).

Pass-through entity: This term is defined at [2 CFR 200.74](#) and refers to a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program.

Recipient: This term is defined at [2 CFR 200.86](#) and does not include subrecipients. For the purposes of this Subaward Policy the term “Recipient” also includes individuals who receive awards under EPA statutes authorizing direct Federal financial assistance to individuals other than fellowship recipients under [40 CFR Part 46](#).

Simplified Acquisition Threshold: This term is defined at [2 CFR 200.88](#). As of the date of the issuance of the Subaward Policy the Simplified Acquisition Threshold is \$150,000. This amount is periodically adjusted for inflation and the revised threshold is published in the Federal Acquisition Regulation at [48 CFR 2.1](#) (Definitions).

State: This term is defined at [2 CFR 200.90](#).

Subaward: This term is defined at [2 CFR 200.92](#). Subawards do not include payments to contractors (including consultants) or to individual program beneficiaries such as trainees, interns or fellows.

Additionally, for the purposes of this Subaward Policy subawards do not include loans, loan guarantees, interest subsidies and principal forgiveness, purchases of insurance or similar transactions entered into with borrowers by recipients of revolving loan fund capitalization grants or other EPA financial assistance agreements. However, borrowers may be subject to the auditing requirements of [2 CFR Part 200, Subpart F](#) in accordance with [2 CFR 200.40\(b\)](#).

Subrecipient: This term is defined at [2 CFR 200.93](#). For the purpose of this Subaward Policy “subrecipient” includes both non-Federal entities and individuals (who are not program beneficiaries) who are eligible for subawards to the extent consistent with the authorizing statutes and regulations, [2 CFR Part 180, Office of Management and Budget \(OMB\) Guidance to Agencies on Governmentwide Debarment and Suspension \(Nonprocurement\)](#) and [2 CFR Part 1532](#), EPA’s Nonprocurement Suspension and Debarment regulation.

4.0 Background

EPA’s Subaward Policy implements new regulatory requirements and addresses recommendations from Office of Inspector General (OIG) audits of assistance agreements containing subawards.

- (a) The Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (Uniform Grant Guidance or UGG) codifies standards for distinguishing between subawards and contracts at [2 CFR 200.330](#) and this Subaward Policy provides additional guidance consistent with that regulation.
- (b) Under [2 CFR 200.331](#), pass-through entities must include a number of provisions in subaward agreements and implement effective systems to monitor and guide subrecipient performance; this Subaward Policy provides guidance on how EPA will oversee compliance with those requirements.
- (c) The OIG has recommended that EPA enhance its oversight of pass-through entities to ensure that subawards are used in appropriate circumstances, costs are reasonable and that pass-through entities effectively monitor subrecipient performance. This Subaward Policy includes provisions that respond to the OIG’s recommendations.

5.0 General Principles

It is EPA policy that subawards under Agency assistance agreements be properly awarded, managed and monitored in compliance with the applicable regulations and in a manner that promotes accountability while minimizing burdens on pass-through entities and EPA staff. The Agency will appropriately oversee pass-through entities on a pre-award and post-award basis. This includes ensuring that:

- (a) Agency personnel identify pass-through entities during pre-award cost reviews or post-award requests to make subawards under [2 CFR 200.308\(c\)\(1\)\(vi\)](#) and advise pass-through entities to have adequate systems in place to comply with [2 CFR 200.300](#), [2 CFR 200.331](#) and section 9.0 of this Subaward Policy during post-award monitoring.
- (b) Pass-through entities effectively monitor the performance of subrecipients.

(c) Pass-through entities do not use subawards to transfer or delegate their responsibility for successful completion of their EPA assistance agreement.

(d) Financial assistance awards to pass-through entities do not circumvent the requirements of [EPA Order 5700.5A1, Policy for Competition of Assistance Agreements](#) (02/06/2014) (“EPA’s Competition Policy”).

(e) EPA personnel do not direct, recommend or suggest that pass-through entities make subawards to particular organization(s) except to the extent allowed under section 10.0(b) of this Subaward Policy.

6.0. National Term and Condition.

EPA has established a [National Term and Condition for Subawards](#) for all assistance agreements, which is located in [Appendix B](#) of this policy.

7.0 Eligibility for Subawards.

(a) Generally, unless prohibited or limited by statute, a non-Federal entity or individual is eligible to receive a subaward even if it is not eligible to receive an assistance agreement from EPA directly as long as the subaward is consistent with applicable regulations, policies, and EPA guidance. Federally Funded Research and Development Centers are eligible subrecipients provided the substance of the transaction is consistent with the guidance at [2 CFR 200.330](#) and [Appendix A: Distinctions Between Subrecipients and Contractors](#).

(b) EPA does not consider transactions between pass-through entities and Federal agencies to be subawards or procurement contracts subject to the UGG.

1. Under [2 CFR Part 25, Appendix A](#), Federal agencies are subrecipients for the purposes of the System for Award Management and Universal Identifier Requirements when they receive “subawards” from pass-through entities. However, because the UGG defines “subrecipient” as “... a non-Federal entity that receives a subaward from a pass-through entity...” EPA has determined that Federal agencies are not subject to UGG requirements applicable to subrecipients.

2. Federal agencies must have statutory authority to provide services to non-Federal entities on a reimbursable basis or otherwise receive and use funds from non-Federal entities. Transactions between pass-through entities and Federal agencies are governed by the applicable statute and the terms of the instruments Federal agencies use to establish their legal relationship with the pass-through entity rather than the UGG.

3. Examples of statutes available to all Federal agencies for receipt and use of EPA financial assistance funds are the Intergovernmental Cooperation Act for services to state and local governments, the Federal Technology Transfer Act for Cooperative Research and Development

Agreements, and the Omnibus Territories Act for reimbursable services agreements with U.S. Territories.

(c) For-profit organizations and individual consultants, with very few exceptions, are contractors rather than subrecipients under the standards in [2 CFR 200.330](#) and EPA's guidance; they are typically ineligible for subawards from pass-through entities. As provided in the [National Term and Condition for Subawards](#), EPA's Award Official must approve subawards to these entities on the basis of either precise descriptions of the subawards in the EPA approved budget and work plan or on a transaction by transaction basis. See [Appendix A: Distinctions Between Subrecipients and Contractors](#) for additional guidance.

(d) Nonprofit organizations exempt from taxation under section [501\(c\)\(4\) of the Internal Revenue Code](#) that engage in lobbying activities are ineligible for EPA subawards based on the Agency's policy for interpreting the [Lobbying Disclosure Act, 2 U.S.C. 1611](#).

(e) EPA staff should ensure that pass-through entities are aware of limitations on subrecipient eligibility contained in statutes or regulations. These limitations may be communicated to potential pass-through entities in (as applicable) announcements for competitive awards, program guidance for continuing environmental program grants or other noncompetitive awards, and programmatic terms and conditions.

(f) In consultation with OGD's National Policy, Training and Compliance Division and the Office of General Counsel or Office of Regional Counsel, as appropriate, Program offices may establish policies limiting eligibility for subawards to the extent permitted by statute or regulation. These policies must be communicated to potential pass-through entities in (as applicable) announcements for competitive awards, program guidance for continuing environmental program grants or other noncompetitive awards, and programmatic terms and conditions.

8.0 Internal Controls for EPA Oversight of Pass-Through Entity Compliance with the Applicable Regulations and EPA Subaward Policy.

This section identifies policies and procedures designed to provide internal controls that promote pass-through entity compliance with applicable regulations and this Subaward Policy.

(a) EPA policy is to require that pass-through entities include the aggregate amount for subawards in the "Other" budget category of their Standard Form (SF) 424A, "Budget Information for Non-Construction Programs" or equivalent forms for construction agreements unless OMB revises the budget categories in the SF-424A to include one for subawards.

1. Pass-through entities may erroneously place costs for subawards under the "Contractual" budget category based on practices at other agencies. As part of their pre-award cost reviews, Project Officers (PO) and Grant Specialists (GS) must review budget justifications and amounts recipients budget for "Contractual" to ensure that subaward costs are classified as "Other".

2. The amount of funding a pass-through entity estimates that it will use for subawards costs must be documented in a separate line item in the budget justification for the “Other” budget category or another provision of the work plan.

(b) If necessary, POs should work with the pass-through entity to obtain approval for international subawards as provided in section 11.0 (a) of this Subaward Policy.

(c) During pre-award review, GS must check for compliance with the \$25,000 limitation at [2 CFR 200.68](#) on including subaward costs in Modified Total Direct Cost for the purposes of distributing indirect costs.

(d) Award Officials are responsible for ensuring that all awards (including those in which the recipient has not identified subawards) contain the [National Term and Condition for Subawards](#). Additionally, the Award Officials should highlight this term and condition in the cover letter in the Notice of Award using either the following template or similar language:

If your work plan and budget includes subawards of financial assistance ([2 CFR 200.92](#) and [200.330](#)), please pay particular attention to EPA’s [National Term and Condition for Subawards](#) which is found in the programmatic terms and conditions for this award. By accepting this assistance agreement, your organization is certifying that it either has systems in place to comply with the regulatory or EPA policy requirements specified in the [National Term and Condition for Subawards](#) or that it will refrain from making subawards with funding EPA provides under this agreement until the systems are designed and implemented. Also note that should your organization decide to make a subaward(s) that was not described in the work plan and budgeted for under this agreement you must obtain prior written approval from EPA’s Award Official for the subaward as provided at [2 CFR 200.308\(c\)\(1\)\(vi\)](#).

(e) POs must include the [Model Programmatic Subaward Reporting Requirement](#) contained in [Appendix C](#), in the performance reporting terms and conditions for assistance agreements with pass-through entities. The reporting frequency must be the same as that for other performance reports.

1. Project Officers may customize the [Model Programmatic Subaward Reporting Requirement](#) based on programmatic information needs provided they do not create a form for the collection of identical data from 10 or more pass-through entities. Doing so may trigger the [Office of Management and Budget’s Information Collection Request regulations](#). Project Officers should consult with OGC or ORC as appropriate if there are questions regarding whether an ICR is required.

2. In situations in which a recipient advises EPA after award that it intends to make subawards, the PO must request that the Award Official amend the assistance agreement to add the [Model Programmatic Subaward Reporting Requirement](#) or a customized subaward reporting term and condition when granting approval under [2 CFR 200.308\(c\)\(1\)\(vi\)](#) for the subawards.

(f) POs must review pass-through entity performance reports describing subrecipient progress towards achieving program objectives. If the pass-through entity’s performance reports raise questions regarding

whether a subrecipient is making adequate progress, POs should ensure that the pass-through entity considers measures such as those set forth at [2 CFR 200.331](#)(d)(2), (e)(1) and (2) or (h) to address the situation.

(g) POs are responsible for ensuring that, as appropriate, awards to pass-through entities include program-specific terms and conditions relating to subawards. Additionally, under cooperative agreements with pass-through entities, Program Offices may be substantially involved in subaward related activities under the terms and conditions of the agreement and POs may exercise EPA's approval rights under these T&Cs. Consistent with EPA Order 5700.1, examples of EPA substantial involvement include, but are not limited to:

1. EPA approval of or consultation on proposed subrecipients' eligibility provided the Agency does not direct, recommend, or suggest that the pass-through entity provide a subaward to a particular organization.
2. If not described in the approved work plan, EPA approval of competitive or noncompetitive procedures the pass-through entity will use to select subrecipients prior to the award of any subawards.
3. EPA participation in panels for subaward competitions to the extent permitted in section 10.0 (b) of the Subaward Policy.
4. EPA approval of the substantive terms of subawards.

(h) In situations in which EPA determines that a pass-through entity has not adequately monitored subrecipient performance, POs may participate in the pass-through entities' subaward monitoring activities if a specific award condition is added to the award pursuant to [2 CFR 200.207](#).

(i) As a component of post-award oversight, POs and GSs are responsible for inquiring whether pass-through entities have adequate systems in place for complying with:

1. [2 CFR 200.330](#), the subrecipient eligibility provisions of EPA's [National Term and Condition for Subawards](#), and any program specific restrictions on subrecipient eligibility.
2. [2 CFR 200.331](#), Requirements for pass-through entities, as described in EPA's [National Term and Condition for Subawards](#). A template for a subaward agreement that meets the requirements of [2 CFR 200.331](#)(a) is available at [Appendix D](#) of this Subaward Policy and may be provided to the pass-through entity subject to the limitations in Section 12 of this Subaward Policy.

The level of inquiry should be based on the PO's or GS' assessment of the pass-through entities' history of managing subaward programs as reflected in programmatic baseline and advanced monitoring reports, audit reports, and other information that has come to the POs attention. Inquiries may be made as part of programmatic or administrative base line monitoring, advance monitoring, desk reviews, discussions of progress reports with pass-through entities, or otherwise, as appropriate.

(j) Program offices may, in consultation with EPA’s Office of Grants and Debarment, the Office of General Counsel and, if appropriate, Office of Regional Counsel develop program specific guidance for pass-through entities and their subrecipients on compliance with this Subaward Policy. OGD may also issue Agency-wide supplemental guidance as necessary.

9.0 Fixed Amount Subawards

(a) Under [2 CFR 200.332](#), EPA may allow pass-through entities to award subawards up to the simplified acquisition threshold on a fixed amount or “lump sum” basis such that the subrecipient does not account for actual costs. OGD will consider approving the use of fixed amount subawards on a pilot basis at the request of a Program Office. After completion of the pilot, OGD and the Program Office will consider whether fixed amount subawards will be a permanent feature of the grant program. Fixed amount subawards must meet the standards of [2 CFR 200.201\(b\)](#).

Examples of potential fixed amount subaward pilot projects include:

1. Conference support for units of government, Institutions of Higher Education (IHE) and nonprofit organizations including general “sponsorships” in amounts up to \$25,000 provided the recipient obtains in accordance with [2 CFR 200.201\(b\)\(1\)](#) written assurance that the conference organizer will refund the entire amount of the subaward if the conference does not take place.
2. Studies or research projects that produce written reports funded on a milestone achievement or project completion basis provided the subrecipient is a unit of government, an IHE, a nonprofit organization, or a student or post-doctoral fellow at an IHE.
3. Training classes funded on a milestone completion (e.g., preparation of curricula, rental of facility, course delivery, and submission of evaluation report) or a unit price basis upon project completion provided the subrecipient is a unit of government, an IHE or a nonprofit organization.
4. Community meetings funded on a milestone completion (e.g., outreach, preparation of agenda, rental of facility, meeting, and submission of attendee roster/meeting summary) or on a unit price basis upon project completion provided the subrecipient is a unit of government, an IHE or a nonprofit organization.

10.0 Subaward Competitions.

Unlike contracts subject to the Procurement Standards of [2 CFR Part 200](#), the applicable regulations do not require that pass-through entities select subrecipients competitively. Program Offices, however, may require that pass-through entities conduct competitions for subawards unless otherwise prohibited by statute, regulation or official EPA policy. Similarly, pass-through entities may choose to select subrecipients competitively provided this practice is consistent with applicable statutes, regulations and the terms of their EPA financial assistance agreement.

(a) EPA Required Subaward Competitions

1. Under some EPA assistance programs, pass-through entities may be legally required to conduct subaward competitions. Program Offices and Regions must ensure pass-through entities conduct these competitions consistent with any applicable legal requirements and provisions of this Subaward Policy.

2. Under both competitive and non-competitive EPA assistance agreement awards, if Program Offices require the pass-through entity to conduct a competition for subawards, they must determine that the subaward competition is necessary for the effective and efficient implementation of the assistance program. This determination must be in writing and placed in the official program office assistance agreement file.

a. Non-Competitive EPA Assistance Agreements - When a Program Office requires the pass-through entity to conduct a subaward competition under a non-competitive EPA assistance agreement, the award must include a programmatic term and condition requiring the recipient to conduct the subaward competition consistent with the negotiated work plan and the provisions of this Subaward Policy.

b. Competitive EPA Assistance Agreements - When a Program Office requires the pass-through entity to conduct a subaward competition under a competitive EPA assistance agreement, the Agency's competitive funding announcement must include ranking factors for evaluating the applicants' proposed procedure for conducting the subaward competition. In addition, the award must include a programmatic term and condition requiring the pass-through entity to conduct the subaward competition consistent with the subaward competitive process described in the approved work plan and the provisions of this Subaward Policy.

(b) EPA Participation in Subaward Competitions.

1. General. Pass-through entities are responsible for selecting their subrecipients and conducting their subaward competitions. In addition, EPA personnel may not direct pass-through entities to make subawards to particular organizations, suggest the use of specific subrecipients, interfere with the recipient's subaward selection decisions, or use subawards to circumvent EPA policies for competition of assistance agreements. For example, a Program Office may want to award a non-competitive grant to Organization A but is not authorized to do so because of restrictions under [EPA's Assistance Agreement Competition Policy](#). EPA may not circumvent these restrictions by awarding a non-competitive grant to Organization B with the understanding that Organization B will then subaward all of the work to Organization A.

2. Participation as Technical Advisors. EPA personnel may serve as technical advisors to a pass-through entity's subaward evaluation panel as part of EPA's substantial involvement in a

cooperative agreement provided that they do not unduly influence the panel or selection decisions and are free of any conflicts of interest, and actual or apparent violations ethical standards (*e.g.*, Office of Government Ethics (OGE) Standards of Ethical Conduct for Employees of the Executive Branch), with respect to any competing subrecipients.

3. Participation on Evaluation Panels. For subaward competitions conducted by pass-through entities under cooperative agreements, EPA personnel may serve as members of the recipient's subaward evaluation panel provided:

- a. The pass-through entity uses objective, transparent criteria to rank and select subrecipients.
- b. EPA and other federal agency personnel do not unduly influence the panel or selection decisions (*e.g.*, federal employees must comprise substantially less than a majority of the panel).
- c. EPA employees are free of conflicts of interest, or actual or apparent violations of ethical standards (*e.g.*, OGE Standards of Ethical Conduct for Employees of the Executive Branch), with respect to any competing subrecipients.

11.0 Special Considerations for Specific Types of Subawards.

(a) In accordance with EPA Order 4540.1, EPA's Office of International and Tribal Affairs (OITA), must consent to proposed EPA financial assistance agreements, prior to award, where work will be performed by any recipient or subrecipient in whole or in part in a foreign country, or where work will be performed in the United States by a foreign government recipient and its subrecipient or an international organization recipient and its subrecipient. OITA must consent to any work by a subrecipient that meets these criteria either prior to award of the EPA assistance agreement to the pass-through entity or prior the pass-through entity's award of the subaward.

(b) EPA's [National Subaward Term and Condition](#) requires Agency approval for subawards to individuals. Although individuals are eligible for subawards under this Subaward Policy on the basis of several EPA statutes (*e.g.*, section 103 of the Clean Air Act, section 104 of the Clean Water Act, section 8001 of the Solid Waste Disposal Act) EPA Program Offices and GMOs must ensure that subawards are not made to individuals who are considered program beneficiaries (*e.g.*, interns, fellows, trainees, community members attending conferences). Under [2 CFR 200.93](#), program beneficiaries are excluded from the definition of *Subrecipient*. Stipends and other payments to program beneficiaries are properly characterized as *Participant Support Costs* under [2 CFR 200.75](#) and [2 CFR 200.456](#) and included as line items in the "Other" budget category.

(c) Program Offices and GMOs must carefully review situations in which a pass-through entity intends to make a subaward(s) for 100% of funds EPA will award under a financial assistance agreement. Competitive proposals with 100% pass through should be discussed with the Grant Competition

Advocate's staff. If not adequately addressed in the work plan, the PO should request that the pass-through entity explain, in writing:

1. The reasons for subawards for 100% of the funds out to another organization(s) and;
2. How the pass-through entity will provide adequate resources to manage the award, including providing required financial and programmatic reports to EPA, and for monitoring subrecipients as required by [2 CFR 200.331](#).

This information must be reviewed by the Award Official or designee prior to awarding funds to the pass-through entity.

12.0 Template for Subaward Agreements.

Program Offices may provide the subaward template contained in [Appendix D](#) of the Subaward Policy to recipients of EPA financial assistance that are "pass-through entities" as defined by [2 CFR 200.74](#) to assist them in complying with the "subaward content" requirements in [2 CFR 200.331\(a\)](#). EPA does not mandate the use of this template. With OGD, OGC, and if appropriate ORC approval, Program Offices may use program specific subaward templates that are consistent with [2 CFR 200.331\(a\)](#). Pass-through entities may also use their own form of subaward agreements provided the requirements of [2 CFR 200.331\(a\)](#) are met.

13.0 Evaluation

OGD, in coordination with the EPA grants management community, will periodically review this policy to assess its effectiveness.

14.0 Waivers

In response to a written request from the appropriate Senior Resource Official, or designee, the Director of OGD, or designee, may approve waivers to this Subaward Policy on a case-by-case or class basis in circumstances of compelling urgency or unique programmatic consideration or where a waiver would be in the public interest provided the waiver is consistent with statutes, the applicable regulations and Executive Orders. The Director of OGD, or designee, may also make exceptions to the requirements of [2 CFR 200.330](#), [2 CFR 200.331](#) or [2 CFR 200.332](#) on case-by-case basis as authorized by [2 CFR 200.102](#) and [2 CFR 1500.3\(a\)](#). Exceptions will be granted only in extraordinary circumstances and when consistent with statutes and Executive Orders.

15.0 Roles and Responsibilities

A. Office of Grants and Debarment (OGD)

OGD is responsible for:

1. Posting the [National Subaward Term and Condition](#) described in Section 6.0 of this policy.
2. Developing cost review guidance to facilitate implementation of Section 8.0 of this policy.
3. Overseeing Agency compliance with this policy and providing necessary implementing guidance including approval of Program specific subaward guidance and subaward templates.
4. Consulting with Program Offices on their proposed policies to limit subaward eligibility under Section 7.0(e) of this policy.
5. Approving or disapproving pilots for fixed amount subawards under Section 9.0.
6. Evaluating the effectiveness of this policy under Section 13.0 of this policy including conducting periodic reviews of pass-through entity compliance with the requirements.
7. Approving or disapproving waiver requests under Section 14.0 of this policy and posting waiver decisions on the OGD Intranet page.
8. Developing training, responses to frequently asked questions, and, as necessary, Agency wide supplemental guidance on implementing this Subaward Policy.

B. Headquarters and Regional Program Offices

Program Offices are responsible for:

1. Adhering to the subaward eligibility provisions and consulting with OGD and OGC/ORC on program-specific eligibility restrictions as described in Section 7.0 of this policy.
2. Complying with applicable pre-award and post-award oversight requirements described in Sections 8.0, 10.0 and 11.0 of this policy including providing EPA approvals specified in substantial involvement terms and conditions for cooperative agreements.
3. Including (and modifying, if applicable) the [Model Programmatic Subaward Reporting Requirement](#) contained in [Appendix C](#), in the performance reporting terms and conditions for assistance agreements with pass-through entities as described in Section 8.0.
4. Complying with subaward competition requirements as described in Section 10.0 of this policy.
5. Obtaining OITA consent for subaward work in a foreign country or subaward work performed in the

U.S. by a foreign government or a foreign government subrecipient as described in Section 11.0(a) of this policy.

6. Working with GMOs to ensure that subawards are not approved to individuals who are considered program beneficiaries as described in Section 11.0(b) of this policy.
7. Reviewing proposals for 100% pass-through sub-awards as described in Sections 11.0(c) of this policy.
8. Requesting OGD approval for pilots of fixed amount subawards.
9. Providing pass-through entities with the template for subaward agreement in [Appendix D](#) or an OGD approved program specific template when requested to do so by the pass-through entities.
10. Subject to OGD approval, developing as appropriate program specific guidance and subaward templates for pass-through entities and their subrecipients to promote compliance with this Subaward Policy.

C. Office of General Counsel (OGC)/Office of Regional Counsel (ORC)

OGC/ORC is responsible for providing legal advice to ensure compliance with applicable statutes, executive orders, ethical standards, and OMB/EPA regulations.

D. Grants Management Offices (GMOs)

GMOs are responsible for:

1. Including the [National Term and Condition for Subawards](#) described in Section 6.0 and [Appendix B](#) of this policy in all assistance agreements, providing EPA approvals as specified in the T&C, and providing the notification described at 8.0(d).
2. Complying with applicable pre-award and post-award requirements described in Sections 8.0 and 11.0 of this policy.
3. Working with Program Offices to ensure that subawards are not approved to individuals who are considered program beneficiaries as described in Section 11.0 of this policy.
4. Working with Program Offices to prevent improper 100% pass-through sub-awards as described in Sections 11.0 of this policy.

E. Office of International and Tribal Affairs (OITA)

OITA is responsible for acting on requests for EPA consent for subawards involving any work to be performed in a foreign country or any work to be performed in the U.S. by a foreign recipient or international organization as provided in section 11.0 of this policy.