

SKAMANIA COUNTY BOARD OF COMMISSIONERS
240 NW Vancouver Ave.
Stevenson, WA 98648
Agenda for Tuesday, July 30th, 2024

Commissioner meetings are open to public attendance with limited available seating. If you would like to attend remotely, you may do so by using the following ZOOM login information:

To Join by Phone with Audio Only, Dial: 1 346 248 7799

Meeting ID: 889 0632 1210

Join Zoom Meeting with Audio and Video: <https://us02web.zoom.us/j/88906321210>

Written comments are accepted until noon on the day before the meeting. If you wish written comments to be listed on the posted agenda, they need to be submitted to the Clerk of the Board by noon on the Wednesday preceding the Tuesday/Wednesday meeting. If written comments are received after noon the day before the meeting, they will be held for the following meeting. Please email comments and public comment questions to the Clerk of the Board at sackos@co.skamania.wa.us.

Please note, when a holiday falls on Monday, the regular meeting is held on Wednesday of that week.

9:30 AM Call to Order
 Pledge of Allegiance
 Public Comment

Consent Agenda: Items will be considered and approved on a single motion. Any Commissioner may, by request, remove an item from the agenda prior to approval.

1. Minutes for meeting July 23rd, 2024.
2. Resolution 2024-10, Updating the Skamania County Community Action Plan.
3. Appointment of Lisa Birney to the Klickitat-Skamania Developmental Disability Advisory Board as a Schools/Education representative.
4. Cooperative agreement with U.S. Army Corps of Engineers for natural resource management education and training opportunities at Bonneville Lock and Dam.
5. Agreement with Columbia Land Trust for noxious weed control on Pierce Island.

Voucher Approval

Meeting Updates

10:00 AM Department Head Reports

10:30 AM Executive Session Pursuant to RCW 42.30.110(1)(g) Performance of a Public Employee

11:30 AM Columbia River Gorge Commission Interview – Laura Brennan Bissell

Adjourn

Note: Agenda subject to change. Times listed are estimates only. The Commission reserves the right to move agenda items as needed during the meeting, and may add and act on any item not included in the above agenda. If necessary, the Board may hold executive sessions on scheduled meeting days. Meeting minutes and audio recordings may be found at www.skamaniacounty.org.

BOARD OF SKAMANIA COUNTY COMMISSIONERS
Skamania County Courthouse
240 NW Vancouver Ave. Lower Level, Room 18
Stevenson, WA 98648
Minutes for Meeting of July 23rd, 2024

The Board met for a staff meeting at 9:00 a.m. in the Commissioners' Meeting Room on Tuesday, July 23rd, 2024. Commissioners T.W. Lannen, Richard Mahar and Asa Leckie, Chair, were present. Reports were provided by Human Resources Administrator Sara Slack, Senior Services Program Manager Sophie Miller, Financial Management Administrator Heidi Penner, Probation Officer Chris Wood, Community Events and Recreation Manager Alex Hays, and Clerk of the Board Lisa Sackos.

The meeting recessed at 9:22 a.m.

The Commissioners' business meeting was called to order at 9:30 a.m. on Tuesday, July 23rd, 2024, at the Commissioners' meeting room located at 240 NW Vancouver Avenue in Stevenson, Washington with Commissioners T.W. Lannen, Richard Mahar, and Asa Leckie, Chair, present.

The Pledge of the Allegiance was led by Forest Youth Success Technical Advisor Somer Meade.

There was no public comment.

Commissioner Lannen moved, seconded by Commissioner Mahar, and the motion carried unanimously to approve the Consent Agenda as follows:

1. Minutes for meeting July 16th & 18th, 2024.
2. Resolution 2024-08, Updating the Skamania County Community Action Plan.
3. Resolution 2024-09, CERB Grant Resolution for Application.
4. Agreement with Yakama Nation for noxious weed control at Underwood In-lieu Navigation & Habitat Restoration site.
5. Agreement amendment #3 with WSDOT for the 2023 – 2025 Regional Mobility Grant funds for the transit expansion project.

Commissioner Mahar moved, seconded by Commissioner Lannen, and the motion carried unanimously to approve vouchers for the period dated July 23rd, 2024, totaling \$359,886.49 with the Current Expense amount of \$49,442.77, covering warrant numbers 199142 through 199220.

Commissioner Mahar moved, seconded by Commissioner Lannen, and the motion approve payroll for the period of July 1st, 2024, through July 15th, 2024, in the total amount of \$714,515.64 with \$439,702.84 being Current Expense, covering warrant numbers 44757 through 44776 and direct deposit numbers 82974 through 83163.

The Board met with WSU Extension Director Hannah Brause, Forest Youth Success Technical Advisor Somer Meade, Program Coordinators Jessica Shumway and Marcus Carter, Crew Leader Rachel Ohnemus, and Forest Youth Success members George Wilcox, Inga Collins, Jae Feidler, Mayci Emmons-Kelly, Sage Lausche, Taylor Kotzian, and Toby Trulock for updates.

The meeting recessed at 9:50 a.m. and reconvened the same day at 10:00 a.m. with Commissioners T.W. Lannen, Richard Mahar, and Asa Leckie, Chair, present.

The Board met for Department Head reports:

- Tamara Cissell, Community Health Director, reported on Behavioral Health, Public Health, Developmental Disabilities, and Housing.
- David Waymire, Public Works Director, reported on Engineering, County Road, Building Division, Community Development, ER&R, Solid Waste, Information Technology, Building and Grounds, and the Wind River Business Park.

The meeting recessed at 10:17 a.m. and reconvened the same day at 10:45 a.m. with Commissioners T.W. Lannen, Richard Mahar, and Asa Leckie, Chair, present.

The Board met for a workshop with the Financial Management Group, Elected Officials, Department Heads, and Managers to discuss county finances.

The meeting recessed at 11:10 a.m. and reconvened the same day at 11:16 p.m. with Commissioners T.W. Lannen, Richard Mahar and Asa Leckie, Chair, present.

The Board met with Department of Natural Resources District Manager Brian Poehlein and Region Manager Scott Sargent for updates.

The meeting recessed at 11:33 a.m. and reconvened the same day at 11:43 a.m. with Commissioners T.W. Lannen, Richard Mahar, and Asa Leckie, Chair, present.

The Board reported on various meetings they attended.

The meeting recessed at 12:08 p.m. and reconvened the same day at 1:31 p.m. with Commissioner T.W. Lannen, Commissioner Richard Mahar and Commissioner Asa Leckie, Chair, present.

The Board met for a workshop to discuss Title III applications.

The meeting recessed at 1:55 p.m. and reconvened the same day at 2:18 p.m. with Commissioner T.W. Lannen, Commissioner Richard Mahar and Commissioner Asa Leckie, Chair, present.

The Board met with Columbia Gorge Commission Executive Director Krystyna Wolniakowski for updates.

The meeting recessed at 2:53 p.m. and reconvened the same day at 3:31 p.m. with Commissioner T.W. Lannen, Commissioner Richard Mahar and Commissioner Asa Leckie, Chair, present.

The Board met in Executive Session pursuant to RCW 42.30.110(1)(g) to discuss the performance of a public employee with Prosecutor Adam Kick and Human Resources Administrator Sara Slack in attendance. At 4:00 p.m., the Chair announced the session would be extended for 20 minutes. The session ended at 4:20 p.m. No action was taken following the session.

Commissioner Mahar moved, seconded by Commissioner Lannen, and the motion carried unanimously to adjourn the Skamania County Board of Commissioners meeting for Tuesday, July 23rd, 2024.

The meeting adjourned at 4:21 p.m.

ATTEST:

**BOARD OF COMMISSIONERS
SKAMANIA COUNTY, WASHINGTON**

Asa Leckie, Chair

Richard Mahar, Commissioner

Lisa Sackos, Clerk of the Board

T.W. Lannen, Commissioner

DRAFT

RESOLUTION 2024-10

(Updating the Skamania County Community Action Plan)

WHEREAS RCW 36.01.085 authorizes the Counties to engage in economic development programs; and

WHEREAS local governmental bodies within the region need to coordinate their community development strategies and efforts to maximize local opportunities and to minimize the public cost of development; and

WHEREAS the Skamania County Community Strategic Plan was developed with public participation and is reviewed quarterly by the Skamania County Community Action Team; and

WHEREAS Skamania County participated in the Action Plan update as a member of the Community Action Team that solicited public input and participation in community development planning to identify community goals, values, needs and economic development goals; and

WHEREAS, a document called "Skamania County Community Action Team Priority Project List", updated June 26, 2024 (hereinafter referred to as "the Plan"), a copy of which is attached, was adopted by the Skamania County Community Action Team; and

NOW THEREFORE, BE IT RESOLVED, that the Skamania County Board of Commissioners accepts and endorses the amended goals and objectives of the Community Strategic Plan and the Action Plan; and

BE IT FURTHER RESOLVED that the plan shall serve as a guideline to be used in future development efforts by Skamania County.

PASSED IN REGULAR SESSION this 30th day of July 2024.

ATTEST:

**SKAMANIA COUNTY
BOARD OF COMMISSIONERS**

Asa Leckie, Chairman

Lisa Sackos, Clerk of the Board

Richard Mahar, Commissioner

Approved as to form only:

Tom Lannen, Commissioner

Adam Kick, Skamania County Prosecuting Attorney

Aye _____
Nay _____
Abstain _____
Absent _____

Skamania County Community Action Team
Priority Project List
June 26, 2024

Project	Sponsor
1. <u>Cascades Business Park</u>	<u>Port of Skamania</u>
2. <u>Courthouse Park Plaza</u>	<u>City of Stevenson</u>
3. <u>Wind River Road Stabilization/Slide</u>	<u>Skamania County</u>
4. <u>Carson Water Treatment</u>	<u>Skamania PUD</u>
5. <u>Underwood Reservoir</u>	<u>Skamania PUD</u>
6. <u>Lasher Ave improvements</u>	<u>City of Stevenson</u>
7. <u>City of North Bonneville Lift Station Replacement</u>	<u>City of North Bonneville</u>
8. <u>Bridge replacements - 6</u>	<u>Skamania County</u>
9. <u>Army Corps Building Renovations/Upgrades</u>	<u>Port of Skamania</u>
10. <u>Cascade Ave Improvement</u>	<u>City of Stevenson</u>
11. <u>Columbia Ave Re-alignment</u>	<u>City of Stevenson</u>
12. <u>Stevenson Fire Station</u>	<u>City of Stevenson</u>
13. <u>Home Valley Park – well and field upgrades</u>	<u>Skamania County</u>
14. <u>Skamania County Broadband Project</u>	<u>Skamania County</u>
15. <u>Stevenson Wastewater system- Public Infrastructure</u>	<u>City of Stevenson</u>
16. <u>Fair Grounds Upgrade</u>	<u>Skamania County</u>
17. <u>Stevenson – Upper Russell Upgrades</u>	<u>City of Stevenson</u>
18. <u>Energy/Solar Upgrades</u>	<u>Port of Skamania</u>
19. <u>Dog Mt. Trailhead Relocation (WSDOT/USFS)</u>	<u>Skamania County</u>

Infrastructure Funding Wish List

PUD:

Seismic Upgrades - Buildings

Emergency Generators – Underwood

City of North Bonneville:

Water line upgrades

City of Stevenson:

Water and Stormwater line upgrades

EDC:

Carson Sewer System

Skamania County:

Port of Skamania County:

Cascades Business Park utility extensions



July 23, 2024

Skamania County Commissioners
Skamania County Courthouse
P. O. Box 790
Stevenson, WA 98648

RE: Community Action Plan Resolution

Dear Commissioners,

Please find attached the Community Action Plan that was finalized June 26, 2024. We look forward to the Commissioners adopting the updated plan.


Please feel free to contact me at 509-427-5110 or via email at kwaters@skamania-edc.org if you have any questions.

Sincerely,

Cindy Bradley
Finance Manager

Enc.

COMMISSIONER'S AGENDA ITEM COMMENTARY

<u>SUBMITTED BY</u>	Community Health Department	Signature 
<u>AGENDA DATE</u>	BOCC, 07/30/2024	
<u>SUBJECT</u>	Klickitat-Skamania Developmental Disabilities Advisory Board	
<u>ACTION REQUESTED</u>	Approval/Signature	

SUMMARY/BACKGROUND

The one (1) attached letter has been submitted by the Klickitat-Skamania Developmental Disability Advisory Board requesting that Lisa Birney to be appointed as a Schools/Education representative position #2. Serving on the Board for a (3) three-year term as set forth in Resolution 2020-39.

FISCAL IMPACT

None

RECOMMENDATION

Sign

LIST ATTACHMENTS

Agenda Commentary
Letter of Request for appointment from:

Lisa Birney

Date: 19 JULY 2024

Board of County Commissioners
PO Box 790
Stevenson, WA 98648

Dear Commissioners:

I would like to serve on the Klickitat-Skamania Developmental Disabilities Advisory Board because:

I HAVE BEEN A SPECIAL EDUCATION TEACHER FOR OVER 10 YEARS, 5 OF THOSE IN STEVENSON-CARSON. I UNDERSTAND SOME OF THE NEEDS OF STUDENTS AND FAMILIES BEYOND THE CLASSROOM AND SCHOOL SETTINGS.

For this reason, I would like to be appointed to serve on the Klickitat-Skamania Developmental Disabilities Advisory Board.

For this reason, I request that my term be extended for another (3) three years.

By becoming a Developmental Disabilities Advisory Board member is enables me to contribute to crucial discussions regarding how Developmental Disability issues are addressed in Klickitat and Skamania Counties. I feel that my opinions are/will be considered and that the time I spend on the DD Board is valued.

Thank you for the opportunity to make a difference. Please consider my membership with the Klickitat-Skamania Developmental Disabilities Advisory Board.

Sincerely,

Name: LISA BIRNEY

Address: 6731 E LOOP ROAD

STEVENSON, WA 98648

Phone: 626.202.9404

Email: LISA.BIRNEY@25@GMAIL.COM

COMMISSIONER'S AGENDA ITEM COMMENTARY

<u>SUBMITTED BY</u>	Sheriff/Work Crew Department	 Signature
<u>AGENDA DATE</u>	July 30 th , 2024	
<u>SUBJECT</u>	Cooperative Agreement With US Army Corps of Engineers at Bonneville Lock & Dam	
<u>ACTION REQUESTED</u>	<u>Approval of Cooperative Agreement</u>	

SUMMARY/BACKGROUND Conservation and Recreation Management for the US Army Corps of Engineers Bonneville Lock & Dam/Skamania County Sheriffs Dept Work Crew.

FISCAL IMPACT Total Base Year Award Value For Sheriffs Dept Work Crew
\$75,872.24

RECOMMENDATION Approve Cooperative Agreement With US Army Corps of Engineers.

LIST ATTACHMENTS Cooperative Agreement W9127N2420008 and Attachments.

COUNTY FACE SHEET FOR CONTRACTS/LEASES/AGREEMENTS

1. Contract Number W9127N2420008

2. Contract Status: (Check appropriate box) Original Renewal Amendment

3. Contractor Information: Contractor: US Army Corps of Engineers
Contact Person: David Cook
Title: Grants Specialist
Address: 333 SW 1st Ave
Address: Portland, OR 97204
Phone: 503-808-4617

4. Brief description of purpose of the contract and County's contracted duties:
Conservation & Recreation Management for Work Crew at Bonneville Lock & Dam

5. Term of Contract: From: Aug 1st, 2024 To: April 30th, 2025

6. Contract Award Process: (Check appropriate box)
General Purchase of materials, equipment, or supplies - RCW 36.32.245 & 39.04.190

- Exempt (Purchase is \$2,500 or less upon order of the Board of Commissioners)
- Informal Bid Process (Formal Quotes between \$2,500 and \$25,000)
- Formal Sealed Bid Process (Purchase is over \$25,000)
- Other Exempt (explain and provide RCW) _____

Public Works Construction & Improvements Projects – RCW 36.32.250 & 39.04.155 (Public Works, B&G, Capital Improvements Only)

- Small Works Roster (PW projects up to \$200,000)
- Exempt (PW projects less than \$10,000 upon order of the Board of Commissioners)

7. Amount Budgeted in Current Year: \$
Amount Not Budgeted in Current Year: \$ Source: _____
Total Non-County Funds Committed: \$ Source: _____
Total County Funds Committed: \$
TOTAL FUNDS COMMITTED: \$

8. County Contact Person: Name: Summer Scheyer
Title: Sheriff/Skamania County

9. Department Approval: 
Department Head or Elected Official Signature

10. Special Comments: _____

Dated this _____ day of _____ 2024.

ATTEST:

**BOARD OF COMMISSIONERS
SKAMANIA COUNTY, WASHINGTON**

Asa Leckie, Chairman

Richard Mahar, Commissioner

Lisa Sackos, Clerk of the Board

T.W. Lannen, Commissioner

Approved as to form only:

Adam Kick,
Skamania County Prosecuting Attorney

Aye _____
Nay _____
Abstain _____
Absent _____

COOPERATIVE AGREEMENT

AGREEMENT NUMBER: W9127N2420008		EFFECTIVE DATE: 22 July 2024	
ISSUED BY: US Army Corps of Engineers, Portland District 333 SW First Ave Portland, OR 97204-3495		ISSUED TO: County of Skamania 240 NW Vancouver Avenue Stevenson, WA 98648-6447	
CONCERNING: Natural Resource Management (NRM) Education and Training Opportunities for Non-Federal Public and Nonprofit Entities at Bonneville Lock and Dam, OR and WA			
AUTHORIZED BY: 33 USC 2339 Conservation and Recreation Management.			
ASSISTANCE LISTING NUMBER: 12.010		UEI NUMBER: QGNENMA6UFU7	
RECIPIENT TYPE: <input checked="" type="checkbox"/> Government Entity <input type="checkbox"/> Non-Profit Organization <input type="checkbox"/> Hospital <input type="checkbox"/> University <input type="checkbox"/> Other (specify):			
TOTAL AWARD VALUE \$227,616.72		TOTAL BASE YEAR AWARD VALUE: \$75,872.24	
<u>PROJECT PERIOD:</u>			
Base Period: Date of Award 2024 – 30 April 2025 NTE \$75,872.24			
Option Year 1: 01 May 2025 – 30 April 2026 NTE \$75,872.24			
Option Year 2: 01 May 2026 – 30 April 2027 NTE \$75,872.24			
ADMINISTERED BY: Patrick Collins, (503) 808-4694 Patrick.p.collins@usace.army.mil			

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2	Programmatic Requirements	6	Claims, Disputes, and Appeals
3	Period of Performance	7	Compliance with Laws
4	Financial Matters	8	Indemnification

NOTICE OF ELECTRONIC FUNDS TRANSFER (EFT): Pursuant to DoDGARS 22.810, it is a Governmentwide requirement to use EFT in the payment of any grant or cooperative agreement for which an application or proposal was submitted or renewed on or after 26 July 1996, unless the recipient has obtained a waiver by submitting to the head of the pertinent Federal agency a certification that it has neither an account with a financial institution nor an authorized payment agent. To be paid, recipient must submit a Payment Information Form (Standard Form SF-3881) to the responsible DoD payment office.

IN WITNESS WHEREOF, the parties by their authorized representatives execute this Cooperative Agreement and agree to the terms and conditions contained herein, all assurances and certifications made in the application, and all applicable federal statutes, regulations, and guidelines. The Recipient agrees to administer the funded program in accordance with the approved application and budget(s), supporting documents, and other representations made in support of the approved application.

UNITED STATES OF AMERICA (SIGNATURE OF GRANTS OFFICER)	DATE
Patrick P. Collins USACE Grants and Agreements Officer Patrick.p.collins@usace.army.mil	
SIGNATURE OF RECIPIENT	DATE
Asa Leckie Skamania County Commissioner leckie@co.skamania.wa.us	

1. Administrative Information

1.1. Parties to the Agreement

This agreement is entered into between the U.S. Army Corps of Engineers, Portland District, hereinafter referred to as GOVERNMENT, and Skamania County Washington, hereinafter referred to as RECIPIENT. The parties to this agreement act in their independent capacities in their performance of their respective functions under this agreement and neither party is to be considered the officer, agent, or employee of the other.

1.2. Administrative Personnel

1.2.1. Government Representatives:

Government Program Official:

Mason A. Scharfe

USACE, Portland District

Tel: 541-374-3636

Email: Mason.A.Scharfe@usace.army.mil

ATTN: CENWP-ODT-N

Agreement Administrator:

David Cook, Grants Specialist

USACE, Portland District

ATTN: CECT-NWP-P

333 SW 1st Avenue

Portland, OR 97204

Tel: 503-808-4617

Email: david.m.cook@usace.army.mil

Grants Officer:

Patrick Collins, Grants and Agreements Officer

USACE, Portland District

ATTN: CECT-NWP-P

333 SW 1st Avenue

Portland, OR 97204

Tel: 503-808-4594

Email: Patrick.P.Collins@usace.army.mil

1.2.2. Representatives:

Asa Leckie
County Commissioner
Skamania County Washington
PO Box 790
Stevenson, WA 98648

Tel: 509-427-3700
Email: leckie@co.skamania.wa.us

Robert Itzen
Skamania County Corrections Division
Skamania County Washington
PO Box 790
Stevenson, WA 98648

Tel: 509-427-9490
Email: robi@co.skamania.wa.us

1.3. Administrative Requirements and Order of Precedence

1.3.1. Governing Regulations: The cooperative agreement will be subject to National Policy requirements of 2 CFR Part 1122, Appendices A – D. Applicable provisions will be specified in the cooperative agreement terms and conditions. The cooperative agreement will also be subject to the administrative requirements of 2 CFR Part 200 and 32 CFR Part 22, as applicable. Applicable requirements will be specified in the cooperative agreement terms and conditions.

1.3.2. Order of Precedence: In the event of a conflict between the terms of this agreement and other governing documents, the conflict shall be resolved by giving precedence in descending order as follows (1) Code of Federal Regulations; (2) the articles of this agreement; (3) the attachments to this agreement if any; and (4) option years exercised under this cooperative agreement.

2. Programmatic Requirements

2.1. Scope of the Agreement

USACE Portland District develops and operates water resources and public lands within the Bonneville Lock and Dam's jurisdiction. The goal of this cooperative agreement is to implement creative stewardship techniques and effect accomplishments within Bonneville Lock and Dam's recreational and environmental missions, and provide a specific opportunity to further USACE's national organization interest for developing knowledge and applications of mathematics and the sciences in the United States.

The purpose of this agreement is to provide natural resource training and education opportunities for participants that are low security inmates and/or individuals executing community service sentences within the Skamania County, WA, Clark County, WA, Hood River, OR and/or Multnomah County, OR correctional system to perform duties at natural resource activities on lands under USACE jurisdiction of the Bonneville Lock and Dam. The goal is to place selected participants in appropriate work situations to perform tasks for public benefit while providing opportunities for participants to learn job skills and develop appropriate work habits.

2.2. Goals and Objectives – Natural Resource Management Education & Environmental Stewardship

The goal of this cooperative agreement is to implement creative stewardship techniques and effect accomplishments within its recreation, environmental, and dam safety missions, and provide a specific opportunity to further the USACE's national interests in developing knowledge

and skills related to natural resource management at water resource development projects. It also represents an opportunity to further the USACE's national objectives for interpretive service, community outreach, and partnerships.

USACE is engaged in diverse opportunities enabling education and training in a natural resource oriented environment and development of strong ethics regarding proper management and use of public land resources. By utilizing these opportunities participants will receive technical, applied, and practical job training/skills and education otherwise not available.

Each project proposed under this agreement will be individually evaluated by both parties to make certain that it meets the education and stewardship objectives set forth herein, and that it will not displace any government workers nor impair contracts for service.

2.3. Benefits

It is to the mutual benefit of USACE and the recipient to forge a working relationship to assist and cooperate in job training or education opportunities that also benefit environmental stewardship and recreation efforts.

By supporting a continuous job training and natural resource education program, USACE will expand its recruitment base and elevate the public consciousness of stewardship issues.

The recipient will contribute to the well-being of publicly owned natural resources, and provide tangible improvements for the public to enjoy.

Participants will benefit by learning outdoor work skills, ethics, and exposure to tasks that benefit the environment or aid in bettering public recreation areas. These training activities will aid participants in successfully re-entering society with practical skills and a viable work ethic.

2.4. Description of Services

Work projects may include:

2.4.1. *Vegetation Management*: Hand-pulling or other manual removal of invasive weeds, encroaching brush/shrubs/small trees. Removal or cutting of various plants, shrubs, and trees (by an experienced chainsaw operator) as directed and/or marked by USACE staff. Work will be performed in designated project areas such as parks, natural resource management areas, operations areas, project offices, and dam roadways. Species to be removed may include deciduous and coniferous trees, Scotch broom, English ivy, blackberry, poison oak, Knapweed, and other noxious and invasive species. Removal of species that may impede dam operations or security.

2.4.2. *Vegetation Planting*: Native planting, watering or other ecological restoration techniques. Planting or dispersal of various plants, grasses, trees, and seeds in areas specified by a USACE representative. Work will be performed around the Bonneville Lock and Dam, recreation sites, parks, resource compound, and wildlife areas to enhance habitat for native ecosystems and wildlife. Planted species may include, but are not limited to: Douglas fir, ponderosa pine, willow, sedge, native grass and flower seed, and other native plants. The USACE representative will specify the area to be planted, and proper technique for planting or dispersal that will ensure greatest survival. This work will be limited and on specified dates to ensure greatest ability for survival.

2.4.3. *Park and Trail Maintenance*: Routine landscape cleanup of parks, recreation areas, and trails

prior to the start of and during the summer recreation season. This work will include weeding, landscaping, trimming of branches, removing dead trees or snags, removing live trees, trimming grasses in recreation areas and removing plants and shrubs. It will also involve the removal of all wood debris from parking lots around buildings, sidewalks, trails, and mowing areas. Installation of new park features such as park benches, picnic tables and bulletin boards. Any new features will be provided by USACE and specialized equipment and/or tools will be provided by USACE if needed. The appointed USACE, Grants Officer Representative (GOR) will provide drawings or verbal instruction of each site and show the work crew supervisor the various locations. All refuse and cut materials will be placed per GOR instructions.

2.4.4. *Litter Removal:* Litter pickup will be provided in the general area and all material collected will be placed and/or disposed of as directed by the GOR.

2.4.5. *Trail Construction and Maintenance:* Building of new trails or maintenance of established trails, as directed and/or marked by the GOR. Work will be performed in designated project areas such as wooded areas, along roadways, and in various terrain at the Bonneville Lock and Dam Project. Work may include the use of hand or power tools to clear vegetation along the trail or proposed trail route, construct or improve the surface of the trail, and import materials such as gravel, fill dirt, wooden, stone, or metal bracing, waterbars, or steps, and to construct and anchor bridges, handrails, and culverts. The GOR will coordinate with the work crew supervisor in advance of start date and will identify the area where trails will be constructed or maintained, and where trail building or repair materials will be sourced and placed at the job site. Trail size, type, and design will be discussed and identified during initial planning. Specialized equipment and/or tools (if needed) will be provided by USACE.

2.5. Schedule

The term of this cooperative agreement is a one year base period with two one year option periods. The base period will be in effect for one year from date signed followed by two one-year option periods. At any time prior to the completion of a performance period, the parties may agree to bilaterally exercise a one-year option period, extending the cooperative agreement performance period by one year, so long as funds remain available for continued performance.

The base period and two optional periods consist of the following tentative schedule. The final schedule will be coordinated after award of the cooperative agreement.

The specific dates scheduled for the work crew will be determined through coordination between the recipient and the GOR.

105 total workdays consisting of 47 work days in Oregon and 58 work days in Washington. The following list is the targeted amount of workdays per month. Schedule is subject to change, due to inclement weather and staffing shortages as approved by the GOR. Make up days must be coordinated with the GOR, prior to work being scheduled.

May: 14 Workdays
 June: 12 Workdays
 July: 14 Workdays
 August: 11 Workdays
 September: 9 Workdays
 October: 7 Workdays
 November: 4 Workdays

December: 5 Workdays
January: 5 Workdays
February: 4 Workdays
March: 8 Workdays
April: 12 Workdays

2.6. Obligation of the Parties

2.6.1. The Recipient will:

- 2.6.1.1. Recruit, select, and enroll eligible participants and refer appropriate participants to USACE in accordance with available funds, Federal regulations, Equal Employment Opportunity Laws, needs of participants, and the terms developed under this cooperative agreement to create one work crew. Participants shall be at least 18 years of age. The work crew shall consist of no fewer than four participants and no more than ten participants for each day of work scheduled. Participants shall be low security inmates and/or individuals executing community service sentences in Skamania County, WA, Clark County, WA, Hood River, OR and/or Multnomah County, OR.
- 2.6.1.2. Provide maintenance services on Bonneville Lock and Dam lands in accordance with schedules and duties described in Section A.3. Description of Services. Approximately 105 days of work will be scheduled during the base period and each optional period under this cooperative agreement.
- 2.6.1.3. Provide at least one supervisor for the work crew, ensuring the work performance of participants assigned under this cooperative agreement meets applicable laws and policies. The crew supervisor will provide a safety meeting prior to the beginning of the daily work. At the beginning of each shift the crew supervisor is expected to check in with USACE Natural Resource Management staff to identify crew size, location of work and expected duties. At the end of each shift the crew lead will follow up with a summary of work accomplished. These can be verbal communications in person or over the phone.
- 2.6.1.4. Provide required equipment, and materials to provide maintenance services requested by USACE in accordance with Section 3 Description of Services.
- 2.6.1.5. Ensure all tools and equipment provided by USACE are returned to USACE in a like-condition as when loaned, except for normal wear and tear. Unused materials provided by USACE shall be returned to USACE upon completion of the scope under this cooperative agreement. All tools and equipment provided by USACE remain the property of USACE.
- 2.6.1.6. Submit reports in accordance with the terms and conditions of the agreement.
- 2.6.1.7. Performance Reports - Recipient shall submit monthly performance progress reports and annual financial reports, SF425 (Attachment 9), during the performance period. Performance reports shall contain a narrative of worked performed during the season and detail how goals and objectives were met.
- 2.6.1.8. Arrange for transportation of participants to and from work sites.

- 2.6.1.9. Ensure participants bring food and water as required for rest breaks, and that crew has adequate personal protective equipment for the tasks of the day.
- 2.6.1.10. Provide first aid and other customary supervisory care of the participants at the work sites.
- 2.6.1.11. Comply with OSHA regulations, the safety regulations defined in the Corps of Engineers Safety Manual EM 385-1-1, and all federal, state and local laws, regulations, rules and orders.

2.6.2. USACE will:

- 2.6.2.1. Submit project information in support of the scope of this cooperative agreement, including objectives and locations, diagrams, specifications, location maps, schedules and other required details.
- 2.6.2.2. Coordinate with the recipient to develop a schedule for the performance of services.
- 2.6.2.3. Supply sufficient materials, tools and equipment as applicable.
- 2.6.2.4. Provide a government representative to be the point of contact and resource advisor for the duration of the cooperative agreement provide technical assistance to the work crew supervisor, provide specific task instruction, provide instructions on the proper use of tools and materials, demonstrate task completion, and engage and encourage the participants.

2.6.3 Representatives from both parties will meet on a regular basis to ensure progress of scope of work, troubleshoot problems, discuss how expectations are being met and otherwise effect the provisions of this agreement.

2.6.4. Performance Reports

Upon completion of each period of performance and of the cooperative agreement, the recipient will be required to submit one performance progress report. Recipient shall submit a final performance report (Attachment 7 - Performance Report) within 90 days after the expiration date of the award.

2.7. Options

This cooperative agreement contains options. At any time prior to the completion of a performance period, the parties may agree to bilaterally exercise a one-year option period, extending the cooperative agreement performance period by one year, so long as funds remain available for continued performance. The parties have no obligation to continue and may elect to cease performance. Options will be exercised through a modification to the agreement.

2.8. Modifications

2.8.1. Modifications of the awarded cooperative agreement may be proposed by either party,

but neither party shall implement a change until the change has been negotiated and approved by the USACE Grants Officer. Change proposals shall be submitted in writing and shall detail the technical, schedule, and financial impacts of the proposed modification. Only the Grants Officer has the authority to act on behalf of the USACE to change this agreement.

2.8.2. Revision of budget/program plans: Recipient shall request prior approval for plan changes in accordance with 2 CFR § 200.308.

2.8.3. The Grants Officer may unilaterally issue modifications for minor or administrative matters, such as changes in key personnel, paying office, etc.

2.9. Subawards

2.9.1. The Recipient shall apply to each subaward the administrative requirements of 2 CFR 200 applicable to the particular type of subrecipient.

2.9.2. Recipients awarding contracts under this agreement shall assure that contracts awarded contain, at a minimum, the provisions in Appendix B to DoDGARS Part 22.

2.9.3. The Recipient's systems for acquiring goods and services under this agreement shall comply with 2 CFR 200.

2.10. Procurement

The Recipient's systems for acquiring goods and services under this agreement shall comply with 2 CFR 200.

3. Period of Performance

3.1. Period of Performance of Agreement

The base cooperative agreement will be in effect from the date the award is fully executed through 30 April 2025 followed by two (2) one-year option periods to be exercised bilaterally at the discretion of the Government. The parties have no obligation to continue and may elect to cease performance.

Base period: Date of Award through 30 April 2025;
Option Year 1: 01 May 2025 through 30 April 2026;
Option Year 2: 01 May 2026 through 30 April 2027.

If all funds are expended prior to the end of an active performance period, the parties have no obligation to continue and may elect to cease performance for that active period.

If additional funds become available for an active period, the parties may agree to bilaterally modify the cooperative agreement to increase work locations, the number of interns, the number of work crews, or additional work to meet the cooperative agreement goals and objectives.

3.2. Unsatisfactory Performance/Non-Compliance with Award Provisions

Failure to perform work in accordance with the terms of the award or failure to comply with any or all the provisions of the award may result in designation of the Recipient as high risk and

assignment of special award conditions or other actions such as withholding payment, requiring performance or financial audits, suspension of award, termination, or any other action provided by law.

3.3. Termination

3.3.1. In accordance with 2 CFR § 200.339, the Grants Officer may terminate this agreement by written notice to the Recipient if the Recipient fails to comply with the terms and conditions of this agreement.

3.3.2. In accordance with 2 CFR § 200.339 this agreement may be terminated by the Recipient upon written notice to the Government. Such notice shall be preceded by consultation between the parties. Such notice must be issued at least 30 days prior to the requested effective date. If the Recipient requests to terminate the agreement, written notification must be provided to the awarding agency stating the reasons for the termination, the effective date, and in the case of partial termination, the portion to be terminated. If termination is requested before work is completed and the Grants Officer determines that the reduced or modified portion of the award will not accomplish the purpose for which the award was made, the Grants Officer may terminate the award in its entirety.

3.3.3. The Government and Recipient will negotiate in good faith an equitable adjustment for work performed toward accomplishment of the terminated program goals. The Government will allow full credit to the Recipient for the Government share of the obligations properly incurred by the Recipient prior to termination and those noncancelable obligations that remain after termination.

3.4. Closeout Procedures

Closeout, subsequent adjustments, continuing responsibilities, and collection of amounts due are subject to requirements 2 CFR § 200.344 & 345.

4. Financial Matters

4.1. Method of Payment

4.1.1. The Government will reimburse Recipient up to the negotiated amount for performance under this cost-reimbursable agreement. The Government is not liable for any expenditure in excess of this amount unless agreed to by modification of this agreement. All obligations are subject to the availability of appropriations from Congress.

4.1.2. Payments will be made on a reimbursable basis for actual costs incurred. Recipient shall submit a "Request for Advance or Reimbursement" (Attachment 8 - SF-270 Request for Reimbursement) along with other documentation to the invoicing email address listed below no more frequently than monthly.

4.1.3. The SF-270 should be submitted to NWP.CA.Invoicing@usace.army.mil. Invoices submitted by email must be in a PDF format and formatted to print on Letter (8 ½ x 11") paper. **An invoice or itemized list of costs may be attached to the SF-270.** Subject line of the email must reference the cooperative agreement number. Only ONE Request for Advance or Reimbursement may be submitted per email.

4.2. Cost Principles

Cost principles for this agreement are governed by 2 CFR § 200 Subpart E.

4.3. Standards for Financial Management Systems

The Recipient shall establish or use existing financial systems that comply with Generally Accepted Accounting Principles and with 2 CFR § 200.302 & 303.

4.4. Audit

4.4.1. Organization-wide or program-specific audits shall be performed in accordance with the Single Audit Act Amendments of 1996, as implemented by 2 CFR § 200 Subpart F "Audit Requirements". Recipients that are subject to the provisions of 2 CFR Part 200 and that expend \$750,000 or more in a year in Federal awards shall have an audit conducted for that year in accordance with the requirements contained in Subpart F. In accordance with 15 CFR §14.26(c) and (d), for-profit hospitals, commercial, and other organizations not covered by the audit provisions of 2 CFR 200 Subpart F that expend \$750,000 or more on a year in Federal funding, are required to have a program-specific audit performed at conclusion of the project, but not less than once every five (5) years.

4.4.2. The Recipient shall provide a copy of the auditor's report to the Government's Agreement Administrator.

4.4.3. Irregularities identified in an audit that involve funds disbursed under this Cooperative Agreement or that raise concerns with compliance with governing standards or otherwise are of concern to the Grants Officer may be the basis for a decision by the Grants Officer to terminate the cooperative agreement, require the return to the Government of funds paid to the Recipient, require a new audit or the establishment of special funds control procedures by the Recipient, or any other action available by law to the Grants Officer.

4.4.4. Retention and Access to Records

Recipient's financial records, supporting documents, statistical records, and all other records pertinent to this agreement shall be retained and access to permitted in accordance with 2 CFR § 200.333.

4.5. Cost Sharing

4.5.1. All work under this cooperative agreement is 100% USACE funded.

4.5.2. The Recipient's contributions may count as cost sharing only to the extent that they comply with the criteria at 2 CFR § 200.306.

4.6. Financial Reporting

4.6.1 The Recipient shall submit a "Federal Financial Report" (Attachment 9 - SF-425 Federal Financial Report) on an annual basis. Reports are due no later than 30 days following the end of each reporting period. A final Federal Financial Report shall be submitted within 90 days after the expiration date of the award.

4.6.2 Financial reports shall be submitted to the Government's Agreement Administrator.

5. Property Management

The Recipient's property management system shall comply with 2 CFR § 200.310-316.

5.1. Real Property

Title for real property acquired under the cooperative agreement shall vest in the Recipient. In accordance with 2 CFR § 200.311, real property shall be used for the originally authorized purpose for as long as it is needed. The Recipient shall obtain written approval by the Federal awarding agency for the use of real property in other federally sponsored projects when the Recipient determines the property is no longer needed for the purpose of the original project. When real property is no longer needed for the originally authorized purpose, the Recipient shall request disposition instructions from the Government.

5.2. Equipment

Equipment purchased under the cooperative agreement shall vest with the Recipient, and its use, management, and disposition shall be in accordance with 2 CFR § 200.313.

5.3. Supplies and Other Expendable Property

Title to supplies and other expendable property shall vest in the Recipient. Disposition of supplies in excess of \$5,000 shall be in accordance with 2 CFR § 200.314. The Recipient shall not use supplies acquired with Federal funds to provide services to non-Federal outside organizations for a fee that is less than private companies charge for equivalent services, unless specifically authorized by Federal statute as long as the Federal Government retains and interest in the supplies.

5.4. Intangible Property / Copyrights

The Federal awarding agency reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use copyrighted work, created under this agreement for Federal Government purposes in accordance with 2 CFR § 200.315.

5.5. Government Furnished Property

Title to federally owned property remains vested in the Federal Government. Federally furnished equipment is not in-kind assistance.

5.6. Reporting Requirements

The following forms shall be utilized to meet 2 CFR § 200 reporting requirements.

5.6.1. SF-428 Tangible Personal Property Report (Attachment 1)

5.6.2. SF-428 A - Annual Report (reporting Federally owned property) (Attachment 2)

5.6.3. SF-428 B - Final Report (Attachment 3)

5.6.4. SF-428 C Disposition Request (Attachment 4)

5.6.5. SF-429 Real Property Report (RPSR) (Attachment 5)

5.6.5.1. RPSR - General Reporting

5.6.5.2. RPSR - Request to Acquire, Improve or Furnish

5.6.5.3. RPSR - Disposition Request

5.6.6. Recipient shall submit an annual inventory report to the Government listing all federally owned property in their custody.

6. Claims, Disputes, and Appeals

6.1 General

Parties shall communicate with one another in good faith and in a timely and cooperative manner when raising issues under this article. Department of Defense policy is to resolve issues through discussions and mutual agreement at the Grants Officer's level, either through unassisted negotiations or through a mutually agreeable means of Alternative Dispute Resolutions, whenever possible.

6.2 Claims Resolution Process

When a claim cannot be resolved by the parties, the parties agree to use the procedures identified in 32 C.F.R. § 22.815 as the administrative process to resolve claims, disputes and appeals. Under 32 C.F.R. § 22.815, a Recipient's claim must: (1) be submitted in writing; (2) specifying the nature and basis for the relief requested; and (3) include all data that supports the claim. Claims by a DoD component to a Recipient shall be the subject of a written decision by a Grants Officer. Within 60 calendar days of receipt of a written claim, the Grants Officer shall either: (1) prepare a written decision; or (2) notify the Recipient of a specific date when he or she will render a written decision if more time is required to do so. The decision of the Grants Officer is final. The Recipient has the right to appeal the decision to the Grant Appeal Authority within 90 days of receiving the decision. Particulars concerning the appeal process are specified in Department of Defense Directive 3210.06, 32 C.F.R. § 22.815(e), and Army Appeals Authority AFARS § 5133.90 (Grant and Cooperative Agreement Claims, Disputes and Appeals).

6.3 Non-exclusivity Remedies

Nothing in this section is intended to limit the Recipient's right to any remedy under the law.

7. Compliance with Laws

7.1 Applicable Federal Laws

By signing or accepting funds under this agreement, Recipient agrees that it will comply with all applicable federal, state, and local laws, codes, regulations, rules and orders.

7.2 Certification Regarding Lobbying

A separate certification regarding lobbying must be submitted per 32 CFR Part 28.

7.3 Award Provisions

By signing or accepting funds under this agreement, the Recipient assures that it will comply with the applicable provisions of the following national policies (Attachment 6 - 2 CFR Part 1122, Appendices A - D) on:

7.3.1 Nondiscrimination

7.3.2 Environmental Standards

7.3.3 Live Organisms

7.3.4 Other National Policy Requirements

8. Indemnification

To the extent permitted by applicable law, Recipient shall indemnify the Government against any liability for damage to life or property arising from the actions or omissions of Recipient's employees, contractors, or agents. Such protection from damages may be provided by commercial insurance or

self-insurance. The Government shall be liable for its actions and omissions in accordance with the Federal Tort Claims Act, as applicable, and other applicable Federal law.

9. Attachments:

- Attachment 1 - SF-428 Tangible Personal Property Report
- Attachment 2 - SF-428 A - Annual Report (reporting Federally owned property)
- Attachment 3 - SF-428 B - Final Report
- Attachment 4 - SF-428 C Disposition Request
- Attachment 5 - SF-429 Real Property Report
- Attachment 6 - 2 CFR Part 1122, Appendices A – D
- Attachment 7 - Performance Report
- Attachment 8 - SF-270 Request for Reimbursement
- Attachment 9 - SF-425 Federal Financial Report
- Attachment 10 - Skamania Budget Plan SF 424A
- Attachment 11 - Skamania County 2024-2025 Statement of Work

This content is from the eCFR and is authoritative but unofficial.

Title 32 — National Defense
Subtitle A — Department of Defense
Chapter I — Office of the Secretary of Defense
Subchapter C — DoD Grant and Agreement Regulations

Part 22 DoD Grants and Agreements—Award and Administration

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Appendix A to Part 22

Proposal Provision for Required Certification

PART 22—DoD GRANTS AND AGREEMENTS—AWARD AND ADMINISTRATION

Authority: 5 U.S.C. 301 and 10 U.S.C. 113.

Source: 63 FR 12164, Mar. 12, 1998, unless otherwise noted.

Subpart A—General

§ 22.100 Purpose.

This part outlines grants officers' and DoD Components' responsibilities related to the award and administration of grants and cooperative agreements.

[85 FR 51242, Aug. 19, 2020]

§ 22.105 Definitions.

Other than the terms defined in this section, terms used in this part are defined in 32 CFR part 21, subpart F.

Administrative offset. An action whereby money payable by the United States Government to, or held by the Government for, a recipient is withheld to satisfy a delinquent debt the recipient owes the Government.

Advanced research. Advanced technology development that creates new technology or demonstrates the viability of applying existing technology to new products and processes in a general way. Advanced research is most closely analogous to precompetitive technology development in the commercial sector (i.e., early phases of research and development on which commercial competitors are willing to collaborate, because the work is not so coupled to specific products and processes that the results of the work must be proprietary). It does not include development of military systems and hardware where specific requirements have been defined. It is typically funded in Advanced Technology Development (Budget Activity 3 and Research Category 6.3A) programs within Research, Development, Test and Evaluation (RDT&E).

Applied research. Efforts that attempt to determine and exploit the potential of scientific discoveries or improvements in technology such as new materials, devices, methods and processes. It typically is funded in Applied Research (Budget Activity 2 and Research Category 6.2) programs within Research, Development, Test and Evaluation (RDT&E). Applied research normally follows basic research but may not

be fully distinguishable from the related basic research. The term does not include efforts whose principal aim is the design, development, or testing of specific products, systems or processes to be considered for sale or acquisition; these efforts are within the definition of “development.”

Basic research. Efforts directed toward increasing knowledge and understanding in science and engineering, rather than the practical application of that knowledge and understanding. It typically is funded within Basic Research (Budget Activity 1 and Research Category 6.1) programs within Research, Development, Test and Evaluation (RDT&E). For the purposes of this part, basic research includes:

- (1) Research-related, science and engineering education, including graduate fellowships and research traineeships.
- (2) Research instrumentation and other activities designed to enhance the infrastructure for science and engineering research.

Claim. A written demand or written assertion by one of the parties to a grant or cooperative agreement seeking as a matter of right, the payment of money in a sum certain, the adjustment or interpretation of award terms, or other relief arising under or relating to a grant or cooperative agreement. A routine request for payment that is not in dispute when submitted is not a claim. The submission may be converted to a claim by written notice to the grants officer if it is disputed either as to liability or amount, or is not acted upon in a reasonable time.

Debt. Any amount of money or any property owed to a Federal Agency by any person, organization, or entity except another United States Federal Agency. Debts include any amounts due from insured or guaranteed loans, fees, leases, rents, royalties, services, sales of real or personal property, or overpayments, penalties, damages, interest, fines and forfeitures, and all other claims and similar sources. Amounts due a nonappropriated fund instrumentality are not debts owed the United States, for the purposes of this subchapter.

Delinquent debt. A debt:

- (1) That the debtor fails to pay by the date specified in the initial written notice from the agency owed the debt, normally within 30 calendar days, unless the debtor makes satisfactory payment arrangements with the agency by that date; and
- (2) With respect to which the debtor has elected not to exercise any available appeals or has exhausted all agency appeal processes.

Development. The systematic use of scientific and technical knowledge in the design, development, testing, or evaluation of potential new products, processes, or services to meet specific performance requirements or objectives. It includes the functions of design engineering, prototyping, and engineering testing.

Electronic commerce. The conduct of business through the use of automation and electronic media, in lieu of paper transactions, direct personal contact, telephone, or other means. For grants and cooperative agreements, electronic commerce can include the use of electronic data interchange, electronic mail, electronic bulletin board systems, and electronic funds transfer for: program announcements or solicitations; applications or proposals; award documents; recipients' requests for payment; payment authorizations; and payments.

Electronic data interchange. The exchange of standardized information communicated electronically between business partners, typically between computers. It is DoD policy that DoD Component EDI applications conform to the American National Standards Institute (ANSI), Accredited Standards Committee (ASC) X-12 standard.⁽¹⁾

Electronic funds transfer: A system that provides the authority to debit or credit accounts in financial institutions by electronic means rather than source documents (e.g., paper checks). Processing typically occurs through the Federal Reserve System and/or the Automated Clearing House (ACH) computer network. It is DoD policy that DoD Component EFT transmissions conform to the American National Standards Institute (ANSI), Accredited Standards Committee (ASC) X-12 standard.

Historically Black colleges and universities: Institutions of higher education determined by the Secretary of Education to meet the requirements of 34 CFR 608.2. Each DoD Component's contracting activities and grants officers may obtain a list of historically Black colleges and universities from that DoD Component's Small and Disadvantaged Business Utilization office.

Institution of higher education: An educational institution that meets the criteria in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)). Note, however, that institution of higher education has a different meaning in § 22.520, as given at § 22.520(b)(2).

Minority institutions: Institutions of higher education that meet the criteria for *minority institutions* specified in 10 U.S.C. 2323. Each DoD Component's contracting activities and grants officers may obtain copies of a current list of institutions that qualify as *minority institutions* under 10 U.S.C. 2323 from that DoD Component's Small and Disadvantaged Business Utilization office (the list of *minority institutions* changes periodically, based on Department of Education data on institutions' enrollments of minority students).

Research: Basic, applied, and advanced research, as defined in this section.

Subaward: An award of financial assistance in the form of money, or property in lieu of money, made under a DoD grant or cooperative agreement by a recipient to an eligible subrecipient. The term includes financial assistance for substantive program performance by the subrecipient of a portion of the program for which the DoD grant or cooperative agreement was made. It does not include the recipient's procurement of goods and services needed to carry out the program.

[63 FR 12164, Mar. 12, 1998, as amended at 68 FR 47160, Aug. 7, 2003]

Subpart B—Selecting the Appropriate Instrument

§ 22.200 Purpose.

This subpart provides the bases for determining the appropriate type of instrument in a given situation.

§ 22.205 Distinguishing assistance from procurement.

Before using a grant or cooperative agreement, the grants officer shall make a positive judgment that an assistance instrument, rather than a procurement contract, is the appropriate instrument, based on the following:

(a) Purpose.

[1] Available from Accredited Standards Committee, X-12 Secretariat, Data Interchange Standards Association, 1800 Diagonal Road, Suite 355, Alexandria, VA 22314-2852; Attention: Manager Maintenance and Publications.

- (1) The grants officer must judge that the principal purpose of the activity to be carried out under the instrument is to stimulate or support a public purpose (i.e., to provide assistance), rather than acquisition (i.e., to acquire goods and services for the direct benefit of the United States Government). If the principal purpose is acquisition, then the grants officer shall judge that a procurement contract is the appropriate instrument, in accordance with 31 U.S.C. chapter 63 ("Using Procurement Contracts and Grant and Cooperative Agreements"). Assistance instruments shall not be used in such situations, except:
 - (i) When a statute specifically provides otherwise; or
 - (ii) When an exemption is granted, in accordance with § 22.220.
 - (2) For research and development, the appropriate use of grants and cooperative agreements therefore is almost exclusively limited to the performance of selected basic, applied, and advanced research projects. Development projects nearly always shall be performed by contract or other acquisition transaction because their principal purpose is the acquisition of specific deliverable items (e.g., prototypes or other hardware) for the benefit of the Department of Defense.
- (b) **Fee or profit.** Payment of fee or profit is consistent with an activity whose principal purpose is the acquisition of goods and services for the direct benefit or use of the United States Government, rather than an activity whose principal purpose is assistance. Therefore, the grants officer shall use a procurement contract, rather than an assistance instrument, in all cases where:
- (1) Fee or profit is to be paid to the recipient of the instrument; or
 - (2) The instrument is to be used to carry out a program where fee or profit is necessary to achieving program objectives.

§ 22.210 Authority for providing assistance.

- (a) Before a grant or cooperative agreement may be used, the grants officer must:
- (1) Identify the program statute, the statute that authorizes the DoD Component to carry out the activity the principal purpose of which is assistance (see 32 CFR 21.410 through 21.420).
 - (2) Review the program statute to determine if it contains requirements that affect the:
 - (i) Solicitation, selection, and award processes. For example, program statutes may authorize assistance to be provided only to certain types of recipients; may require that recipients meet certain other criteria to be eligible to receive assistance; or require that a specific process shall be used to review recipients' proposals.
 - (ii) Terms and conditions of the award. For example, some program statutes require a specific level of cost sharing or matching.
- (b) The grants officer shall ensure that the award of DoD appropriations through a grant or cooperative agreement for a research project meets the standards of 10 U.S.C. 2358, DoD's broad authority to carry out research, even if the research project is authorized under a statutory authority other than 10 U.S.C. 2358. The standards of 10 U.S.C. 2358 are that, in the opinion of the Head of the DoD Component or his or her designee, the projects must be:
- (1) Necessary to the responsibilities of the DoD Component.
 - (2) Related to weapons systems and other military needs or of potential interest to the DoD Component.

[63 FR 12164, Mar. 12, 1998, as amended at 68 FR 47160, Aug. 7, 2003]

§ 22.215 Distinguishing grants and cooperative agreements.

- (a) Once a grants officer judges, in accordance with §§ 22.205 and 22.210, that either a grant or cooperative agreement is the appropriate instrument, the grants officer shall distinguish between the two instruments as follows:
- (1) Grants shall be used when the grants officer judges that substantial involvement is not expected between the Department of Defense and the recipient when carrying out the activity contemplated in the agreement.
 - (2) Cooperative agreements shall be used when the grants officer judges that substantial involvement is expected. The grants officer should document the nature of the substantial involvement that led to selection of a cooperative agreement. Under no circumstances are cooperative agreements to be used solely to obtain the stricter controls typical of a contract.
- (b) In judging whether substantial involvement is expected, grants officers should recognize that “substantial involvement” is a relative, rather than an absolute, concept, and that it is primarily based on programmatic factors, rather than requirements for grant or cooperative agreement award or administration. For example, substantial involvement may include collaboration, participation, or intervention in the program or activity to be performed under the award.

§ 22.220 Exemptions.

Under 31 U.S.C. 6307, “the Director of the Office of Management and Budget may exempt an agency transaction or program” from the requirements of 31 U.S.C. chapter 63. Grants officers shall request such exemptions only in exceptional circumstances. Each request shall specify for which individual transaction or program the exemption is sought; the reasons for requesting an exemption; the anticipated consequences if the exemption is not granted; and the implications for other agency transactions and programs if the exemption is granted. The procedures for requesting exemptions shall be:

- (a) In cases where 31 U.S.C. chapter 63 would require use of a contract and an exemption from that requirement is desired:
- (1) The grants officer shall submit a request for exemption, through appropriate channels established by his or her DoD Component (see 32 CFR 21.320(a)), to the Director of Defense Procurement and Acquisition Policy (DDP&AP).
 - (2) The DDP&AP, after coordination with the Assistant Secretary of Defense for Research and Engineering (ASD (R&E)), shall transmit the request to OMB or notify the DoD Component that the request has been disapproved.
- (b) In other cases, the DoD Component shall submit a request for the exemption through appropriate channels to the ASD (R&E). The ASD (R&E) shall transmit the request to OMB or notify the DoD Component that the request has been disapproved.
- (c) Where an exemption is granted, documentation of the approval shall be maintained in the award file.

[63 FR 12164, Mar. 12, 1998, as amended at 68 FR 47160, Aug. 7, 2003; 70 FR 49464, Aug. 23, 2005; 85 FR 51242, Aug. 19, 2020]

Subpart C—Competition

§ 22.300 Purpose.

This subpart establishes DoD policy and implements statutes related to the use of competitive procedures in the award of grants and cooperative agreements.

§ 22.305 General policy and requirement for competition.

- (a) It is DoD policy to maximize use of competition in the award of grants and cooperative agreements. This also conforms with:
- (1) 31 U.S.C. 6301(3), which encourages the use of competition in awarding all grants and cooperative agreements.
 - (2) 10 U.S.C. 2374(a), which sets out Congressional policy that any new grant for research, development, test, or evaluation be awarded through merit-based selection procedures.
- (b) Grants officers shall use merit-based, competitive procedures (as defined by § 22.315) to award grants and cooperative agreements:
- (1) In every case where required by statute (e.g., 10 U.S.C. 2361, as implemented in § 22.310, for certain grants to institutions of higher education).
 - (2) To the maximum extent practicable in all cases where not required by statute.

§ 22.310 Statutes concerning certain research, development, and facilities construction grants.

- (a) **Definitions specific to this section.** For the purposes of implementing the requirements of 10 U.S.C. 2374 in this section, the following terms are defined:
- (1) **Follow-on grant.** A grant that provides for continuation of research and development performed by a recipient under a preceding grant. Note that follow-on grants are distinct from incremental funding actions during the period of execution of a multi-year award.
 - (2) **New grant.** A grant that is not a follow-on grant.
- (b) **Statutory requirement to use competitive procedures.**
- (1) A grants officer shall not award a grant by other than merit-based, competitive procedures (as defined by § 22.315) to an institution of higher education for the performance of research and development or for the construction of research or other facilities, unless:
 - (i) In the case of a new grant for research and development, there is a statute meeting the criteria in paragraph (c)(1) of this section;
 - (ii) In the case of a follow-on grant for research and development, or of a grant for the construction of research or other facilities, there is a statute meeting the criteria in paragraph (c)(2) of this section; and
 - (iii) The Secretary of Defense submits to Congress a written notice of intent to make the grant. The grant may not be awarded until 180 calendar days have elapsed after the date on which Congress received the notice of intent. Contracting activities must submit a draft notice of intent with supporting documentation through channels to the Principal Deputy Assistant Secretary of Defense for Research and Engineering.

(2) Because subsequently enacted statutes may, by their terms, impose different requirements than set out in paragraph (b)(1) of this section, grants officers shall consult legal counsel on a case-by-case basis, when grants for the performance of research and development or for the construction of research or other facilities are to be awarded to institutions of higher education by other than merit-based competitive procedures.

(c) **Subsequent statutes.** In accordance with 10 U.S.C. 2361 and 10 U.S.C. 2374, a provision of law may not be construed as requiring the award of a grant through other than the merit-based, competitive procedures described in § 22.315, unless:

(1) **Institutions of higher education—new grants for research and development.** In the case of a new grant for research and development to an institution of higher education, such provision of law specifically:

(i) Identifies the particular institution of higher education involved;

(ii) States that such provision of law modifies or supersedes the provisions of 10 U.S.C. 2361 (a requirement that applies only if the statute authorizing or requiring award by other than competitive procedures was enacted after September 30, 1989); and

(iii) States that the award to the institution of higher education involved is required by such provision of law to be made in contravention of the policy set forth in 10 U.S.C. 2374(a).

(2) **Institutions of higher education—follow-on grants for research and development and grants for the construction of any research or other facility.** In the case of any such grant to an institution of higher education, such provision of law specifically:

(i) Identifies the particular institution of higher education involved; and

(ii) States that such provision of law modifies or supersedes the provisions of 10 U.S.C. 2361 (a requirement that applies only if the statute authorizing or requiring award by other than competitive procedures was enacted after September 30, 1989).

(3) **Other entities—new grants for research and development—**

(i) **General.** In the case of a new grant for research and development to an entity other than an institution of higher education, such provision of law specifically:

(A) Identifies the particular entity involved;

(B) States that the award to that entity is required by such provision of law to be made in contravention of the policy set forth in 10 U.S.C. 2374(a).

(ii) **Exception.** The requirement of paragraph (c)(3)(i) of this section does not apply to any grant that calls upon the National Academy of Sciences to:

(A) Investigate, examine, or experiment upon any subject of science or art of significance to the Department of Defense or any Military Department; and

(B) Report on such matters to the Congress or any agency of the Federal Government.

[63 FR 12164, Mar. 12, 1998, as amended at 85 FR 51242, Aug. 19, 2020]

§ 22.315 Merit-based, competitive procedures.

Competitive procedures are methods that encourage participation in DoD programs by a broad base of the most highly qualified performers. These procedures are characterized by competition among as many eligible proposers as possible, with a published or widely disseminated notice. Competitive procedures include, as a minimum:

- (a) **Notice to prospective proposers.** The notice may be a notice of funding availability or Broad Agency Announcement that is publicly disseminated, with unlimited distribution, or a specific notice that is distributed to eligible proposers (a specific notice must be distributed to at least two eligible proposers to be considered as part of a competitive procedure). Requirements for notices are as follows:
- (1) The format and content of each notice must conform with the Governmentwide format for announcements of funding opportunities established by the Office of Management and Budget (OMB) in a policy directive entitled, "Format for Financial Assistance Program Announcements."^[2]
 - (2) In accordance with that OMB policy directive, DoD Components also must post on the Internet any notice under which domestic entities may submit proposals, if the distribution of the notice is unlimited. DoD Components are encouraged to simultaneously publish the notice in other media (e.g., the FEDERAL REGISTER), if doing so would increase the likelihood of its being seen by potential proposers. If a DoD Component issues a specific notice with limited distribution (e.g., for national security considerations), the notice need not be posted on the Internet.
 - (3) To comply with an OMB policy directive entitled, "Requirement to Post Funding Opportunity Announcement Synopses at Grants.gov and Related Data Elements/Format,"^[3] DoD Components must post on the Internet a synopsis for each notice that, in accordance with paragraph (a)(2) of this section, is posted on the Internet. The synopsis must be posted at the Governmentwide site designated by the OMB (currently <http://www.Grants.gov>). The synopsis for each notice must provide complete instructions on where to obtain the notice and should have an electronic link to the Internet location at which the notice is posted.
 - (4) In accordance with an OMB policy directive entitled, "Requirement for a DUNS Number in Applications for Federal Grants and Cooperative Agreements,"^[4] each notice must include a requirement for proposers to include Data Universal Numbering System (DUNS) numbers in their proposals. If a notice provides for submission of application forms, the forms must incorporate the DUNS number. To the extent that unincorporated consortia of separate organizations may submit proposals, the notice should explain that an unincorporated consortium would use the DUNS number of the entity proposed to receive DoD payments under the award (usually, a lead organization that consortium members identify for administrative matters).

- (b) At least two eligible, prospective proposers.

^[2] This OMB policy directive is available at the Internet site http://www.whitehouse.gov/omb/grants/grants_docs.html (the link is "Final Policy Directive on Financial Assistance Program Announcements").

^[3] This OMB policy directive is available at the Internet site http://www.whitehouse.gov/omb/grants/grants_docs.html (the link is "Office of Federal Financial Management Policy Directive on Use of Grants.Gov FIND").

(c) Impartial review of the merits of applications or proposals received in response to the notice, using the evaluation method and selection criteria described in the notice. For research and development awards, in order to be considered as part of a competitive procedure, the two principal selection criteria, unless statute provides otherwise, must be the:

- (1) Technical merits of the proposed research and development; and
- (2) Potential relationship of the proposed research and development to Department of Defense missions.

[63 FR 12164, Mar. 12, 1998, as amended at 70 FR 49464, Aug. 23, 2005; 72 FR 34988, June 26, 2007; 85 FR 51242, Aug. 19, 2020]

§ 22.320 Special competitions.

Some programs may be competed for programmatic or policy reasons among specific classes of potential recipients. An example would be a program to enhance U.S. capabilities for academic research and research-coupled graduate education in defense-critical, science and engineering disciplines, a program that would be competed specifically among institutions of higher education. All such special competitions shall be consistent with program representations in the President's budget submission to Congress and with subsequent Congressional authorizations and appropriations for the programs.

Subpart D—Recipient Qualification Matters—General Policies and Procedures

§ 22.400 Purpose.

The purpose of this subpart is to specify policies and procedures for grants officers' determination of recipient qualifications prior to award.

§ 22.405 Policy.

- (a) **General.** Grants officers normally shall award grants or cooperative agreements only to qualified recipients that meet the standards in § 22.415. This practice conforms with the Governmentwide policy to do business only with responsible persons, which is stated in OMB guidance at 2 CFR 180.125(a) and implemented by the Department of Defense in 2 CFR part 1125.
- (b) **Exception.** In exceptional circumstances, grants officers may make awards to recipients that do not fully meet the standards in § 22.415 and include special award conditions that are appropriate to the particular situation, in accordance with 32 CFR 34.4 for awards to for-profit organizations or as described in OMB guidance at 2 CFR 200.207 for awards to institutions of higher education, nonprofit organizations, States, local governments, and Indian tribes.

[63 FR 12164, Mar. 12, 1998, as amended at 70 FR 49464, Aug. 23, 2005; 72 FR 34988, June 26, 2007; 85 FR 51242, Aug. 19, 2020]

[4] This OMB policy directive is available at the Internet site http://www.whitehouse.gov/omb/grants/grants_docs.html (the link is "Use of a Universal Identifier by Grant Applicants").

§ 22.410 Grants officers' responsibilities.

The grants officer is responsible for determining a recipient's qualification prior to award. The grants officer's signature on the award document shall signify his or her determination that either:

- (a) The potential recipient meets the standards in § 22.415 and is qualified to receive the grant or cooperative agreement; or
- (b) An award is justified to a recipient that does not fully meet the standards, pursuant to § 22.405(b). In such cases, grants officers shall document in the award file the rationale for making an award to a recipient that does not fully meet the standards.

§ 22.415 Standards.

To be qualified, a potential recipient must:

- (a) Have the management capability and adequate financial and technical resources, given those that would be made available through the grant or cooperative agreement, to execute the program of activities envisioned under the grant or cooperative agreement.
- (b) Have a satisfactory record of executing such programs or activities (if a prior recipient of an award).
- (c) Have a satisfactory record of integrity and business ethics.
- (d) Be otherwise qualified and eligible to receive a grant or cooperative agreement under applicable laws and regulations (see § 22.420(c)).

§ 22.420 Pre-award procedures.

- (a) The appropriate method to be used and amount of effort to be expended in deciding the qualification of a potential recipient will vary. In deciding on the method and level of effort, the grants officer should consider factors such as:
 - (1) DoD's past experience with the recipient;
 - (2) Whether the recipient has previously received cost-type contracts, grants, or cooperative agreements from the Federal Government; and
 - (3) The amount of the prospective award and complexity of the project to be carried out under the award.
- (b) There is no DoD-wide requirement to obtain a pre-award credit report, audit, or any other specific piece of information. On a case-by-case basis, the grants officer will decide whether there is a need to obtain any such information to assist in deciding whether the recipient meets the standards in § 22.415 (a), (b), and (c).
 - (1) Should the grants officer in a particular case decide that a pre-award credit report, audit, or survey is needed, he or she should consult first with the appropriate grants administration office (identified in § 22.710), and decide whether pre-existing surveys or audits of the recipient, such as those of the recipient's internal control systems under OMB guidance in subpart F of 2 CFR part 200, will satisfy the need (see § 22.715(a)(1)).

- (2) If, after consulting with the grants administration office, the grants officer decides to obtain a credit report, audit, or other information, and the report or other information discloses that a potential recipient is delinquent on a debt to an agency of the United States Government, then:
- (i) The grants officer shall take such information into account when determining whether the potential recipient is qualified with respect to the grant or cooperative agreement; and
 - (ii) If the grants officer decides to make the award to the recipient, unless there are compelling reasons to do otherwise, the grants officer shall delay the award of the grant or cooperative agreement until payment is made or satisfactory arrangements are made to repay the debt.
- (c) In deciding whether a recipient is otherwise qualified and eligible in accordance with the standard in § 22.415(d), the grants officer shall ensure that the potential recipient:
- (1) Is not identified in the Exclusions area of the System for Award Management (SAM Exclusions) as being debarred, suspended, or otherwise ineligible to receive the award (SAM is at www.sam.gov). In addition to being a requirement for every new award, note that checking SAM Exclusions also is a requirement for subsequent obligations of additional funds, such as incremental funding actions, in the case of pre-existing awards to institutions of higher education, as described at § 22.520(e)(5). The grants officer's responsibilities include (see the OMB guidance at 2 CFR 180.425 and 180.430, as implemented by the Department of Defense at 2 CFR 1125.425) checking SAM Exclusions for:
 - (i) Potential recipients of prime awards; and
 - (ii) A recipient's principals (as defined in OMB guidance at 2 CFR 180.995, implemented by the Department of Defense in 2 CFR part 1125), potential recipients of subawards, and principals of those potential subaward recipients, if DoD Component approval of those principals or lower-tier recipients is required under the terms of the award.
 - (2) Has provided all certifications and assurances required by Federal statute, Executive order, or codified regulation, unless they are to be addressed in award terms and conditions at the time of award (see § 22.510).
 - (3) Meets any eligibility criteria that may be specified in the statute authorizing the specific program under which the award is being made (see § 22.210(a)(2)).
- (d) Grants officers shall obtain each recipient's Taxpayer Identification Number (TIN, which may be the Social Security Number for an individual and Employer Identification Number for a business or non-profit entity) and notify the recipient that the TIN is being obtained for purposes of collecting and reporting on any delinquent amounts that may arise out of the recipient's relationship with the Government. Obtaining the TIN and so notifying the recipient is a statutory requirement of 31 U.S.C. 7701, as amended by the Debt Collection Improvement Act of 1996 (section 31001(i)(1), Pub. L. 104-134).

[63 FR 12164, Mar. 12, 1998, as amended at 70 FR 49464, Aug. 23, 2005; 72 FR 34988, June 26, 2007; 85 FR 51242, Aug. 19, 2020]

Subpart E—National Policy Matters

§ 22.505 Purpose.

The purpose of this subpart is to supplement other regulations that implement national policy requirements, to the extent that it is necessary to provide additional guidance to DoD grants officers.

[85 FR 51242, Aug. 19, 2020]

§ 22.510 Certifications, representations, and assurances.

(a) Certifications —

(1) **Policy.** Certifications of compliance with national policy requirements are to be obtained from recipients only for those national policies where a statute, Executive order, or codified regulation specifically states that a certification is required. Other national policy requirements may be addressed by obtaining representations or assurances (see paragraph (b) of this section). Grants officers should utilize methods for obtaining certifications, in accordance with Executive Order 12866 (3 CFR, 1993 Comp., p. 638), that minimize administration and paperwork.

(2) Procedures.

(i) When necessary, grants officers may obtain individual, written certifications.

(ii) Whenever possible, and to the extent consistent with statute and codified regulation, grants officers should identify the certifications that are required for the particular type of recipient and program, and consolidate them into a single certification provision that cites them by reference.

(A) If a grants officer elects to have proposers incorporate certifications by reference into their proposals, he or she must do so in one of the two following ways. When required by statute or codified regulation, the solicitation must include the full text of the certifications that proposers are to provide by reference. In other cases, the grants officer may include language in the solicitation that informs the proposers where the full text may be found (e.g., in documents or computer network sites that are readily available to the public) and offers to provide it to proposers upon request.

(B) Appendix A to this part provides language that may be used for incorporating by reference the certification on lobbying, which currently is the only certification requirement that commonly applies to DoD grants and agreements. Because that certification is required by law to be submitted at the time of proposal, rather than at the time of award, Appendix A includes language to incorporate the certification by reference into a proposal.

(C) Grants officers may incorporate certifications by reference in award documents when doing so is consistent with statute and codified regulation (that is not the case for the lobbying certification addressed in paragraph (a)(2)(ii)(B) of this section). The provision that a grants officer would use to incorporate certifications in award documents, when consistent with statute and codified regulation, would be similar to the provision in Appendix A to this part, except that it would be modified to state that the recipient is providing the required certifications by signing the award document or by accepting funds under the award.

(b) **Representations and assurances.** Many national policies, either in statute or in regulation, require recipients of grants and cooperative agreements to make representations or provide assurances (rather than certifications) that they are in compliance with the policies. Part 1122 of the DoDGARs (2 CFR part 1122) provides standard wording of general award terms and conditions to address several of the more commonly applicable national policy requirements. These terms and conditions may be used to obtain required assurances and representations for national policy matters covered in part 1122 at the time of award, which is as effective and more efficient and less administratively burdensome than obtaining them

at the time of each proposal. If any other assurances or representations must be obtained at the time of proposal, grants officers should use the most efficient method for doing so—e.g., for a program that has a program announcement and applications using the standard application form (SF-424^[5]), the program announcement should include the texts of the required assurances and representations and clearly state that the applicant's electronic signature of the SF-424 will serve to affirm its agreement with each representation or assurance.

[63 FR 12164, Mar. 12, 1998, as amended at 70 FR 49464, Aug. 23, 2005; 85 FR 51242, Aug. 19, 2020]

§ 22.515 Provisions of annual appropriations acts.

An annual appropriations act can include general provisions stating national policy requirements that apply to the use of funds (e.g., obligation through a grant or cooperative agreement) appropriated by the act. Because these requirements are of limited duration (the period during which a given year's appropriations are available for obligation), and because they can vary from year to year and from one agency's appropriations act to another agency's, the grants officer must know the agency(ies) and fiscal year(s) of the appropriations being obligated by a given grant or cooperative agreement, and may need to consult legal counsel if he or she does not know the requirements applicable to those appropriations.

§ 22.520 Campus access for military recruiting and Reserve Officer Training Corps (ROTC).

(a) *Purpose.*

(1) The purpose of this section is to implement 10 U.S.C. 983 as it applies to grants. Under that statute, DoD Components are prohibited from providing funds to institutions of higher education that have policies or practices, as described in paragraph (c) of this section, restricting campus access of military recruiters or the Reserve Officer Training Corps (ROTC).

(2) By addressing the effect of 10 U.S.C. 983 on grants and cooperative agreements, this section supplements the DoD's primary implementation of that statute in 32 CFR part 216, "Military Recruiting and Reserve Officer Training Corps Program Access to Institutions of Higher Education." Part 216 establishes procedures by which the Department of Defense identifies institutions of higher education that have a policy or practice described in paragraph (c) of this section.

(b) *Definition specific to this section.* "Institution of higher education" in this section has the meaning given at 32 CFR 216.3, which is different than the meaning given at § 22.105 for other sections of this part.

(c) *Statutory requirement of 10 U.S.C. 983.* No funds made available to the Department of Defense may be provided by grant to an institution of higher education (including any subelement of such institution) if the Secretary of Defense determines that the institution (or any subelement of that institution) has a policy or practice that either prohibits, or in effect prevents:

[5] For copies of Standard Forms listed in this part, contact regional grants administration offices of the Office of Naval Research. Addresses for the offices are listed in the "Federal Directory of Contract Administration Services (CAS) Components," which may be accessed through the Defense Contract Management Agency homepage at: <http://www.dcms.mil>.

- (1) The Secretary of a Military Department from maintaining, establishing, or operating a unit of the Senior ROTC (in accordance with 10 U.S.C. 654 and other applicable Federal laws) at that institution (or any subelement of that institution);
- (2) A student at that institution (or any subelement of that institution) from enrolling in a unit of the Senior ROTC at another institution of higher education;
- (3) The Secretary of a Military Department or Secretary of Homeland Security from gaining access to campuses, or access to students (who are 17 years of age or older) on campuses, for purposes of military recruiting in a manner that is at least equal in quality and scope to the access to campuses and to students that is provided to any other employer; or
- (4) Access by military recruiters for purposes of military recruiting to the following information pertaining to students (who are 17 years of age or older) enrolled at that institution (or any subelement of that institution):
 - (i) Names, addresses, and telephone listings.
 - (ii) Date and place of birth, levels of education, academic majors, degrees received, and the most recent educational institution enrolled in by the student.

(d) *Policy —*

- (1) **Applicability to cooperative agreements.** As a matter of DoD policy, the restrictions of 10 U.S.C. 983, as implemented by 32 CFR part 216, apply to cooperative agreements, as well as grants.
- (2) **Deviations.** Grants officers may not deviate from any provision of this section without obtaining the prior approval of the Assistant Secretary of Defense for Research and Engineering. Requests for deviations shall be submitted, through appropriate channels, to: Director for Basic Research, OASD(R&E), 3040 Defense Pentagon, Washington, D.C. 20301-3040.

(e) *Grants officers' responsibility.*

- (1) A grants officer shall not award any grant or cooperative agreement to an institution of higher education that has been identified pursuant to the procedures of 32 CFR part 216. Such institutions are identified as being ineligible in the Exclusions area of the System for Award Management (SAM Exclusions). The exclusion types in SAM Exclusions broadly indicate the nature of an institution's ineligibility, as well as the effect of the exclusion, and the Additional Comments field may have further details about the exclusion. Note that OMB guidance in 2 CFR 180.425 and 180.430, as implemented by the Department of Defense at 2 CFR part 1125, require a grants officer to check the SAM Exclusions prior to determining that a recipient is qualified to receive an award.
- (2) A grants officer shall not consent to a subaward of DoD funds to such an institution, under a grant or cooperative agreement to any recipient, if the subaward requires the grants officer's consent.
- (3) A grants officer shall include the following award term in each grant or cooperative agreement with an institution of higher education (note that this requirement does not flow down and that recipients are not required to include the award term in subawards):

"As a condition for receipt of funds available to the Department of Defense (DoD) under this award, the recipient agrees that it is not an institution of higher education (as defined in 32 CFR part 216) that has a policy or practice that either prohibits, or in effect prevents:

(A) The Secretary of a Military Department from maintaining, establishing, or operating a unit of the Senior Reserve Officers Training Corps (in accordance with 10 U.S.C. 654 and other applicable Federal laws) at that institution (or any subelement of that institution);

(B) Any student at that institution (or any subelement of that institution) from enrolling in a unit of the Senior ROTC at another institution of higher education;

(C) The Secretary of a Military Department or Secretary of Homeland Security from gaining access to campuses, or access to students (who are 17 years of age or older) on campuses, for purposes of military recruiting in a manner that is at least equal in quality and scope to the access to campuses and to students that is provided to any other employer; or

(D) Access by military recruiters for purposes of military recruiting to the names of students (who are 17 years of age or older and enrolled at that institution or any subelement of that institution); their addresses, telephone listings, dates and places of birth, levels of education, academic majors, and degrees received; and the most recent educational institutions in which they were enrolled.

If the recipient is determined, using the procedures in 32 CFR part 216, to be such an institution of higher education during the period of performance of this agreement, the Government will cease all payments of DoD funds under this agreement and all other DoD grants and cooperative agreements to the recipient, and it may suspend or terminate such grants and agreements unilaterally for material failure to comply with the terms and conditions of award."

(4) If an institution of higher education refuses to accept the award term in paragraph (e)(3) of this section, the grants officer shall:

(i) Determine that the institution is not qualified with respect to the award. The grants officer may award to an alternative recipient.

(ii) Transmit the name of the institution, through appropriate channels, to the Director for Accession Policy, Office of the Deputy Under Secretary of Defense for Military Personnel Policy (ODUSD(MPP)), 4000 Defense Pentagon, Washington, DC 20301-4000. This will allow ODUSD(MPP) to decide whether to initiate an evaluation of the institution under 32 CFR part 216, to determine whether it is an institution that has a policy or practice described in paragraph (c) of this section.

(5) With respect to any pre-existing award to an institution of higher education that currently is listed in SAM Exclusions pursuant to a determination under 32 CFR part 216, a grants officer:

(i) Shall not obligate additional funds available to the DoD for the award. A grants officer therefore must check SAM Exclusions before approving an incremental funding action or other additional funding for any pre-existing award to an institution of higher education. The grants officer may not obligate the additional funds if the cause and treatment code indicates that the reason for an institution's SAM Exclusions listing is a determination under 32 CFR part 216 that institutional policies or practices restrict campus access of military recruiters or ROTC.

(ii) Shall not approve any request for payment submitted by such an institution (including payments for costs already incurred).

(iii) Shall:

(A) Terminate the award unless he or she has a reason to believe, after consulting with the ODUSD(MPP), 4000 Defense Pentagon, Washington, DC 20301-4000), that the institution may be removed from SAM Exclusions in the near term and have its eligibility restored; and

(B) Suspend any award that is not immediately terminated, as well as all payments under it.

(f) **Post-award administration responsibilities of the Office of Naval Research (ONR).** As the DoD office assigned responsibility for performing field administration services for grants and cooperative agreements with institutions of higher education, the ONR shall disseminate the list it receives from the ODUSD(MPP) of institutions of higher education identified pursuant to the procedures of 32 CFR part 216 to:

(1) ONR field administration offices, with instructions to:

(i) Disapprove any payment requests under awards to such institutions for which post-award payment administration was delegated to the ONR; and

(ii) Alert the DoD offices that made the awards to their responsibilities under paragraphs (e)(5)(i) and (e)(5)(iii) of this section.

(2) Awarding offices in DoD Components that may be identified from data in the Defense Assistance Awards Data System (see 32 CFR 21.520 through 21.555) as having awards with such institutions for which post-award payment administration was not delegated to ONR. The ONR is to alert those offices to their responsibilities under paragraph (e)(5) of this section.

[70 FR 49465, Aug. 23, 2005, as amended at 72 FR 34988, June 26, 2007; 85 FR 51243, Aug. 19, 2020]

§ 22.525 Paperwork Reduction Act.

Grants officers shall include appropriate award terms or conditions, if a recipient's activities under an award will be subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3500, et seq.):

(a) Generally, the Act only applies to Federal agencies—it requires agencies to obtain clearance from the Office of Management and Budget before collecting information using forms, schedules, questionnaires, or other methods calling either for answers to:

(1) Identical questions from ten or more persons other than agencies, instrumentalities, or employees of the United States.

(2) Questions from agencies, instrumentalities, or employees of the United States which are to be used for statistical compilations of general public interest.

(b) The Act applies to similar collections of information by recipients of grants or cooperative agreements only when:

(1) A recipient collects information at the specific request of the awarding Federal agency; or

(2) The terms and conditions of the award require specific approval by the agency of the information collection or the collection procedures.

§ 22.530 Metric system of measurement.

- (a) **Statutory requirement.** The Metric Conversion Act of 1975, as amended by the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 205) and implemented by Executive Order 12770 (3 CFR, 1991 Comp., p. 343), states that:
- (1) The metric system is the preferred measurement system for U.S. trade and commerce.
 - (2) The metric system of measurement will be used, to the extent economically feasible, in federal agencies' procurements, grants, and other business-related activities.
 - (3) Metric implementation shall not be required to the extent that such use is likely to cause significant inefficiencies or loss of markets to United States firms.
- (b) **Responsibilities.** DoD Components shall ensure that the metric system is used, to the maximum extent practicable, in measurement-sensitive activities supported by programs that use grants and cooperative agreements, and in measurement-sensitive outputs of such programs.

Subpart F—Award

§ 22.600 Purpose.

This subpart sets forth grants officers' responsibilities relating to the award document and other actions at the time of award.

§ 22.605 Grants officers' responsibilities.

At the time of award, the grants officer is responsible for ensuring that:

- (a) The award:
- (1) Conforms to the award format specified in 2 CFR part 1120.
 - (2) Includes appropriate general terms and conditions and any program-specific and award-specific terms and conditions needed to specify applicable administrative, national policy, and programmatic requirements. These requirements include:
 - (i) Federal statutes or Executive orders that apply broadly to Federal or DoD grants and cooperative agreements; and
 - (ii) Any requirements specific to the program, as prescribed in the program statute (see § 22.210(a)(2)), or specific to the funding, as stated in pertinent Congressional appropriations (see § 22.515).
- (b) Information about the award is reported to the Défense Assistance Award Data System (DAADS), in accordance with Subpart E of 32 CFR part 21.
- (c)
- (1) In addition to the copy of the award document provided to the recipient, a copy is forwarded to the office designated to administer the grant or cooperative agreement, and another copy is forwarded to the finance and accounting office designated to make the payments to the recipient.

- (2) For any award subject to the electronic funds transfer (EFT) requirement described in § 22.810(b)(2), the grants officer shall include a prominent notification of that fact on the first page of the copies forwarded to the recipient, the administrative grants officer, and the finance and accounting office. On the first page of the copy forwarded to the recipient, the grants officer also shall include a prominent notification that the recipient, to be paid, must submit a Payment Information Form (Standard Form SF-3881^[6]) to the responsible DoD payment office, if that payment office does not currently have the information (e.g., bank name and account number) needed to pay the recipient by EFT.

[63 FR 12164, Mar. 12, 1998, as amended at 68 FR 47160, Aug. 7, 2003; 70 FR 49465, Aug. 23, 2005; 85 FR 51243, Aug. 19, 2020]

Subpart G—Field Administration

§ 22.700 Purpose.

This subpart prescribes policies and procedures for administering grants and cooperative agreements. It does so in conjunction with 32 CFR part 34 and subchapter D of 2 CFR chapter XI, which prescribe administrative requirements for particular types of recipients.

[63 FR 12164, Mar. 12, 1998, as amended at 85 FR 51243, Aug. 19, 2020]

§ 22.705 Policy.

- (a) DoD policy is to have each recipient deal with a single office, to the maximum extent practicable, for post-award administration of its grants and cooperative agreements. This reduces burdens on recipients that can result when multiple DoD offices separately administer grants and cooperative agreements they award to a given recipient. It also minimizes unnecessary duplication of field administration services.
- (b) To further reduce burdens on recipients, the office responsible for performing field administration services for grants and cooperative agreements to a particular recipient shall be, to the maximum extent practicable, the same office that is assigned responsibility for performing field administration services for contracts awarded to that recipient.
- (c) Contracting activities and grants officers therefore shall use cross-servicing arrangements whenever practicable and, to the maximum extent possible, delegate responsibility for post-award administration to the cognizant grants administration offices identified in § 22.710.

§ 22.710 Assignment of grants administration offices.

In accordance with the policy stated in § 22.705(b), the DoD offices (referred to in this part as “grants administration offices”) that are assigned responsibility for performing field administration services for grants and cooperative agreements are (see the “Federal Directory of Contract Administration Services (CAS) Components”^[7] for specific addresses of administration offices):

^[6] See footnote 5 to § 22.510(b).

- (a) Regional offices of the Office of Naval Research, for grants and cooperative agreements with:
 - (1) Institutions of higher education and laboratories affiliated with such institutions, to the extent that such organizations are subject to the cost principles in subpart E of 2 CFR part 200.
 - (2) Nonprofit organizations that are subject to the cost principles in subpart E of 2 CFR part 200 if their principal business with the Department of Defense is research and development.
- (b) Field offices of the Defense Contract Management Agency, for grants and cooperative agreements with all other entities, including:
 - (1) For-profit organizations.
 - (2) Nonprofit organizations identified in appendix VIII to 2 CFR part 200 that are subject to for-profit cost principles in 48 CFR part 31.
 - (3) Nonprofit organizations subject to the cost principles in subpart E of 2 CFR part 200, if their principal business with the Department of Defense is other than research and development.
 - (4) State and local governments.

[63 FR 12164, Mar. 12, 1998, as amended at 70 FR 49466, Aug. 23, 2005; 72 FR 34989, June 26, 2007; 85 FR 51243, Aug. 19, 2020]

§ 22.715 Grants administration office functions.

The primary responsibility of cognizant grants administration offices shall be to advise and assist grants officers and recipients prior to and after award, and to help ensure that recipients fulfill all requirements in law, regulation, and award terms and conditions. Specific functions include:

- (a) Conducting reviews and coordinating reviews, audits, and audit requests. This includes:
 - (1) Advising grants officers on the extent to which audits by independent auditors (i.e., public accountants or Federal auditors) have provided the information needed to carry out their responsibilities. If a recipient has had an independent audit in accordance with subpart F of 2 CFR part 200, and the audit report disclosed no material weaknesses in the recipient's financial management and other management and control systems, additional preaward or closeout audits usually will not be needed (see §§ 22.420(b) and 22.825(b)).
 - (2) Performing pre-award surveys, when requested by a grants officer, after providing advice described in paragraph (a)(1) of this section.
 - (3) Reviewing recipients' systems and compliance with Federal requirements, in coordination with any reviews and compliance audits performed by independent auditors under subpart F of 2 CFR part 200, or in accordance with the terms and conditions of the award. This includes:
 - (i) Reviewing recipients' financial management, property management, and purchasing systems, to determine the adequacy of such systems.

[7] The "Federal Directory of Contract Administration Services (CAS) Components" may be accessed through the Defense Contract Management Agency homepage at <http://www.dcm.a.mil>.

- (ii) Determining that recipients have drug-free workplace programs, as required under 32 CFR part 26.
- (iii) Determining that governmental, university and nonprofit recipients have complied with requirements in subpart F of 2 CFR part 200, as implemented at subpart E of 2 CFR part 1128, to have single audits and submit audit reports to the Federal Audit Clearinghouse. If a recipient has not had a required audit, appropriate action must be taken (e.g., contacting the recipient and coordinating with the Office of the Assistant Inspector General for Audit Policy and Oversight (OAIG(P&O)), Office of the Deputy Inspector General for Inspections and Policy, Office of the Inspector General of the Department of Defense (OIG, DoD), 4800 Mark Center Drive, Alexandria, VA 22350-1500).
- (4) Issuing timely management decisions, in accordance with DoD Instruction 7640.02, "Policy for Follow-up on Contract Audit Reports,"^[8] on single audit findings referred by the OIG, DoD, under DoD Instruction 7600.10, "Audits of States, Local Governments, and Non-Profit Organizations."^[9]
 - (b) Performing property administration services for Government-owned property, and for any property acquired by a recipient, with respect to which the recipient has further obligations to the Government.
 - (c) Ensuring timely submission of required reports.
 - (d) Executing administrative closeout procedures.
 - (e) Establishing recipients' indirect cost rates, where the Department of Defense is the cognizant or oversight Federal agency with the responsibility for doing so.
 - (f) Performing other administration functions (e.g., receiving recipients' payment requests and transmitting approved payment authorizations to payment offices) as delegated by applicable cross-servicing agreements or letters of delegation.

[63 FR 12164, Mar. 12, 1998, as amended at 70 FR 49466, Aug. 23, 2005; 72 FR 34989, June 26, 2007; 85 FR 51243, Aug. 19, 2020]

Subpart H—Post-Award Administration

§ 22.800 Purpose and relation to other parts.

This subpart sets forth grants officers' and DoD Components' responsibilities for post-award administration, by providing DoD-specific requirements on payments; debt collection; claims, disputes and appeals; and closeout audits.

^[9] See footnote 8 to this section.

^[8] Electronic copies may be obtained at the Washington Headquarters Services Internet site <http://www.dtic.mil/whs/directives>. Paper copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

§ 22.805 Post-award requirements in other parts.

Grants officers responsible for post-award administration of grants and cooperative agreements shall administer such awards in accordance with the following parts of the DoDGARs, as supplemented by this subpart:

- (a) **Awards to domestic recipients.** Standard administrative requirements for grants and cooperative agreements with domestic recipients are specified in other parts of the DoDGARs, as follows:
 - (1) For awards to domestic institutions of higher education, nonprofit organizations, States, local governments, and Indian tribes, requirements are specified in subchapter D of 2 CFR chapter XI.
 - (2) For awards to domestic for-profit organizations, requirements are specified in 32 CFR part 34.
- (b) **Awards to foreign recipients.** DoD Components shall use the administrative requirements specified in paragraph (a) of this section, to the maximum extent practicable, for grants and cooperative agreements to foreign recipients.

[63 FR 12164, Mar. 12, 1998, as amended at 85 FR 51244, Aug. 19, 2020]

§ 22.810 Payments.

- (a) **Purpose.** This section prescribes policies and grants officers' post-award responsibilities, with respect to payments to recipients of grants and cooperative agreements.
- (b) **Policy.**
 - (1) It is Governmentwide policy to minimize the time elapsing between any payment of funds to a recipient and the recipient's disbursement of the funds for program purposes.
 - (2) It also is a Governmentwide requirement to use electronic funds transfer (EFT) in the payment of any grant unless the recipient has obtained a waiver in accordance with Department of the Treasury regulations at 31 CFR part 208. As a matter of DoD policy, this requirement applies to cooperative agreements, as well as grants. Within the Department of Defense, the Defense Finance and Accounting Service implements this EFT requirement, and grants officers have collateral responsibilities at the time of award, as described in § 22.605(c), and in post-award administration, as described in paragraph (c)(3)(iv) of this section.
 - (3) Expanding on these Governmentwide policies, DoD policy is for DoD Components to use electronic commerce, to the maximum extent practicable, in the portions of the payment process for grants and cooperative agreements for which grants officers are responsible. In cases where recipients submit each payment request to the grants officer, this includes using electronic methods to receive recipients' requests for payment and to transmit authorizations for payment to the DoD payment office. Using electronic methods will improve timeliness and accuracy of payments and reduce administrative burdens associated with paper-based payments.
- (c) **Post-award responsibilities.** In cases where the recipient submits each payment request to the grants officer, the administrative grants officer designated to handle payments for a grant or cooperative agreement is responsible for:
 - (1) [Reserved]
 - (2) Reviewing each payment request to ensure that:
 - (i) The request complies with the award terms.

(ii) Available funds are adequate to pay the request.

(iii) The recipient will not have excess cash on hand, based on expenditure patterns.

(3) Maintaining a close working relationship with the personnel in the finance and accounting office responsible for making the payments. A good working relationship is necessary, to ensure timely and accurate handling of financial transactions for grants and cooperative agreements. Administrative grants officers:

(i) Should be generally familiar with policies and procedures for disbursing offices that are contained in Chapter 19 of Volume 10 of the DoD Financial Management Regulation (the FMR, DoD 7000.14-R^[10]).

(ii) Shall forward authorizations to the designated payment office expeditiously, so that payments may be made in accordance with the timely payment guidelines in Chapter 19 of Volume 10 of the FMR. Unless alternative arrangements are made with the payment office, authorizations should be forwarded to the payment office at least 3 working days before the end of the period specified in the FMR. The period specified in the FMR is:

(A) No more than seven calendar days after receipt of the recipient's request by the administrative grants officer, whenever electronic commerce is used (i.e., EDI to request and authorize payments and electronic funds transfer (EFT) to make payments).

(B) No more than thirty calendar days after receipt of the recipient's request by the administrative grants officer, when it is not possible to use electronic commerce and paper transactions are used.

(C) No more than seven calendar days after each date specified, when payments are authorized in advance based on a predetermined payment schedule, provided that the payment schedule was received in the disbursing office at least 30 calendar days in advance of the date of the scheduled payment.

(iii) Shall ensure that, for recipients not required to register in the System for Award Management, the recipients' Taxpayer Identification Number (TIN) is included with each payment authorization forwarded to the payment office. This is a statutory requirement of 31 U.S.C. 3325, as amended by the Debt Collection Improvement Act of 1996 (section 31001(y), Pub. L. 104-134).

(iv) For each award that is required to be paid by EFT (see § 22.605(c) and (§ 22.810(b)(2)), shall prominently indicate that fact in the payment authorization.

[63 FR 12164, Mar. 12, 1998, as amended at 70 FR 49467, Aug. 23, 2005; 85 FR 51244, Aug. 19, 2020]

§ 22.815 Claims, disputes, and appeals.

(a) **Award terms.** Grants officers shall include in grants and cooperative agreements a term or condition that incorporates the procedures of this section for:

(1) Processing recipient claims and disputes.

[10] See footnote 8 to § 22.715(a)(4).

(2) Deciding appeals of grants officers' decisions.

(b) *Submission of claims* —

(1) *Recipient claims.* If a recipient wishes to submit a claim arising out of or relating to a grant or cooperative agreement, the grants officer shall inform the recipient that the claim must:

- (i) Be submitted in writing to the grants officer for decision;
- (ii) Specify the nature and basis for the relief requested; and
- (iii) Include all data that supports the claim.

(2) *DoD Component claims.* Claims by a DoD Component shall be the subject of a written decision by a grants officer.

(c) *Alternative Dispute Resolution (ADR)* —

(1) *Policy.* DoD policy is to try to resolve all issues concerning grants and cooperative agreements by mutual agreement at the grants officer's level. DoD Components therefore are encouraged to use ADR procedures to the maximum extent practicable. ADR procedures are any voluntary means (e.g., mini-trials or mediation) used to resolve issues in controversy without resorting to formal administrative appeals (see paragraph (e) of this section) or to litigation.

(2) *Procedures.*

- (i) The ADR procedures or techniques to be used may either be agreed upon by the Government and the recipient in advance (e.g., when agreeing on the terms and conditions of the grant or cooperative agreement), or may be agreed upon at the time the parties determine to use ADR procedures.
- (ii) If a grants officer and a recipient are not able to resolve an issue through unassisted negotiations, the grants officer shall encourage the recipient to enter into ADR procedures. ADR procedures may be used prior to submission of a recipient's claim or at any time prior to the Grant Appeal Authority's decision on a recipient's appeal (see paragraph (e)(3)(iii) of this section).

(d) *Grants officer decisions.*

(1) Within 60 calendar days of receipt of a written claim, the grants officer shall either:

- (i) Prepare a written decision, which shall include the reasons for the decision; shall identify all relevant data on which the decision is based; shall identify the cognizant Grant Appeal Authority and give his or her mailing address; and shall be included in the award file; or
- (ii) Notify the recipient of a specific date when he or she will render a written decision, if more time is required to do so. The notice shall inform the recipient of the reason for delaying the decision (e.g., the complexity of the claim, a need for more time to complete ADR procedures, or a need for the recipient to provide additional information to support the claim).

(2) The decision of the grants officer shall be final, unless the recipient decides to appeal. If a recipient decides to appeal a grants officer's decision, the grants officer shall encourage the recipient to enter into ADR procedures, as described in paragraph (c) of this section.

(e) *Formal administrative appeals* —

- (1) **Grant appeal authorities.** Each DoD Component that awards grants or cooperative agreements shall establish one or more Grant Appeal Authorities to decide formal, administrative appeals in accordance with paragraph (e)(3) of this section. Each Grant Appeal Authority shall be either:
 - (i) An individual at a grade level in the Senior Executive Service, if civilian, or at the rank of Flag or General Officer, if military; or
 - (ii) A board chaired by such an individual.
- (2) **Right of appeal.** A recipient has the right to appeal a grants officer's decision to the Grant Appeal Authority (but note that ADR procedures, as described in paragraph (c) of this section, are the preferred means for resolving any appeal).
- (3) **Appeal procedures —**
 - (i) **Notice of appeal.** A recipient may appeal a decision of the grants officer within 90 calendar days of receiving that decision, by filing a written notice of appeal to the Grant Appeal Authority and to the grants officer. If a recipient elects to use an ADR procedure, the recipient is permitted an additional 60 calendar days to file the written notice of appeal to the Grant Appeal Authority and grants officer.
 - (ii) **Appeal file.** Within 30 calendar days of receiving the notice of appeal, the grants officer shall forward to the Grant Appeal Authority and the recipient the appeal file, which shall include copies of all documents relevant to the appeal. The recipient may supplement the file with additional documents it deems relevant. Either the grants officer or the recipient may supplement the file with a memorandum in support of its position. The Grant Appeal Authority may request additional information from either the grants officer or the recipient.
 - (iii) **Decision.** The appeal shall be decided solely on the basis of the written record, unless the Grant Appeal Authority decides to conduct fact-finding procedures or an oral hearing on the appeal. Any fact-finding or hearing shall be conducted using procedures that the Grant Appeal Authority deems appropriate.
- (f) **Representation.** A recipient may be represented by counsel or any other designated representative in any claim, appeal, or ADR proceeding brought pursuant to this section, as long as the representative is not otherwise prohibited by law or regulation from appearing before the DoD Component concerned.
- (g) **Non-exclusivity of remedies.** Nothing in this section is intended to limit a recipient's right to any remedy under the law.

§ 22.820 Debt collection.

- (a) **Purpose.** This section prescribes procedures for establishing debts owed by recipients of grants and cooperative agreements, and transferring them to payment offices for collection.
- (b) **Resolution of indebtedness.** The grants officer shall attempt to resolve by mutual agreement any claim of a recipient's indebtedness to the United States arising out of a grant or cooperative agreement (e.g., by a finding that a recipient was paid funds in excess of the amount to which the recipient was entitled under the terms and conditions of the award).
- (c) **Grants officer's decision.** In the absence of such mutual agreement, any claim of a recipient's indebtedness shall be the subject of a grants officer decision, in accordance with § 22.815(b)(2). The grants officer shall prepare and transmit to the recipient a written notice that:

- (1) Describes the debt, including the amount, the name and address of the official who determined the debt (e.g., the grants officer under § 22.815(d)), and a copy of that determination.
- (2) Informs the recipient that:
 - (i) Within 30 calendar days of the grants officer's decision, the recipient shall either pay the amount owed to the grants officer (at the address that was provided pursuant to paragraph (c)(1) of this section) or inform the grants officer of the recipient's intention to appeal the decision.
 - (ii) If the recipient elects not to appeal, any amounts not paid within 30 calendar days of the grants officer's decision will be a delinquent debt.
 - (iii) If the recipient elects to appeal the grants officer's decision the recipient has 90 calendar days, or 150 calendar days if ADR procedures are used, after receipt of the grants officer's decision to file the appeal, in accordance with § 22.815(e)(3)(i).
 - (iv) The debt will bear interest, and may include penalties and other administrative costs, in accordance with the debt collection provisions in Chapters 29, 31, and 32 of Volume 5 and Chapters 18 and 19 of Volume 10 of the DoD Financial Management Regulation (DoD 7000.14-R). No interest will be charged if the recipient pays the amount owed within 30 calendar days of the grants officer's decision. Interest will be charged for the entire period from the date the decision was mailed, if the recipient pays the amount owed after 30 calendar days.

(d) **Follow-up.** Depending upon the response from the recipient, the grants officer shall proceed as follows:

- (1) If the recipient pays the amount owed within 30 calendar days to the grants officer, the grants officer shall forward the payment to the responsible payment office.
- (2) If within 30 calendar days the recipient elects to appeal the grants officer's decision, further action to collect the debt is deferred, pending the outcome of the appeal. If the final result of the appeal is a determination that the recipient owes a debt to the Federal Government, the grants officer shall send a demand letter to the recipient and transfer responsibility for further debt collection to a payment office, as described in paragraph (d)(3) of this section.
- (3) If within 30 calendar days the recipient has neither paid the amount due nor provided notice of intent to file an appeal of the grants officer's decision, the grants officer shall send a demand letter to the recipient, with a copy to the payment office that will be responsible for collecting the delinquent debt. The payment office will be responsible for any further debt collection activity, including issuance of additional demand letters (see Chapter 19 of volume 10 of the DoD Financial Management Regulation, DoD 7000.14-R). The grants officer's demand letter shall:
 - (i) Describe the debt, including the amount, the name and address of the official that determined the debt (e.g., the grants officer under § 22.815(d)), and a copy of that determination.
 - (ii) Notify the recipient that the debt is a delinquent debt that bears interest from the date of the grants officer's decision, and that penalties and other administrative costs may be assessed.
 - (iii) Identify the payment office that is responsible for the collection of the debt, and notify the recipient that it may submit a proposal to that payment office to defer collection, if immediate payment is not practicable.

(e) **Administrative offset.** In carrying out the responsibility for collecting delinquent debts, a disbursing officer may need to consult grants officers, to determine whether administrative offset against payments to a recipient owing a delinquent debt would interfere with execution of projects being carried out under grants

or cooperative agreements. Disbursing officers may also ask grants officers whether it is feasible to convert payment methods under grants or cooperative agreements from advance payments to reimbursements, to facilitate use of administrative offset. Grants officers therefore should be familiar with guidelines for disbursing officers, in Chapter 19 of Volume 10 of the Financial Management Regulation (DoD 7000.14-R), concerning withholding and administrative offset to recover delinquent debts.

§ 22.825 Closeout audits.

- (a) **Purpose.** This section establishes DoD policy for obtaining audits at closeout of individual grants and cooperative agreements.
- (b) **Policy.** Grants officers shall use their judgment on a case-by-case basis, in deciding whether to obtain an audit prior to closing out a grant or cooperative agreement (i.e., there is no specific DoD requirement to obtain an audit prior to doing so). Factors to be considered include:
 - (1) The amount of the award.
 - (2) DoD's past experience with the recipient, including the presence or lack of findings of material deficiencies in recent:
 - (i) Audits of individual awards; or
 - (ii) Systems-wide financial audits and audits of the compliance of the recipient's systems with Federal requirements, under OMB guidance in subpart F of 2 CFR part 200, where that guidance is applicable. (See § 22.715(a)(1)).

[63 FR 12164, Mar. 12, 1998, as amended at 85 FR 51244, Aug. 19, 2020]

Appendix A to Part 22—Proposal Provision for Required Certification

USED FOR			SOURCE OF REQUIREMENT
rd	Type of Recipient	Specific Situation	
e) and grant," reement," and (e)]	All but Indian tribe or tribal organization with respect to expenditures specifically permitted by other Federal law [see 32 CFR 28.105(l)]	Any	32 CFR 28, which implements 31 U.S.C. 1352

[70 FR 49468, Aug. 23, 2005]

**REAL PROPERTY STATUS REPORT SF-429
(COVER PAGE)**

		Page:	of:	Pages
1. Federal Agency and Organizational Element to Which Report is Submitted:		2. Federal Grant(s) or Other Identifying Number(s) Assigned by Federal Agency(ies):		
3. Recipient Organization (name and complete address including zip code):				
4a. DUNS Number:	4b. EIN:	5. Recipient Account or Identifying Number:	6. Contact Person for this Report: Name: Phone: Email: Fax:	
7. Report End Date: (MM/DD/YYYY)				
8. Real Property Status Report – Attachments: <i>[check the applicable block(s)]</i> : <input type="checkbox"/> : Attachment A (General Reporting) <i>attached</i> <input type="checkbox"/> : Attachment B (Request to Acquire, Improve or Furnish) <i>attached</i> <input type="checkbox"/> : Attachment C (Disposition Request) <i>attached</i>				
9. Comments (attach additional sheets if necessary):				
10. Certification: I certify to the best of my knowledge and belief that all information presented in this report is true, correct and complete and constitutes a material representation of fact upon which the Federal government may rely.				
11a. Typed or Printed Name and Title of Authorized Certifying Official:		11c. Telephone (area code, number, extension):		
		11d. Email Address:		
11b. Signature of Authorized Certifying Official:		11e. Date Report Submitted (MM/DD/YYYY):		
12. Agency use only				

**Real Property Status Report
ATTACHMENT A (General Reporting) SF-429-A**

Federal Grant or Other Identifying Number Assigned by Federal Agency (#2 on cover page)	Page:	of: Pages
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Complete the applicable blocks below for each parcel of real property being reported (duplicate this page to provide information for each parcel of real property being reported under the Federal financial assistance award identified in section 2):

13. Period and type of Federal Interest (MM/DD/YYYY): From: _____ To: _____ Acquisition _____ Renovation _____ Construction _____ Government Furnished Property _____	
14a. Description of Real Property:	
14b. Address of Real Property (legal description and complete address including zoning information):	
14c. Land Acreage or Square Units: Enter Amount: _____ Select units: _____ Acres _____ Square Feet _____ Square Kilometers _____ Square Meters	14d. Gross and Usable Square Footage/Meters (i.e., of building, house, etc.): Enter Amounts: Gross _____ Usable _____ Select Units: _____ Square Feet _____ Square Meters
14e. Real Property Ownership Type(s): ____ A. Owned _____ B. Co-Owned _____ C. Fee Simple ____ D. Corporate _____ E. Joint Tenancy _____ F. Partnership _____ G. Limited Liability Partnership _____ H. Co-Operative ____ I. Government Furnished Property _____ J. Other (Describe):	
14f. Real Property Cost: \$ _____ Share Percentage %: _____	
Federal Share: \$ _____ [_____ %]	
Non-Federal Share: \$ _____ [_____ %]	
Total (sum of Federal and Non-Federal Share): \$ _____ [_____ %]	
14g. Has a deed, lien, covenant, or other related documentation been recorded to establish Federal interest in this real property? ____ Yes ____ No ____ N/A If yes (unless previously reported), describe the instrument used and enter the date and jurisdiction in which it was recorded:	
14h. Has Federally required insurance coverage been secured for this real property? ____ Yes ____ No See instructions for more details.	
14i. Are there any Uniform Relocation Act (URA) requirements applicable to this real property? ____ Yes ____ No	
14j. Are there any environmental compliance requirements related to the real property? ____ Yes ____ No If yes, describe them (attach additional sheets if necessary):	
14k. In accordance with the National Historic Preservation Act (NHPA), does the property possess historic significance, and/or is it listed or eligible for listing in the National Register of Historic Places? ____ Yes ____ No If yes, describe them (attach additional sheets if necessary):	
15. Has a significant change occurred with the real property, or is there an anticipated change expected during the next reporting period? ____ Yes ____ No If yes, describe the change (attach additional sheets if necessary):	
16. Real Property Disposition Status: ____ A. Sold _____ B. Transferred to different award _____ C. Used in other Federally sponsored project/program ____ D. Transferred title _____ E. Retained Title _____ F. N/A i. If the Federal agency provided the recipient disposition instructions to sell or retain title to the real property, enter the amount of funds owed to the Federal government: ii. If applicable, enter the amount of any net proceeds from the sale of the real property and describe how the proceeds were distributed: iii. If the Federal agency directed the recipient to transfer title to the real property, enter the amount of funds the Federal Agency owes:	
17. Indicate the cumulative energy consumption for the previous 12 months: A. Electric (kWh) _____ or (Btu) _____ B. Petroleum (Gal) _____ C. Natural Gas (cu ft) _____ D. Other (Specify) _____	
18. Remarks (attach additional sheets if necessary):	

**Real Property Status Report
ATTACHMENT B
(Request to Acquire, Improve or Furnish) SF-429-B**

Federal Grant or Other Identifying Number Assigned by Federal Agency (#2 on cover page)	Page:	of: Pages
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Complete the applicable blocks below for each parcel of real property for which you are requesting to acquire, improve, or furnish (duplicate this page to provide information for each parcel of real property under the Federal financial assistance award identified in section 2):

13a. Description of Real Property:	
13b. Address of Real Property (legal description and complete address including zoning information):	
14a. Describe the intended use of the real property and how it will benefit the program (attach additional sheets if necessary):	
14b. Proposed Real Property Ownership Type(s): <input type="checkbox"/> A. Owned <input type="checkbox"/> B. Co-Owned <input type="checkbox"/> C. Fee Simple <input type="checkbox"/> D. Corporate <input type="checkbox"/> E. Joint Tenancy <input type="checkbox"/> F. Partnership <input type="checkbox"/> G. Limited Liability Partnership <input type="checkbox"/> H. Co-Operative <input type="checkbox"/> I. Government Furnished Property <input type="checkbox"/> J. Other (Describe):	
14c. Proposed Acquisition Date (MM/DD/YYYY):	
14d. Land Acreage or Square Units: Enter Amount: _____ Select units: <input type="checkbox"/> Acres <input type="checkbox"/> Square Feet <input type="checkbox"/> Square Kilometers <input type="checkbox"/> Square Meters	14e. Gross and Usable Square Footage/Meters (i.e.; of building, house, etc.): Enter Amounts: Gross _____ Usable _____ Select Units: <input type="checkbox"/> Square Feet <input type="checkbox"/> Square Meters
14f. Appraised Value (Valuation): \$ Share Percentage %:	
Federal Share: \$ [. %]	
Non-Federal Share: \$ [%]	
Total (sum of Federal and Non-Federal Share): \$ [%]	
14g. Are there any Uniform Relocation Act (URA) requirements applicable to this real property? <input type="checkbox"/> Yes <input type="checkbox"/> No	
14h. Are there any environmental compliance requirements related to the real property? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe them (attach additional sheets if necessary):	
14i. In accordance with the National Historic Preservation Act (NHPA), does the property possess historic significance, and/or is it listed or eligible for listing in the National Register of Historic Places? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe them (attach additional sheets if necessary):	
14j. Does the proposed action employ green/sustainable practices (check all that apply)?	
A. <input type="checkbox"/> Integrated Design Principles? B. <input type="checkbox"/> Enhances Indoor Environmental Quality?	
C. <input type="checkbox"/> Protects and Conserves Water (anticipated water reduction)? D. <input type="checkbox"/> Reduces Environmental Impact of Materials?	
E. <input type="checkbox"/> Optimizes Energy Performance (anticipated energy reduction)?	
14k. What was the cumulative energy consumption for the facility in the past 12 months?:	
A. Electric (kWh) _____ or (Btu) _____ B. Petroleum (Gal) _____ C. Natural Gas (cu ft) _____ D. Other (Specify) _____	
14l. What is the anticipated cumulative energy use for the 12 months following completion of the proposed acquisition/construction/renovation project?	
A. Electric (kWh) _____ or (Btu) _____ B. Petroleum (Gal) _____ C. Natural Gas (cu ft) _____ D. Other (Specify) _____	
15. Remarks (attach additional sheets if necessary):	

Attachment B (Request to Acquire, Improve or Furnish) to Real Property Status Report SF-429

**Real Property Status Report
ATTACHMENT C
(Disposition or Encumbrance Request) SF-429-C**

Federal Grant or Other Identifying Number Assigned by Federal Agency (#2 on cover page)	Page:	of: Pages
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Complete the applicable blocks below for each parcel of real property for which you are seeking disposition or other instructions (duplicate this page to provide information for each parcel of real property under the Federal financial assistance award identified in section 2). If a section does not apply, enter "N/A":

13a. Description of Real Property:	
13b. Address of Real Property (legal description and complete address including zoning information):	
13c. Land Acreage or Square Units: Enter Amount: _____ Select units: <input type="checkbox"/> Acres <input type="checkbox"/> Square Feet <input type="checkbox"/> Square Kilometers <input type="checkbox"/> Square Meters	13d. Gross and Usable Square Footage/Meters (i.e., of building, house, etc.): Enter Amounts: Gross _____ Usable _____ Select Units: <input type="checkbox"/> Square Feet <input type="checkbox"/> Square Meters
14a. Disposition Preference or Encumbrance Request [Check one]: <input type="checkbox"/> A. Sell <input type="checkbox"/> B. Transfer to different award <input type="checkbox"/> C. Use in other Federally sponsored project/program <input type="checkbox"/> D. Transfer title <input type="checkbox"/> E. Retain Title <input type="checkbox"/> F. Encumber Property	
14b. If this is a request to transfer Federal interest to a different award, specify the proposed grant number and funding agency:	
14c. If this is a request to use the real property in other Federal-sponsored projects/activities, describe the proposed use of the real property:	
14d. If this is a request to transfer title, identify the proposed receiving entity:	
14e. Appraised Value: \$ _____	Share Percentage %: _____
Federal Share: \$ _____	[%]
Non-Federal Share: \$ _____	[%]
Total (sum of Federal and Non-Federal Share): \$ _____	[%]
14f. Are there any Uniform Relocation Act (URA) requirements applicable to this real property? <input type="checkbox"/> Yes <input type="checkbox"/> No	
14g. Are there any environmental compliance requirements related to the real property? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe them (attach additional sheets if necessary):	
14h. In accordance with the National Historic Preservation Act (NHPA), does the property possess historic significance, and/or is it listed or eligible for listing in the National Register of Historic Places? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe them (attach additional sheets if necessary):	
14i. If this is a request to encumber the property, identify the party or parties to whom the property is proposed to be encumbered and attach related information (See instructions for more details):	
15. If this is a request for a release from the obligation to report on the real property, describe the reasons for the request (attach additional sheets if necessary):	
16. Remarks (attach additional sheets if necessary):	

INSTRUCTIONS FOR THE SF-429 Real Property Status Report

Public reporting burden for this collection of information is estimated to average 240 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

This is a standard report to be used by recipients of Federal financial assistance to report real property status (Attachment A) or to request agency instructions on real property (Attachments B, C) that was/will be provided as Government Furnished Property (GFP) or acquired (i.e., purchased or constructed) in whole or in part under a Federal financial assistance award (i.e., grant, cooperative agreement, etc.). This includes real property that was improved using Federal funds and real property that was donated to a Federal project in the form of a match or cost share donation. This report is to be used for awards that establish a Federal Interest on real property. The instructions below address each section of the Real Property Status Report. This report should be used to report on or request instructions for single/individual and/or multiple parcels of real property (land, buildings, etc.). The report elements are contained in Attachment A and the request elements are contained in Attachments B and C.

A. Instructions Related to Cover Page follows:

1. **Federal Agency and Organizational Element to Which Report is Submitted.** Enter the name of the Federal agency and the agency organization element identified in the award document or as otherwise instructed by the agency.
2. **Federal Grant(s) or Other Identifying Number(s) Assigned by Federal Agency (ies).** Enter the related Federal grant, cooperative agreement or other Federal financial assistance award instrument number(s), or other identifying number(s) assigned to the Federal financial assistance award. The term "Grant" is used to represent all forms of Federal financial assistance including but not limited to grants, cooperative agreements, loan guarantees, etc., unless otherwise excluded via Office of Management and Budget (OMB) guidance, Federal statute or regulation. If subsequent funding from one or more additional award instruments is used to supplement the initial real property investment, list all contributing award instruments.
3. **Recipient Organization.** Enter the name and complete address, including zip code, of the recipient organization.
- 4a. **Dun and Bradstreet Data Universal Numbering System (DUNS) Number.** Enter the recipient organization's Data Universal Numbering System (DUNS) number or Central Contract Registry extended DUNS number. The DUNS number is also referred to as the Universal Identifier.
- 4b. **Employer Identification Number (EIN).** Enter the recipient organization's Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
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 strictly for the recipient's use only and is not required by the Federal agency.
6. **Contact Person for this Report.** Enter the name, telephone number (including area code), e-mail address and Facsimile number (including area code) of the person to contact on matters related to this report or request.
7. **Report End Date.** Enter the end date of the period for which the report is submitted using (MM/DD/YYYY) format. This block only applies when completing Attachment A.

8. Real Property Status Report – Attachments. Check the applicable block(s) to indicate the type(s) of attachment(s) being submitted (i.e., Attachment A = General Reporting, Attachment B = Request to Acquire, Improve or Furnish, Attachment C = Disposition Request) and complete the related sections of the indicated attachment(s) for each parcel of real property being reported. Note that each attachment may be submitted using a single RPSR if a recipient has a need to both report information and request instructions from an agency related to real property under the same award instrument.

9. Comments. Provide any special notes or comments regarding the real property being reported or the report itself in this block. Comments should relate to issues not addressed in other sections of the report. Attach additional sheets if necessary. If a negative report (no change in real property status) is being submitted for all parcels of real property, enter the term "Negative" in this block. If there have been changes with some but not all parcels of real property, identify the parcels with negative status in this block (as follows: "Negative status for the following Properties:") and provide the related attachment(s) for each parcel with changes to report.

10. Certification. By signing this report (block 11b.), the recipient is certifying that to the best of their knowledge and belief, the information contained in this report is true, correct and accurate and constitutes a material representation of fact upon which the Federal government may rely. Note that a false statement of fact in this report may constitute a violation of Federal law and may be grounds for possible punishment as provided in 18 U.S.C. 1001.

11a. Typed or Printed Name and Title of Authorized Certifying Official. Enter the full name and title of the authorized certifying official.

11b. Signature of Authorized Certifying Official. The authorized certifying official must sign here certifying to the facts presented in the report. A copy of the governing body's authorization for the certifying official to sign official documents on behalf of their organization as an official representative must be on file in the recipient's office. (See item 10. above.)

11c. Telephone. Enter the telephone number (including area code and extension) of the individual listed in section 11a.

11d. Email address. Enter the email address of the individual listed in section 11a.

11e. Date report submitted. Enter the date the report is submitted to the Federal agency using the following format (mm/dd/yyyy).

12. Agency use only. This section is reserved for Federal agency use only.

B. Instructions Related to Attachment A (General Reporting) follows:

Real Property Details. Provide the requested information in subsections 13 through 18 of Attachment A for each parcel of real property being reported. Use a separate sheet to report information on each parcel of real property under the Federal financial assistance award identified in section 2. If a section does not apply, enter "N/A." Below is a summary of the required information to be provided for each subsection of Attachment A:

13. Period and type of Federal Interest. Enter the period, established in the award document, during which Federal interest in the real property begins (i.e., From) and ends (i.e., To) using (MM/DD/YYYY) format. [ex., From: 03/23/2005 To: 03/22/2025]. This period may exceed the grant award performance period in those instances where Federal interest continues beyond the end of the current award. In some instances the end date for the period of Federal interest may not be defined by a specific date. If that is the case, enter the beginning date along with a statement to indicate the planned or uncertain end date (ex. "From: 03/23/2005 To: Expiration of Federal Interest"). Check the appropriate box indicating the action the Interest is tied to. Federal Agencies will define the applicable beginning date.

14a. Description of Real Property. Describe the type of real property being reported (i.e., land, building, etc.) and provide a useful description of the real property (i.e., building number 17 at the National Research Center, Chapel Hill, NC). If the real property is being renovated or altered, also describe the nature of the work (i.e., major renovation of building 17, wing c).

14b. Address of Real Property. Enter the legal description and complete address for each parcel of real property being reported including the street, city, state, county/parish, country, zip code, and physical location if an address is not available (i.e., latitude, longitude, lot number, parcel number, etc.). Also, indicate zoning information related to the real property (i.e., mixed use, residential, commercial, etc.). Where an address is not available, or more precision is required, geographic coordinates may be used. Locational data should be recorded with a Global Positioning System (GPS) device set to NAD 83, or WGS 84 datum using either of the following coordinate reference systems:

- United States National Grid (USNG) using the full grid zone designation and a minimum of eight digits.
- Decimal degrees latitude and longitude, with at least 6 decimal places and a minus (-) to show west longitude or south latitude.

14c. Land Acreage or Square Kilometers. Enter the size of the land or the size of the land on which the real property is located in terms of measured acreage or square units (i.e., 1.5 acres, 0.8 sq. km., etc.). Identify the unit of measure. Use only one option, either acres, square kilometers, square feet, or square meters.

14d. Gross and Usable Square Footage/Meters (i.e., of building, house, etc.). Enter the gross and usable square footage/meters for each structure (i.e., of the building, house, etc.) being reported. Identify the unit of measure. Select only one, either square feet or square meters.

14e. Real Property Ownership Type(s). Check the applicable box(es) to indicate the real property ownership type(s). If more than one type is applicable, check all that apply. If the ownership types listed do not apply, check "J. Other" and describe the ownership arrangement. Example of Other: Conservation Easement.

14f. Real Property Cost. Enter the total cost of the real property acquired (purchase price only) or improved, including the following data. If multiple Federal agencies are contributing to the acquisition or improvement of the real property, attach a separate sheet to identify each agency and their contribution using the format below:

1. Amount provided by the Federal government (i.e., Federal Share of Property Cost based on the Federal share of the total cost of the program or project),
2. Share percentage provided by the Federal government (i.e., Federal Share Percentage of Property Cost based on the Federal share of the total cost of the program or project),
3. Amount provided by the recipient or other non-Federal entities (i.e., non-Federal Share of Property Cost),
4. Share percentage provided by the non-Federal entities, (i.e., non-Federal Share Percentage of Property Cost),
5. Total cost (i.e., Sum of Federal and non-Federal Share of the Property Cost), and
6. Total share percentage (i.e., sum of share percentages of Federal and non-Federal Share of the Property Cost must equal 100%).

14g. Has a deed, lien, covenant, or other related documentation been recorded to establish Federal interest in this real property? If yes (unless previously reported), describe the instrument used and enter the date and jurisdiction in which it was recorded. Check either "yes" or "no" to indicate if the documentation has been recorded. If the awarding agency has not imposed the requirement to record Federal interest in the real property, check "NA". If Federal interest has been recorded, enter the instrument used (i.e., deed, lien, covenant, etc.) along with the date and jurisdiction in which it was recorded (ex., Executed on 01/04/2007, in the Arlington, VA County Clerk's office, Deed book #54987, page 234). The recordation of Federal interest in real property must be reported by no later than the next scheduled reporting date after the real property has been acquired, improved or donated, or as directed by the awarding agency in the award document. The recipient must maintain records of the recordation of Federal interest in real property and make such records available upon the request of the Federal government.

14h. Has Federally Required Insurance Coverage been secured for this real property? Check either "yes" or "no" to indicate if Federally required insurance has been secured for the real property. The recipient must maintain records of the insurance coverage that has been secured for the real property and make the records available upon the request of the Federal government. Note: Recipients must provide insurance coverage for any real property acquired under a Federal financial assistance award that is, at a minimum, equivalent to insurance coverage that the recipient provides for other real property they own.

14i. Are there any Uniform Relocation Act (URA) requirements applicable to this real property? If the acquisition or development of the real property involved the movement of any person permanently from real property or the movement of personal property from real property directly because of acquisition, rehabilitation, or demolition for an activity undertaken with Federal assistance, the Uniform Relocation Act (URA) requirements may apply. Indicate if the Act applies by checking "yes or no". If the Act does apply, the recipient must maintain records of compliance and make such information available upon the request of the Federal government.

14j. Are there any environmental compliance requirements related to the real property? If yes, describe them. Check either "yes" or "no" to indicate if there are any environmental compliance requirements related to the real property. Describe any environmental compliance requirements related to the real property. The recipient must maintain records of compliance with all environmental requirements related to the real property and make such information available upon the request of the Federal government. Attach additional sheets if necessary.

14k. In accordance with the National Historic Preservation Act (NHPA), does the property possess historic significance, and/or is it listed or eligible for listing in the National Register of Historic Places? If yes, describe them. In accordance with Section 106 of the National Historic Preservation Act (NHPA), does the property possess historic significance, and/or is it listed or eligible for listing in the National Register of Historic Places? Describe any historical significance, National Register of Historic Places listing or eligibility for such listing, related to the real property. Note, any property listed in, or eligible for listing in the National Register of Historic Places is considered historic. Section 106 protections also *extend* to properties that *possess significance* but have not yet been listed or formally determined eligible for listing.

15. Has a significant change occurred with the real property, or is there an anticipated change expected during the next reporting period? Check the applicable block to indicate either "yes" or "no." If a significant change has occurred (or is anticipated to occur during the next reporting period), such as a major building renovation or remodeling, damage to the real property due to an act of God (flood, hurricane, earthquake, etc.) or other significant change that would affect the value of the property, describe the change. Attach additional sheets if necessary. Note: If a significant change has occurred, 14f. should be recalculated to reflect the change in Federal interest, if any.

16. Real Property Disposition Status. Check the appropriate block (A – F) to indicate the type of disposition status being reported, if any.

i. If the Federal agency provided the recipient with disposition instructions to sell or retain title to the real property, enter the amount of funds owed to the Federal government. Enter the amount of funds owed to the Federal government as compensation for the Federal interest in the real property if the awarding agency either directed the recipient to sell or granted them permission to retain title to the real property.

ii. If applicable, enter the amount of any net proceeds from the sale of the real property and describe how the proceeds were distributed. If applicable, enter the amount of any net proceeds from the sale of the real property and indicate if they were returned to the Federal government, used as an offset toward the cost of acquiring replacement real property for the project or program, or used to offset the original cost of the real property if the award is still active. If not applicable enter "NA."

iii. If the Federal agency directed the recipient to transfer title to the real property, enter the amount of funds the Federal agency owes. If the recipient was directed to transfer title to either the Federal agency or to a third party identified by the Federal agency, enter the amount of funds the Federal agency owes the recipient as compensation for their interest in the real property (i.e., the percentage of the recipient's participation in the project cost multiplied by the fair market value of the real property at the time of disposition).

17. Indicate the cumulative energy consumption for the previous 12 months. Complete the appropriate block (A – D) to indicate the actual cumulative energy consumption for the property during previous 12 months.

- **Cumulative Energy Use** may be obtained from the facility utility bills or outreach to the utility provider. Depending on the locality, the bill may include only the current month or may include the total for the 12 months prior and post project completion. When the grantee is one tenant in a multi-tenant facility AND separate utility metering is not in place, pro rata estimating is appropriate. The anticipated energy consumption, post completion for new construction and renovation projects, should be available in the project plan. Use of the Portfolio Manager tool, a free application, is encouraged for the tracking of energy consumption data. (http://www.energystar.gov/index.cfm?c=evaluate_performance.bus_portfoliomanager)

18. Remarks. Enter any explanations deemed necessary or information required by the Federal agency including any remarks that the recipient would like to make to address issues that are not addressed elsewhere in this report. Attach additional sheets if necessary.

C. Instructions Related to Attachment B (Request to Acquire, Improve or Furnish) follows:

Real Property Details. Complete the applicable information in subsections 13a. through 15. of Attachment B for each parcel of real property for which the recipient is requesting the authority to acquire, improve, or be provided as Government Furnished Property (GFP). This attachment should only be used if the applicable program authority or budget allows recipients to acquire, improve or furnish real property. Use a separate sheet for each parcel of real property under the Federal financial assistance award identified in section 2. With the exception of 15, all sections are required to be completed for all requests. Below is a summary of the required information to be provided for each subsection of Attachment B:

13a. Description of Real Property. Describe the type of real property being reported (i.e., land, building, etc.) and provide a useful description of the real property (i.e., building number 17 at the National Research Center, Chapel Hill, NC). If the real property will be renovated or altered, also describe the nature of the work (i.e., major renovation of building 17, wing c).

13b. Address of Real Property. Enter the legal description and complete address for each parcel of real property including the street, city, state, county/parish, country, zip code, and physical location if an address is not available (i.e., latitude, longitude, lot number, parcel number, etc. Also, indicate zoning information related to the real property (i.e., mixed use, residential, commercial, etc.). Where an address is not available, or more precision is required, geographic coordinates may be used. Locational data should be recorded with a Global Positioning System (GPS) device set to NAD 83, or WGS 84 datum using either of the following coordinate reference systems:

- United States National Grid (USNG) using the full grid zone designation and a minimum of eight digits.
- Decimal degrees latitude and longitude, with at least 6 decimal places and a minus (-) to show west longitude or south latitude.

14a. Describe the intended use of the real property and how it will benefit the program. Describe how the recipient intends to use the real property that they want to acquire, improve or furnish to support the program under which it is being funded. Describe how the acquisition, improvement or furnishing (as applicable) of the real property will benefit the program in quantifiable terms (ex., lower cost than renting or purchasing with a comparison of the two, improved service delivery using benchmarks to demonstrate anticipated improvements, etc.). Attach additional sheets if necessary.

14b. Proposed Real Property Ownership Type(s). Check the applicable box(es) to indicate the proposed real property ownership type(s). If more than one type is applicable, check all that apply. If the ownership types listed do not apply, check "J. Other" and describe the proposed ownership arrangement. Example of "Other": Conservation Easement.

14c. Proposed Acquisition Date. Using (MM/DD/YYYY) format, enter the proposed date for the real property acquisition or improvement, or the date the recipient would like the government to furnish real property.

14d. Land Acreage or Square Kilometers. Enter the size of the land or the size of the land on which the real property is located in terms of measured acreage or square units (i.e., 1.5 acres, 0.8 sq. km., etc.). Identify the unit of measure. Use only one option, either acres, square kilometers, square feet, or square meters.

14e. Gross and Usable Square Footage/Meters (i.e., of building, house, etc.). Enter the gross and usable square footage/meters of each structure (i.e., of the building, house, etc.) being reported. Identify the unit of measure. Select only one, either square feet or square meters.

14f. Appraised Value (Valuation). Enter the appraised value (valuation) of the real property to be acquired (purchase price only), or the cost of proposed improvements, including the following. If multiple Federal agencies will contribute to the acquisition or cost to improve the real property, attach a separate sheet to identify each agency and their contribution using the format below:

1. Amount to be provided by the Federal government (i.e., Federal Share of Appraised Property Value or estimated improvement cost based on the Federal share of the total cost of the program or project),
2. Share percentage to be provided by the Federal government (i.e., Federal Share Percentage of Appraised Property Value or estimated improvement cost based on the Federal share of the total cost of the program or project),
3. Amount to be provided by the recipient or other non-Federal entities (i.e., non-Federal Share of Appraised Property Value or estimated improvement cost),
4. Share percentage to be provided by the non-Federal entities, (i.e., non-Federal Share Percentage of Appraised Property Value or estimated improvement cost),
5. Total cost (i.e., sum of Federal and non-Federal Share of the Appraised Value or estimated improvement cost of the property), and
6. Total share percentage (i.e., sum of share percentages of Federal and non-Federal Share of the Appraised Property Value or estimated improvement cost).

14g. Are there any Uniform Relocation Act (URA) requirements applicable to this real property? If the acquisition or development of the real property that is the subject of this request involves the movement of any person permanently from real property or the movement of personal property from real property directly because of acquisition, rehabilitation, or demolition for an activity undertaken with Federal assistance, the Uniform Relocation Act (URA) requirements may apply. Indicate if the Act does apply by checking "yes or no." If the Act does apply, the recipient must maintain records of compliance and make such information available upon the request of the Federal government.

14h. Are there any environmental compliance requirements related to the real property? If yes, describe them. Check either "yes" or "no" to indicate if there are any environmental compliance requirements related to the real property. Describe any environmental compliance requirements related to the real property. The recipient must maintain records of compliance with all related environmental compliance requirements and make such information available upon the request of the Federal government. Attach additional sheets if necessary.

14i. In accordance with the National Historic Preservation Act (NHPA), does the property possess historic significance, and/or is it listed or eligible for listing in the National Register of Historic Places? If yes, describe them. In accordance with the Section 106 of the National Historic Preservation Act (NHPA), does the property possess historic significance, and/or is it listed or eligible for listing in the National Register of Historic Places? Describe any historical significance, National Register of Historic Places listing or eligibility for such listing, related to the real property. Note, any property listed in, or eligible for listing in the National Register of Historic Places is considered historic. Section 106 protections also **extend** to properties that **possess significance** but have not yet been listed or formally determined eligible for listing.

14j. Does the proposed action employ green/sustainable practices (check all that apply)? Check each block which applies (A – E) to indicate the green/sustainable practices (if any) that will be employed when the proposed real property is acquired, constructed or renovated.

A. Employs Integrated Design Principles includes a collaborative, integrated planning and design process and commissioning. (https://www.wbdg.org/design/engage_process.php).

B. Enhances Indoor Environmental Quality includes ventilation and thermal comfort, moisture control, daylighting, low-emitting materials, protection of indoor air quality during construction, and environmental tobacco smoke control (<http://www.wbdg.org/design/ieg.php>).

C. Protects and Conserves Water includes potable and non-potable indoor water (http://www.wbdg.org/design/dd_plumbingeng.php), outdoor water in landscape, irrigation, and storm runoff (http://www.wbdg.org/design/dd_landscapearch.php), process water, and water-efficient products such as EPA WaterSense products (<http://www.epa.gov/watersense>).

D. Reduces Environmental Impact of Materials includes recycled content (www.epa.gov/cpg), biobased content (www.usda.gov/biopreferred), environmentally preferable products (www.wbdg.org/design/greenspec.php), water and materials management, and elimination of ozone depleting compounds (<http://www.wbdg.org/design/greenspec.php>).

E. Optimizes Energy Performance includes energy efficiency (http://www.wbdg.org/references/mou_ee.php) (http://www.wbdg.org/design/dd_hvaceng.php) that takes into account intended use, occupancy, plug loads, on-site renewable energy, measurement/verification, benchmarking, and where available using Energy Star® (http://www.energystar.gov/index.cfm?fuseaction=find_a_product) and Department of Energy-designated energy efficient products (http://www1.eere.energy.gov/femp/technologies/eeep_purchasingspecs.html).

14k. **What was the cumulative energy consumption for the facility in the past 12 months?** Complete the appropriate block(s) (A – D) to indicate the actual cumulative energy consumption for the property during pervious 12 months. If this is a request to be furnished real property (GFP), unless you already have the information, insert "NA" in block D.

- **Cumulative Energy Use** may be obtained from the facility utility bills or outreach to the utility provider. Depending on the locality, the bill may include only the current month or may include the total for the 12 months prior and post project completion. When the grantee is one tenant in a multi-tenant facility AND separate utility metering is not in place, pro rata estimating is appropriate. The anticipated energy consumption, post completion for new construction and renovation projects, should be available in the project plan. Use of the Portfolio Manager tool, a free application, is encouraged for the tracking of energy consumption data. (http://www.energystar.gov/index.cfm?c=evaluate_performance.bus_portfoliomanager)

14l. **What is the anticipated cumulative energy use for the 12 months following completion of the proposed acquisition/construction/renovation project?** Complete the appropriate block(s) (A – D) to indicate the anticipated cumulative energy use for the property after the property is acquired, constructed, renovated or furnished as GFP.

15. **Remarks.** Enter any explanations deemed necessary or information required by the Federal agency including any remarks that the recipient would like to make to address issues that are not addressed elsewhere in this request. Attach additional sheets if necessary.

D. Instructions Related to Attachment C (Disposition or Encumbrance Request) follows:

Real Property Details. Complete the applicable information in subsections 13a. through 16. of Attachment C for each parcel of real property for which the recipient is requesting disposition/encumbrance or other instructions. Use a separate sheet to request disposition/encumbrance or other instructions on each parcel of real property under the Federal financial assistance award identified in section 2. If a section does not apply, enter "N/A." Below is a summary of the required information to be provided for each subsection of Attachment C:

13a. Description of Real Property. Describe the type of real property that is the subject of this request (i.e., land, building, etc.) and a useful description of the real property (i.e., building number 17 at the National Research Center, Chapel Hill, NC).

13b. Address of Real Property. Enter the legal description and complete address for each parcel of real property including the street, city, state, county/parish, country, zip code, and physical location if an address is not available (i.e., latitude, longitude, lot number, parcel number, etc.). Also, indicate zoning information related to the real property (i.e., mixed use, residential, commercial, etc.). Where an address is not available, or more precision is required, geographic coordinates may be used. Locational data should be recorded with a Global Positioning System (GPS) device set to NAD 83, or WGS 84 datum using either of the following coordinate reference systems:

- United States National Grid (USNG) using the full grid zone designation and a minimum of eight digits.
- Decimal degrees latitude and longitude, with at least 6 decimal places and a minus (-) to show west longitude or south latitude.

13c. Land Acreage or Square Kilometers. Enter the size of the land or the size of the land on which the real property is located in terms of measured acreage or square units (i.e., 1.5 acres, 0.8 sq. km., etc.). Identify the unit of measure. Use only one option, either acres, square kilometers, square feet, or square meters.

13d. Gross and Usable Square Footage/Meters (i.e., of building, house, etc.). Enter the gross and usable square footage/meters for each structure (i.e., of the building, house, etc.) being reported. Identify the unit of measure. Select only one, either square feet or square meters.

14a. Disposition Preference or Encumbrance Request [Check one]. Check the appropriate block (A – F) to indicate the type of disposition/encumbrance instruction preference being requested. The award document will indicate the disposition option(s) available. The recipient may not request a disposition preference that is not already allowed under the award. Agencies will respond timely to all requests via letter, electronic mail and/or other appropriate means.

14b. If this is a request to transfer Federal Interest to a different award, specify the proposed grant number and funding agency. If the recipient is proposing to transfer the Federal interest to a different award, specify the grant number and funding agency for the award to which the recipient is proposing to transfer the interest.

14c. If this is a request to use the real property in other Federal-sponsored projects/activities, describe the proposed use of the real property. If the recipient is proposing to use the real property to provide services or facilities for other Federal-sponsored projects or activities, identify the other Federal projects or activities and how the real property will be utilized. Also, describe any impact expected on the host Federal project or activity due to the proposed additional use of the real property. Attach additional sheets if necessary.

14d. If this is a request to transfer title, identify the proposed receiving entity. If applicable, provide contact information for the proposed receiving entity.

14e. Appraised Value. Enter the third party appraised value of the real property (current market value), including the following:

1. Amount provided by the Federal government (i.e., Federal Share of Appraised Property Value cost based on the Federal share of the total cost of the program or project),
2. Share percentage provided by the Federal government (i.e., Federal Share Percentage of Appraised Property Value based on the Federal share of the total cost of the program or project),
3. Amount provided by the recipient or other non-Federal entities (i.e., non-Federal Share of Appraised Property Value),
4. Share percentage provided by the non-Federal entities, (i.e., non-Federal Share Percentage of Appraised Property Value),
5. Total cost (i.e., Sum of Federal and non-Federal Share of the Appraised Value), and
6. Total share percentage (i.e., sum of share percentages of Federal and non-Federal Share of the Appraised Property Value).

14f. Are there any Uniform Relocation Act (URA) requirements applicable to this real property? If the acquisition or development of the real property involved the movement of any person permanently from real property or the movement of personal property from real property directly because of acquisition, rehabilitation, or demolition for an activity undertaken with Federal assistance, the Uniform Relocation Act (URA) requirements may apply. Indicate if the Act does apply by checking "yes or no". If the Act does apply, the recipient must maintain records of compliance and make such information available upon the request of the Federal government.

14g. Are there any environmental compliance requirements related to the real property? If yes, describe them. Check either "yes" or "no" to indicate if there are any environmental compliance requirements related to the real property. Describe any environmental compliance requirements related to the real property. The recipient must maintain records of compliance with all environmental requirements related to the real property and make such information available upon the request of the Federal government. Attach additional sheets if necessary.

14h. In accordance with the National Historic Preservation Act (NHPA), does the property possess historic significance, and/or is it listed or eligible for listing in the National Register of Historic Places? If yes, describe them. In accordance with the Section 106 of the National Historic Preservation Act (NHPA), does the property possess historic significance, and/or is listed or eligible for listing in the National Register of Historic Places? Describe any historical significance, National Register of Historic Places listing or eligibility for such listing, related to the real property. Note, any property listed in, or eligible for, listing in the National Register of Historic Places is considered historic. Section 106 protections also *extend* to properties that *possess significance* but have not yet been listed or formally determined eligible for listing.

14.i. If this is a request to encumber the property, identify the party or parties to whom the property is proposed to be encumbered and attach related information: Identify the party/parties to whom the property is proposed to be encumbered and attach the proposed form and terms of encumbrance, along with a copy of any proposed subordination, inter-creditor agreement, or other documentation to protect the interests of the U.S. Government in case of default.

15. If this is a request for a release from the obligation to report on the real property, describe the reasons for the request. Describe the recipient's reasons for requesting a release from the obligation to report. Examples of acceptable reasons include but are not limited to expiration of Federal interest or the real property being disposed of in accordance with agency direction. Attach additional sheets if necessary.

16. Remarks. Enter any explanations deemed necessary or information required by the Federal agency including any remarks that the recipient would like to make to address issues that are not addressed elsewhere in this request. Attach additional sheets if necessary.

ATTACHMENT A
TANGIBLE PERSONAL PROPERTY REPORT
SF- 428

		Page	of	Pages
1. Federal Agency and Organization Element to Which Report is Submitted	2. Federal Grant or Other Identifying Number Assigned by Federal Agency	3a. DUNS	3b. EIN	
4. Recipient Organization (Name and complete address including zip code)		5. Recipient Account or Identifying Number		
6. Attachment (Check applicable) <input type="checkbox"/> Annual Report (SF-428-A) <input type="checkbox"/> Final (Award Closeout) Report (SF-428-B) <input type="checkbox"/> Disposition Report/Request (SF-428-C)		7. Supplemental Sheet <input type="checkbox"/> Yes <input type="checkbox"/> No		
8. Comments				
9a. Typed or Printed Name and Title of Authorized Certifying Official		9c. Telephone (<i>area code, number, extension</i>)		
		9d. Email address		
9b. Signature of authorized Certifying Official		9e. Date report submitted (<i>Month, Day, Year</i>)		
		10. Agency use only		

Instructions for Tangible Personal Property Report: SF-428

The estimated annual public reporting burden for the collection of information on this form and its attachments is estimated to average 2.75 hours per respondent, 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 (0348-0043), Washington, DC 20503.

This is a standard form to be used by awarding agencies to collect information related to tangible personal property (equipment and supplies) when required by a Federal financial assistance award. The form consists of the cover sheet (SF-428) and three attachments to be used as required: Annual Report, SF428-A; Final (Award Closeout) Report, SF-428-B; and a Disposition Request/Report, SF-428-C. A Supplemental Sheet, SF-428S, may be used to provide detailed individual item information.

A. General Instructions:

Tangible personal property means property of any kind, except real property, that has physical existence. It includes equipment and supplies. It does not include copyrights, patents or securities. For convenience, throughout this form and its attachments, the term property will be synonymous with tangible personal property. The terms equipment and supplies will be used when referring to specific requirements.

Property may be provided by the awarding agency or acquired by the recipient with award funds. Federally-owned property consists of items that were furnished by the Federal government.

Recipients of Federal assistance awards may be required to provide Federal awarding agencies with information concerning property in their custody annually, at award closeout or when the property is no longer needed. Specific requirements will vary based on award provisions, the type of property (equipment or supplies) and whether the property is Federally-owned. This reporting form and its attachments are intended to assist recipients to provide necessary information when it is required.

1. Federal Agency and Organizational Element to Which Report is Submitted. Enter the name of the Federal agency and the agency organization element identified in the award document or as otherwise instructed by the agency. The organizational element is a sub-agency within a Federal agency. For example, the Air Force Office of Scientific Research (AFOSR) is an organizational element within the Department of Defense.

2. Federal Grant or Other Identifying Number Assigned by Federal Agency. Enter the Federal grant, cooperative agreement or other Federal financial assistance award instrument number or other identifying number assigned to the Federal financial assistance award.

3a. DUNS. Enter the recipient organization's Data Universal Numbering System (DUNS) number or Central Contract Registry extended DUNS number. The DUNS number is also referred to as the Universal Identifier.

3b. EIN. Enter the recipient organization's Employer Identification Number (EIN) as assigned by the Internal Revenue Service.

4. Recipient Organization. Enter the name and complete address, including zip code, of the recipient organization.

5. Recipient Account or Identifying Number. Enter the account number or other identifying number assigned to the award by the recipient. This number is for the recipient's use and is not required by the Federal agency.

6. Attachment. Check the applicable line to indicate the type of attachment being submitted. Use the Annual Report, SF-428-A, when required to provide annual inventory listings of Federally-owned property. Use the Final Report, SF-428-B, when required to provide property information in connection with the closeout of an award. Use the Disposition Request/Report, SF-428-C, when required to request disposition instructions for or to report the disposal of Federally-owned property or acquired equipment, at any time other than award closeout (i.e., during the award period or after award closeout as long as the Federal government retains an interest in the item).

7. Supplemental Sheet. Check the applicable block to indicate whether a Supplemental Sheet is attached. Recipients may use the SF-428S or equivalent document such as a computer print out to provide required detailed individual item information.

8. Comments. Provide any explanations or additional information in this block. Attach additional sheets if necessary.

9a. Typed or Printed Name and Title of Authorized Certifying Official. Enter the full name and title of the recipient representative authorized to sign this report.

b. Signature of Authorized Certifying Official. Original signature of the recipient's authorized certifying official.

c. Telephone. Enter the telephone number of the individual listed in Line 9a.

d. Email address. Enter the email address of the individual listed in 9a.

e. Date report submitted. Enter the date the report is submitted to the Federal agency.

10. Agency use only. This section is reserved for Federal agency use only.

TANGIBLE PERSONAL PROPERTY REPORT
Annual Report SF-428-A

OMB Number: 4040-0018
Expiration Date: 6/30/2020

Federal Grant or Other Identifying Number Assigned by Federal Agency (Block 2 on SF-428). Leave blank for Consolidated Annual Reports (Block 1 below)

1. Report Type (Choose One)

- (a) Individual (Reporting Federally-owned property for one award)
- (b) Consolidated (Reporting Federally-owned property for all awards with a Federal Agency Organizational Element)

2. Report As Of:

30 SEP
 or

3. Federally-owned Property

	Description (a)	Identification (b)	Acquisition Date (c)	Acquisition Cost (d)

4. Comments

Add Attachment

Delete Attachment

View Attachment

Instructions for Federally Owned Property Annual Report: SF-428 Attachment A

A. General Instructions:

This Attachment is to be used by recipients of Federal financial assistance when required to provide annual inventory listings of Federally-owned property.

Recipients shall report Federally-owned property in their custody as of the date in Block 2 of this Attachment, including Federally-owned items they have provided to their subrecipients or contractors. The report shall list all items of Federally-owned property, regardless of dollar value, furnished by the Federal awarding agency for use under an assistance award.

Federal Grant or Other Identifying Number Assigned by Federal Agency. Enter the Federal grant number or other identifying number assigned to the Federal financial assistance award. Leave blank if submitting a Consolidated Annual Report.

1. Report Type. Select (a) **Individual** to report Federally-owned property for one award. Select (b) **Consolidated** to report Federally-owned property for all awards with a Federal Organizational Element (Block 1 of the SF-428). For example, all Federally-owned property accountable to awards issued by NASA Glenn Research Center could be listed on one Consolidated Annual Report Attachment. All Federally-owned property accountable to example, "NAG3-1234 Items 1-3; NAG3-5678 Item 4; etc.). Alternatively, you may attach a Supplemental Sheet SF-428S to the data in 3(a)-3(d), you must identify the applicable award numbers. You may use the Comments Section (for awards with NASA Goddard Space Flight Center would be listed on a separate report. If this option is selected, in addition or computer printout with the required information.

2. Report as of. The report shall be submitted with information accurate as of 30 September, unless the award specifies a different date. Enter the appropriate month, day and year (mm/dd/yyyy).

3. Federally-owned property. Use this section to provide the specified information for each item or attach an equivalent document, such as a computer print out with the required detail. If additional space is required, you may use Supplement Sheet SF-428S.

- a. **Description.** Provide a brief description of the item.
- b. **Identification.** Enter the manufacturer's serial number, model number, Federal stock number, national stock number, or other identification number.
- c. **Acquisition Date.** For items furnished by the Federal awarding agency, enter the date received by the recipient.
- d. **Acquisition Cost.** Enter the acquisition cost.

4. Comments. Provide any special notes or comments regarding the Federally-owned property being reported or the report itself in this block. For Consolidated Annual Report Attachments, use this section to identify the award numbers applicable to the listed items or note in this section if you are providing the required individual item information on an attached SF-428S or a computer printout.

TANGIBLE PERSONAL PROPERTY REPORT Final Report SF-428- B

Federal Grant or Other Identifying Number Assigned by Federal Agency (Block 2 on SF-428).

1. Report (Select all that apply)

- a. Federally-owned Property (List on Supplemental Sheet SF-428S or recipient equivalent and complete Section 2a below.)
- b. Acquired Equipment with acquisition cost of \$5,000 or more for which the awarding agency has reserved the right to transfer title (List on Supplemental Sheet SF-428S or recipient equivalent and complete Section 2b below.)
- c. Residual Unused Supplies with total aggregate fair market value exceeding \$5,000 not needed for any other Federally sponsored programs or projects. (Complete Section 2c below)
- d. None of the above

2. Complete relevant section(s)

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2a. Federally-owned Property
(Select one or more.)

- (i) Request transfer to Award _____
- (ii) Request Federal Agency disposition instructions
- (iii) Other (Provide detail in Block 3 or attach request)

Agency response to requested disposition of Federally owned property:

- (i) Recipient request approved denied
- (ii) Dispose in accordance with attached instructions

2b. Acquired Equipment (Select one or more.)

- (i) Request unconditional transfer of title with no further obligation to the Federal Government.
- (ii) Request Federal Agency disposition instructions

Agency response to requested disposition of acquired equipment:

- (i) Recipient request approved denied
- (ii) Dispose in accordance with attached instructions

Authorized Awarding Agency Official

Signature:	Date:
Name:	Phone:
Title:	Email:

Note: If the awarding agency does not provide disposition instructions within 120 days the recipient may continue to use the equipment for Federally supported projects or dispose in accordance with the applicable property standards.

2c. Reportable Residual Unused Supplies

- (i) Sale proceeds or Estimate of current fair market value \$ _____
- (ii) Percentage of Federal participation _____ %
- (iii) Federal share \$ _____
- (iv) Selling and handling allowance \$ _____
- (v) Amount remitted to the Federal Government \$ _____

3. Comments

Agency use only

Instructions for Final Report: SF-428 Attachment B

A. General Instructions:

This Attachment is to be used by recipients when required to provide a final property report for closeout of Federal assistance awards. The Attachment allows recipients to request specific disposition of Federally-owned property and acquired equipment. The attachment also provides a means for calculating and transmitting appropriate compensation to the awarding agency for residual unused supplies.

Requirements for final reporting are based on individual award provisions and the type of property. Generally, at the end of a Federal assistance award, recipients are required to:

- a. submit a report of Federally-owned property
- b. provide a listing of equipment items, with an acquisition cost of \$5,000 or more, when the awarding agency has reserved the right to transfer title to the equipment to the Federal Government or a third party.
- c. compensate the awarding agency for residual unused supplies with a total aggregate fair market value greater than \$5,000 that are not needed for any other Federally sponsored programs or projects.

Federal Grant or Other Identifying Number Assigned by Federal Agency. Enter the Federal grant, cooperative agreement or other Federal financial assistance award instrument number or other identifying number assigned to the Federal financial assistance award.

1. Report. Check applicable lines a-c to indicate the type of property that is being reported. Note: Federally-owned property includes items provided by the awarding agency, regardless of dollar value. Check line d to indicate no property to report, if the awarding agency requires a negative report.

2. Complete the relevant sections to correspond with the property reported in Block 1.

2a. **Federally-owned Property.**

- (i) To request transfer of the property for use on a specific Federal award
- (ii) To request Federal agency disposition instructions for unneeded Federally-owned property
- (iii) To request a disposition other than (i) or (ii). For example, requests for transfer of title under authority of the Stevenson-Wydler Act.

2b. Acquired Equipment with acquisition cost of \$5,000 or more for which the awarding agency has reserved the right to transfer title.

- (i) When statutory authority exists, the Federal awarding agency has the option to vest title to equipment acquired with award funds in the recipient with no further obligation to the Federal government and under conditions the Federal awarding agency considers appropriate.
- (ii) To request Federal agency disposition instructions for equipment acquired with award funds

2c. Reportable Residual Unused Supplies. Indicate whether the supplies have been sold or if they will be retained for use solely on non Federally-funded projects.

- (i) Enter the total amount of sales proceeds or an estimate of the current fair market value if the supplies will be retained. Note: Fair market value means the best estimate of the gross sales proceeds if the property were to be sold in a public sale.
- (ii) Enter the percentage of Federal Government participation in the award under which the supplies were acquired.
- (iii) Enter the dollar amount of sales proceeds (or estimate of current fair market value) multiplied by the percentage of Federal Government participation listed in (ii).
- (iv) If the supplies were sold, enter the amount of selling and handling expenses. Enter zero if the supplies will be retained for use on non Federally funded projects.
- (v) Enter the amount of the Federal share in (iii) less the selling and handling expense listed in (iv). Indicate in Block 3 how the funds are being returned to the government (e.g., attached check made out to the Awarding Agency/U.S. Treasury or electronic remission).

3. Comments. Provide any explanations or additional information in this block. Attach additional sheets if necessary.

Agency use only. This section is reserved for Federal agency use only.

TANGIBLE PERSONAL PROPERTY REPORT Disposition Request/Report SF-428-C

OMB Number: 4040-0018
Expiration Date: 6/30/2020

Federal Grant or Other Identifying Number Assigned by Federal Agency (Block 2 on SF-428).

1. Request Disposition Instructions for:	For Agency Use Only						
a. Federally-owned Property <i>(Select one or more and attach Supplemental Sheet SF-428S or recipient equivalent)</i> <input type="checkbox"/> (i) Request Federal Agency disposition instructions <input type="checkbox"/> (ii) Other (Specify in Block 4 "Comments" or attach request)	Agency response to requested disposition of Federally owned property: <input type="checkbox"/> (i) Recipient request approved <input type="checkbox"/> denied <input type="checkbox"/> (ii) Dispose in accordance with attached instructions:						
b. Acquired Equipment with current fair market value of \$5,000 or more <i>(Select one or more and attach Supplemental Sheet SF-428S or recipient equivalent)</i> <input type="checkbox"/> (i) Request unconditional transfer of title with no further obligation to the Federal Government <input type="checkbox"/> (ii) Request Federal Agency disposition instructions	Agency response to requested disposition of acquired equipment: <input type="checkbox"/> (i) Recipient request approved <input type="checkbox"/> denied <input type="checkbox"/> (ii) Dispose in accordance with attached instructions:						
Authorized Awarding Agency Official:							
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Signature:</td> <td>Date:</td> </tr> <tr> <td>Name:</td> <td>Phone:</td> </tr> <tr> <td>Title:</td> <td>E-Mail:</td> </tr> </table>		Signature:	Date:	Name:	Phone:	Title:	E-Mail:
Signature:	Date:						
Name:	Phone:						
Title:	E-Mail:						

2. Report Disposition by Sale or Retention

a. Retention of acquired equipment for use on non Federally supported projects

b. Sale of acquired equipment
(Attach Supplemental Sheet SF-428S or recipient equivalent and complete worksheet below)

<input type="checkbox"/> Sale proceeds or <input type="checkbox"/> Estimate of current fair market value	\$	<input style="width: 95%;" type="text"/>
(ii) Percentage of Federal participation		<input style="width: 95%;" type="text"/> %
(iii) Federal share	\$	<input style="width: 95%;" type="text"/>
(iv) Selling and handling allowance	\$	<input style="width: 95%;" type="text"/>
(v) Amount remitted to the Federal Government	\$	<input style="width: 95%;" type="text"/>

3. Report Loss, Destruction or Theft of Federally-owned Property

Loss, Destruction, or Theft of Federally-owned property
(Attach Supplemental Sheet SF-428S or recipient equivalent and describe the circumstances in Block 4)

4. Comments

DISPOSITION REQUEST/REPORT ATTACHMENT TO TPR Agency Use Only

Instructions for Disposition Request/Report: SF-428 Attachment C

A. General Instructions:

This Attachment is to be used by recipients when required to request disposition instructions or to report disposition of Federally-owned property or acquired equipment under Federal assistance awards at any time other than award closeout (i.e., during the award period or after closeout as long as the Federal Government retains an interest in the item).

Recipients provided Federally-owned property for use under Federal assistance awards are required to request disposition instructions from the awarding agency when the Federally-owned property is no longer needed for the authorized purpose. Recipients may be required to request disposition instructions for equipment acquired with award funds (acquired equipment) when an item is no longer needed for use on Federally-sponsored activities. Recipients may also be required to provide compensation to the awarding agency when acquired equipment is sold or retained for use on activities not sponsored by the Federal Government. This attachment is intended to assist recipients in providing appropriate information to the awarding agency. Note: If the Federal awarding agency has exercised statutory authority to vest title to acquired equipment in the recipient with no further obligation to the Federal government, you are not required to request disposition instructions or to report disposition (i.e., sale or retention for non Federal use) of those items of equipment.

Federal Grant or Other Identifying Number Assigned by Federal Agency. Enter the Federal grant, cooperative agreement or other Federal financial assistance award instrument number or other identifying number assigned to the Federal financial assistance award.

1. Request Disposition Instructions for: Use this section to request Federal awarding agency disposition instructions when required by the award provisions.

a. Federally-owned Property. Consists of items that were furnished by the Government. Check applicable boxes to indicate the requested Federal awarding agency action for items that are no longer needed for use on the award specified in Block 2.

- (i) To request Federal agency disposition instructions.
- (ii) To request a specific disposition, e.g., transfer to another award.

b. Acquired Equipment with a current fair market value of \$5,000 or more. Note: Fair market value means the best estimate of gross sales proceeds if the property were to be sold in a public sale. Check applicable boxes to indicate the requested Federal awarding agency action.

- (i) To request approval to trade-in or sell to offset costs of replacement equipment.
- (ii) To request Federal agency disposition instructions for equipment acquired with award funds.

2. Report Disposition by Sale or Retention. Use this section when required to compensate the Federal awarding agency for its interest in acquired equipment with a current fair market value of \$5,000 or more that you have sold or retained for use on non Federally supported activities. Check applicable blocks to indicate the type of action being reported and complete the worksheet to calculate the amount of compensation due to the awarding agency for its interest in the equipment.

- a. Retention of acquired equipment for use on non-Federally supported projects.
- b. Sale of acquired equipment.

Worksheet

- (i) Enter the total amount received if the equipment has been sold. Enter an estimate of the current fair market value if the equipment will be retained for use on non Federally funded projects.
- (ii) Enter the percentage of Federal Government participation in the award under which the equipment was acquired.
- (iii) Enter the dollar amount of sales proceeds (or estimate of current fair market value) multiplied by the percentage of Federal Government participation listed in (ii).
- (iv) If the equipment was sold, enter the amount of selling and handling expenses. Enter zero if the supplies will be retained for use on non Federally funded projects.
- (v) Enter the amount of the Federal share in (iii) less the selling and handling expense listed in (iv). Indicate in Block 4 how the funds are being returned to the government. For example, attached check made out to the Awarding Agency/U.S. Treasury or electronic remission.

4. Comments. Provide any explanations or additional information in this block. Attach additional sheets if necessary.

Agency use only. This section is reserved for Federal agency use only.

Federal Financial Report

(Follow form instructions)

OMB Number: 4040-0014
Expiration Date: 02/28/2022

1. Federal Agency and Organizational Element to Which Report is Submitted <div style="border: 1px solid black; height: 30px; width: 100%;"></div>	2. Federal Grant or Other Identifying Number Assigned by Federal Agency (To report multiple grants, use FFR Attachment) <div style="border: 1px solid black; height: 30px; width: 100%;"></div>
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3. Recipient Organization (Name and complete address including Zip code)

Recipient Organization Name:

Street1:

Street2:

City: County:

State: Province:

Country: ZIP / Postal Code:

4a. DUNS Number <input style="width: 90%;" type="text"/>	4b. EIN <input style="width: 90%;" type="text"/>	5. Recipient Account Number or Identifying Number (To report multiple grants, use FFR Attachment) <input style="width: 90%;" type="text"/>
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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: <input style="width: 20%;" type="text"/> To: <input style="width: 20%;" type="text"/>	9. Reporting Period End Date <input style="width: 90%;" type="text"/>
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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	0.00
b. Cash Disbursements	0.00
c. Cash on Hand (line a minus b)	0.00
<i>(Use lines d-o for single grant reporting)</i>	
Federal Expenditures and Unobligated Balance:	
d. Total Federal funds authorized	0.00
e. Federal share of expenditures	0.00
f. Federal share of unliquidated obligations	0.00
g. Total Federal share (sum of lines e and f)	0.00
h. Unobligated balance of Federal Funds (line d minus g)	0.00
Recipient Share:	
i. Total recipient share required	0.00
j. Recipient share of expenditures	0.00
k. Remaining recipient share to be provided (line i minus j)	0.00
Program Income:	
l. Total Federal program income earned	0.00
m. Program Income expended in accordance with the deduction alternative	0.00
n. Program Income expended in accordance with the addition alternative	0.00
o. Unexpended program income (line l minus line m or line n)	0.00

11. Indirect Expense						
a. Type	b. Rate	c. Period From	Period To	d. Base	e. Amount Charged	f. Federal Share
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
g. Totals:				<input type="text"/>	<input type="text"/>	<input type="text"/>

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 to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812).

a. Name and Title of Authorized Certifying Official

Prefix: First Name: Middle Name:
 Last Name: Suffix:
 Title:

b. Signature of Authorized Certifying Official

c. Telephone (Area code, number and extension)

d. Email Address

e. Date Report Submitted

14. Agency use only:

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 30 days after the end of each reporting period. Annual 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

FFR Number	Reporting Item	Instructions
		information on the <i>FFR</i> Attachment. <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 (Cash/Accrual)	Specify whether a cash or accrual basis was used for recording transactions related to the award(s) and for preparing this <i>FFR</i> . 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 line 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 <i>FFRs</i> , the reporting period end date shall be the end date of the project or grant period.
10	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 <i>FFR</i> data.
Federal Cash (To report multiple grants, also use <i>FFR</i> 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 <i>FFR</i> Attachment. The sum of the cumulative cash disbursements on the <i>FFR</i> Attachment must equal the amount entered on Line 10b, <i>FFR</i> .
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

FFR Number	Reporting Item	Instructions
		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; 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; 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.)
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

FFR Number	Reporting Item	Instructions
		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. Enter cumulative amounts from date of the inception of the award through the end date of the reporting period specified in line 9.	
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.
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.

FFR Number	Reporting Item	Instructions
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.

**2024-2025 Statement of Work
Management of Litter, Trails and Vegetation on USACE Lands
Bonneville Lock and Dam**

DESCRIPTION OF SERVICES:

1. *Schedule:* The period of performance of this cooperative agreement is from Date of Award 2024 through 30 April 2025. During this period of performance, the recipient will provide one work crew to perform hand-pulling/manual removal of invasive weeds, removal of brush/shrubs/small trees, and trail construction/maintenance as described below at Bonneville Lock and Dam, Skamania County WA and Multnomah County OR.

The specific dates scheduled for the work crew will be determined through coordination between the recipient and the Grants Officer's Representative (GOR).

105 total targeted workdays for the period of performance consisting of 47 workdays in Oregon and 58 workdays in Washington. The following months have the targeted amount of days listed next to the month. If days cannot be accomplished during the targeted month due to weather or lack of staffing, those day can be made up at a later time with coordination with the onsite lead for the agreement.


May: 14 Workdays
 June: 12 Workdays
 July: 14 Workdays
 August: 11 Workdays
 September: 9 Workdays
 October: 7 Workdays
 November: 4 Workdays
 December: 5 Workdays
 January: 5 Workdays
 February: 4 Workdays
 March: 8 Workdays
 April: 12 Workdays

2. *Work Projects:*

- **Vegetation Management:** This includes removal of vegetation from project site areas and dam structures and invasive species removal. Vegetation removed may include Blackberry, Knapweed, Scotch Broom, Poison Hemlock, Teasel, and other invasive weeds, grasses, small shrubs, and small trees. Work will require hand tools and small motorized equipment and will be used by experienced chainsaw and motorized equipment operators only.
 Estimate: 57 days.
- **Park and Trail Maintenance:** Work may include removing live or dead trees/ limbs, shrubs, and plants, trimming rock bollards, brushing back existing trails, managing property boundary lines, etc. Use of hand tools and/or small motorized equipment will be necessary and will be used by experienced chainsaw and motorized equipment operators only. All refuse and cut materials placement will be coordinated with the GOR.
 Estimate: 40 days.

- Litter Removal: Remove litter from along roadways and project site areas. All material collected will be placed and/or disposed of as coordinated with a United States Army Corps of Engineers representative.
Estimate: 8 days

COMMISSIONER'S AGENDA ITEM COMMENTARY

<u>SUBMITTED BY</u>	<u>Noxious Weed</u> Department	 Signature
<u>AGENDA DATE</u>	07-30-2024	
<u>SUBJECT</u>	<u>Agreement with CLT</u>	
<u>ACTION REQUESTED</u>	<u>Approval</u>	

SUMMARY/BACKGROUND

Agreement between Columbia Land Trust and Skamania County to control noxious weeds on Pierce Island in Skamania County.

FISCAL IMPACT

The agreement will provide \$2000 to Skamania County to furnish necessary personnel, equipment, material, and/or services to perform the work set forth in the agreement in 2024.

RECOMMENDATION

Review and sign page 2 of the agreement.

LIST ATTACHMENTS

One copy of agreement for signature.

COUNTY FACE SHEET FOR CONTRACTS/LEASES/AGREEMENTS

1. Contract Number CLT-SCNWCP

2. Contract Status: (Check appropriate box) Original Renewal Amendment

3. Contractor Information: Contractor: Columbia Land Trust
Contact Person: Kate Conley
Title: Natural Area Manager
Address: PO Box 995
Address: White Salmon, WA 98672
Phone: 541-645-0371

4. Brief description of purpose of the contract and County’s contracted duties:
Agreement between Columbia Land Trust and Skamania County for Noxious Weed Control on Pierce Island in Skamania County.

5. Term of Contract: From: last signature To: November 30, 2024

6. Contract Award Process: (Check appropriate box)
General Purchase of materials, equipment or supplies - RCW 36.32.245 & 39.04.190

- Exempt (Purchase is \$2,500 or less upon order of the Board of Commissioners)
- Informal Bid Process (Formal Quotes between \$2,500 and \$25,000)
- Formal Sealed Bid Process (Purchase is over \$25,000)
- Other Exempt (explain and provide RCW) Chapter 39.34, Interlocal Cooperation Act

Public Works Construction & Improvements Projects – RCW 36.32.250 & 39.04.155 (Public Works, B&G, Capital Improvements Only)

- Small Works Roster (PW projects up to \$200,000)
- Exempt (PW projects less than \$10,000 upon order of the Board of Commissioners)

7. Amount Budgeted in Current Year: \$ 0.00
Amount Not Budgeted in Current Year: \$ 0.00 Source:
Total Non-County Funds Committed: \$ 2000.00 Source: CLT
Total County Funds Committed: \$ 0
TOTAL FUNDS COMMITTED: \$ 2000.00

8. County Contact Person: Name: Emily Stevenson
Title: Program Coordinator

9. Department Approval: 
Department Head or Elected Official Signature

10. Special Comments: One copy to be emailed to:
Kate Conley at kconley@columbialandtrust.org

**Agreement Between
Skamania County (County)
and
Columbia Land Trust (Land Trust)**

This Agreement (Agreement) constitutes a binding agreement by and between Columbia Land Trust, a Washington nonprofit corporation, and the Skamania County Noxious Weed Control Program to work in cooperation to control indigobush (*Amorpha fruticosa*), rush skeletonweed (*Chondrilla juncea*) and other noxious weeds occurring on Pierce Island in the Columbia River near Beacon Rock State Park.

Land Trust agrees to:

- 1) Act as the project sponsor and lead entity for this weed control project.

- 3) Coordinate billing and reporting with Skamania County and all project funders.

Skamania County agrees to:

- 1) Provide and supervise personnel to effectively treat Class B noxious weeds indigobush (*Amorpha fruticosa*) and rush skeletonweed (*Chondrilla juncea*), and other noxious weeds as occur at locations on Land Trust's Pierce Island preserve in summer or fall 2024 (1 day of work).
- 2) Notify Kate Conley of Land Trust prior to entering Land Trust property.
- 4) Upon completion of work, provide Land Trust with an itemized invoice and copies of chemical application forms.

Land Trust will pay the cost of labor, aquatic-labeled herbicide, equipment, travel costs and reasonable miscellaneous expenditures billed at an all-inclusive daily rate not to exceed \$2,000.

In signing this document, each party affirms that it has the legal authority to enter into this Agreement, and the institutional, managerial, and financial capability to ensure proper planning, management and completion of the described project.

County and any person or entity performing Services on County's behalf, including employees and subcontractors, are and will be either independent contractors of

Columbia Land Trust-Skamania County Noxious Weed Control Program Agreement

County or County's employees, and not employees or agents of Land Trust, and County's personnel are not entitled to participate in any benefit program provided by Land Trust to its employees. County will be solely responsible for payment of compensation to its Personnel, and will withhold from and pay to the appropriate authorities all taxes, contributions, fees, interest, or penalties imposed or required under any federal, state or local income, excise, or employment tax laws with respect to performance of this Agreement.

Each party shall protect and hold harmless the other party from and against all claims, suits, or actions arising from any negligent act or omission of that party's employees, agents and/or authorized subcontractor(s) while performing under the terms of this Agreement.

This Agreement becomes effective when this agreement is fully executed and shall expire on **11/30/2024**. This Agreement may be terminated immediately by either party without cause upon 30 days written notice delivered to the other party. Trust will be obligated to pay County for any hours worked and Costs incurred by County through the date of termination.

Accepted and Approved by:

Date _____

_____, Commission Chair
Skamania County

Ian Sinks, Stewardship Director,
Columbia Land Trust

Date _____

Skamania County Prosecutor
Approved As To Form Only