



DEPARTMENT OF
ECOLOGY
State of Washington

National Estuary Program Toxics and Nutrients Grant Program

Ambient Monitoring

Funding Guidelines

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To ask about the availability of this document in a format for the visually impaired, call the Water Quality Program at 360-407-6502. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

**National Estuary Program
Toxics and Nutrients
Grant Program**

Ambient Monitoring

Funding Guidelines

*by
Financial Management Section*

Water Quality Program
Washington State Department of Ecology
Olympia, Washington 98504-7710

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Table of Contents

Page

SUMMARY	1
HOW TO USE THESE GUIDELINES	1
FUNDING PROGRAM OVERVIEW	1
ELIGIBILITY	2
ELIGIBLE APPLICANTS.....	2
AVAILABLE FUNDING AND CEILING AMOUNTS	2
ELIGIBLE PROJECTS.....	2
INELIGIBLE PROJECTS	3
APPLICATION PROCESS	3
APPLICATION REQUIREMENTS	4
AT TIME OF APPLICATION	4
GROWTH MANAGEMENT ACT COMPLIANCE	4
EVALUATION CRITERIA	4
ECOLOGY'S PROJECT MANAGEMENT TEAM.....	5
AGREEMENT DEVELOPMENT	6
PROJECT BUDGET	6
DISBURSEMENT OF FUNDS.....	7
AMENDMENT PROCESS	7
EXTENSIONS	7
PROGRESS REPORTS	7
ADMINISTRATIVE AND GENERAL TERMS AND CONDITIONS.....	7
SPECIAL TERMS AND CONDITIONS	7
FEDERAL ADMINISTRATIVE PROGRAMMATIC TERMS AND CONDITIONS	8
EQUIPMENT PURCHASE/EQUIPMENT FEES	8
INCURRING ELIGIBLE COSTS.....	8
PAYMENT PROCESSING	8
PAYMENT REQUESTS FORMS	10
PERFORMANCE MEASURES	10
ENVIRONMENTAL REVIEW REQUIREMENTS	10
SEPA AND STATE ENVIRONMENTAL REVIEW PROCESS	10
HISTORIC AND CULTURAL RESOURCES REVIEW	10
FEDERAL PROVISIONS	11
ADMINISTRATIVE CONDITIONS	11
PROGRAMMATIC CONDITIONS	15

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Summary

In January of 2011, the Department of Ecology (Ecology) entered into a cooperative agreement with the Environmental Protection Agency (EPA) to reduce toxics and nutrients in Puget Sound. This grant is part of the federal National Estuary Program (NEP). The funds from the NEP have been subdivided into different funding categories to create grant programs that address different subjects and concerns identified as needs in the Puget Sound. As a result, Ecology is administering a competitive grant program for eligible applicants with projects for ambient water quality monitoring of key toxic or nutrient issues in the marine waters of Puget Sound or fresh waters in the Puget Sound watershed. This funding is designed for ambient monitoring projects that have a demonstrated immediate need and is not designed to provide funding for long-term ambient monitoring programs.

How to use these guidelines

These guidelines describe the process to apply for and receive funds from the NEP Toxics and Nutrients Ambient Monitoring Grant Program. The guidelines also explain project administration and management requirements once funding is awarded. Ecology does not intend for the guidelines to be a comprehensive listing and explanation of all rules and policies that may apply to funding. Instead the guidelines provide initial information on the grant application and rating process, and the steps of administering a funded project.

Funding Program Overview

Water quality monitoring provides a direct means of assessing the health of the Puget Sound ecosystem. However, complex factors influence the system, leading to high variability in space and time. Consequently, data are inherently challenging to interpret in the context of human activity. To identify specific sources of pollution, monitoring approaches must be tailored to address dominant human and natural processes. Appropriate methodological and statistical approaches addressing variability on appropriate scales are needed. This includes appropriate data volume, scientifically vetted sampling design and methods, as well as good data management practices.

The Toxics and Nutrients Grant Program will fund toxics and nutrients ambient monitoring projects or pieces of ambient monitoring projects in the marine waters of Puget Sound or fresh waters in the Puget Sound Watershed. The purpose of this funding program is to provide stopgap funding for critical programs until the PSEMP¹ steering committee drafts, and the Leadership Council approves, a comprehensive Puget Sound monitoring plan. It is not possible for the funds to cover all the monitoring needs of the region and will only be used for the highest immediate unmet needs.

¹ The Puget Sound Ecosystem Monitoring Program (PSEMP) steering committee will develop a comprehensive plan for monitoring programs in late 2012. The steering committee has commissioned several work groups to focus on specific programs such as toxics and salmon. The steering committee's charge is to "coordinate and facilitate the work of existing and future monitoring efforts in a manner that supports the goals of the Puget Sound Partnership and the many organizations and entities at all levels that are committed to improving the health of Puget Sound."

Priorities for funding under this program include studies to assess: progress toward vital sign targets (e.g., marine sediment quality, toxics in fish, and marine dissolved oxygen), near-term actions listed in the draft 2012 Action Agenda, or related ecosystem attributes that inform targets, near-term actions, or other measures of ecosystem health.

Eligibility

Eligible applicants

State and federal agencies, institutions of higher learning, tribal governments and technical consortia, local governments, special purpose districts, conservation districts, watershed planning units, local management boards, salmon recovery lead entities, regional fisheries enhancement groups, and non-profit entities are eligible to apply. For-profit entities are not eligible.

Eligible applicants may partner on projects with ineligible entities. The eligible applicant must be the lead agency on the application and the agreement. It is the lead agency's responsibility to ensure all project activities are completed and will collaborate and coordinate with their identified partners.

Available funding and ceiling amounts

Ecology will distribute a total of \$250,000 as grant awards under this program. The maximum grant amount for individual projects is \$125,000 of total eligible costs. Multiple departments from one jurisdiction may apply for funding.

Eligible projects

To be eligible, ambient monitoring projects must:

- Address a key toxic or nutrient issue in the marine waters of Puget Sound or fresh waters in the Puget Sound watershed, as defined by the draft 2012 Biennial Science Work Plan, draft 2012 Action Agenda and Near-term Actions, Assessment of Selected Toxic Chemicals in the Puget Sound Basin, 2007-2011 (<http://www.ecy.wa.gov/biblio/1103055.html>), or the Puget Sound Dissolved Oxygen Model Nutrient Load Summary for 1999-2008 (<http://www.ecy.wa.gov/biblio/1103057.html>).
- Relate to one or more of the vital sign targets established by the Puget Sound Leadership Council in June 2011 or relate to one or more near-term actions identified in the Action Agenda (www.psp.wa.gov).
- Be ready to use the funds beginning August 2012.
- Complete the work by August 2014.
- Have a plan for sustainable funding so the project can continue beyond the date the funds from this grant are used. This grant provides short-term funding and is not designed to support ambient monitoring over the long-term. Recipients will not be eligible to receive future stopgap funding grants should additional funding be available in the future.

- Have a formal process for collecting and using feedback from the scientific and implementation community. An example is convening a project advisory group composed of potential users of the information that formally comments on how the monitoring is structured (where, when, parameters, etc.) and on the draft project outputs.
- Provide raw data from the ambient monitoring program to the general public via a website that is easily accessible. (Recipients must also submit data to Ecology's Environmental Information Management (EIM) – (see Programmatic Terms and Conditions.)
- Provide a written report to Ecology at the completion of the work summarizing the data and major findings of the ambient monitoring program. All ambient monitoring must be conducted under an Ecology-approved Quality Assurance Project Plan (QAPP). Monitoring activities cannot begin and will be ineligible for reimbursement until the QAPP is approved.

All NEP grants come with extensive reporting and accountability requirements (see Attachment). Potential applicants should read and understand these requirements before applying for the grant.

Ineligible projects

Planning activities and duplication of existing monitoring programs are ineligible.

Application Process

Application materials are available electronically on Ecology's Web site at: www.ecy.wa.gov/puget_sound/grants_fed_toxics.html.

Application Submittal:

1. Mail one hardcopy with original signature and an electronic copy. Include a MS-WORD version of the complete application.
2. All application materials must be received at Ecology headquarters before to 5:00 p.m., April 26, 2012. **Application packets received after the deadline date and time will not be considered for funding. Post marks not accepted.**
3. Faxed submittals will not be accepted.

Submit original signed paper version and copies to:

U.S. Postal Mailing Address:

Department of Ecology
Water Quality Program
Financial Management Section
P.O. Box 47600
Olympia, WA 98504-7600

Overnight Mail or Hand Delivery Address:

Department of Ecology
Water Quality Program
Financial Management Section
300 Desmond Drive
Lacey, WA 98503

Grant Funding Cycle Schedule	
Application submittal deadline	April 26, 2012
Rate and rank applications	April 27 – May 4, 2012
Award notification	May 5, 2012
Funding agreements signed	June 15, 2012

Application Requirements

At time of application

Applicants must submit a completed application (as indicated above), available at http://www.ecy.wa.gov/puget_sound/grants_fed_toxics.html.

Growth Management Act compliance

Ecology does not require applicants to comply with the Growth Management Act (GMA) prior to applying for or receiving funding from this program. However, Ecology strongly encourages GMA compliance, because other funding sources may require it to be eligible for funding.

Evaluation criteria

The following points will be assigned to the proposal for evaluation purposes:

Review Scoring Guidelines		
Evaluation Criteria	Description Statement	Maximum Points
Project Purpose	<ul style="list-style-type: none"> • Does the monitoring project address a key toxic or nutrient issue in the marine waters of Puget Sound or fresh waters in the Puget Sound watershed? • Does the monitoring project assess progress toward relevant 2020 recovery targets such as the Puget Sound vital signs (marine sediment quality, toxics in fish, marine dissolved oxygen, etc.), or draft 2012 Action Agenda Near-term Actions? • Does the monitoring project fill an immediate need not supported by existing funding? • Is the purpose clear and compelling? 	30

Review Scoring Guidelines		
Evaluation Criteria	Description Statement	Maximum Points
Scope of Work	<ul style="list-style-type: none"> • Complete and concise description of the project tasks and outcomes. • Clear detailed description of reasonable deliverables and timelines. • An Ecology-approved Quality Assurance Project Plan (QAPP) or a plan to develop and approved QAPP before monitoring begins. • The schedule is reasonable and achievable. • The project involves collaboration with other entities interested in the data. • A formal process in place to collect and use feedback from potential data users in the scientific and implementation community. • The project incorporates feedback from the scientific and implementation community on study design. • The applicant includes a plan to share data from the monitoring program to ensure the public has easy access to the raw data. • The applicant will be able to provide a written report to Ecology at the completion of the work summarizing major findings of the ambient monitoring program. 	20
Proposed Budget	<ul style="list-style-type: none"> • Complete project budget is consistent with the scope of work. • The cost estimate process is reasonable. • The project budget represents a good value for the work and water quality benefits achieved. Applicant identifies match sources. 	5
Programmatic Capability	<ul style="list-style-type: none"> • Capacity, expertise, and demonstrated ability to successfully carry out the project. 	5
Program Sustainability	<ul style="list-style-type: none"> • The plan for the monitoring program is self-sustaining after NEP funds are used. 	10
Project Outputs and Outcomes	<ul style="list-style-type: none"> • Project directly and measurably addresses a water quality problem. 	30

Ecology reserves the right to award funding to the Applicant whose proposal is deemed to be in the best interest of Ecology and the state of Washington.

Ecology's Project Management Team

The funding agreement is the formal written contractual arrangement signed by authorized representatives of the recipient and Ecology. The agreement includes at a minimum: an approved scope of work, total project costs, a budget, performance schedule, and required state

and federal conditions. Ecology assigns a project management team to each funded project. The team consists of:

- A **project manager** from the Lacey headquarters office or the regional office nearest the recipient.
- A **financial manager** from the Lacey headquarters office.

The **project manager** is the point of contact for day-to-day project and technical related questions and works with the financial manager to resolve payment or eligibility issues if they arise. The **financial manager** reviews and approves payment requests, helps the project manager negotiate agreements, tracks performance, and is responsible in general for Ecology’s project administration. The following will be the project management team for grant agreements funded through this guidance and application process:

Ecology Project Manager	Ecology Financial Manager
<p>Department of Ecology Water Quality Program Attn: Andrew Kolosseus P.O. Box 47600 Olympia, WA 98504-7600 360-407-7543 andrew.kolosseus@ecy.wa.gov</p>	<p>Department of Ecology Water Quality Program Attn: Sarah Ralph P.O. Box 47600 Olympia, WA 98504-7600 360-407-6703 sarah.ralph@ecy.wa.gov</p>

Agreement Development

The Ecology Project Management Team will use project information specified in the application as the basis for developing the funding agreement. Providing a clearly defined project proposal with measurable objectives and an accurate budget has the potential to receive more points during the rating process and makes negotiation of the agreement more streamlined. Ecology has standardized and boilerplate language in the funding agreement including general and special terms and conditions to meet state and federal requirements. These requirements are incorporated as attachments in the grant agreement.

After the agreement negotiations are finalized, Ecology’s project management team will route it for a funding program review. The financial manager will then send the funding agreement to the applicant for signature. The applicant will send the funding agreement back to Ecology for the final signature by the Water Quality Program Manager or the authorized designee.

The agreement becomes effective once signed by Ecology’s program manager. A fully signed original copy will be returned to the recipient. (Note that the applicant becomes the recipient once the agreement is signed).

Project budget

The funding agreement must include a project budget that establishes eligible costs for task elements or budget objects. Ecology’s financial manager will help answer questions about budget development during project negotiations. There is no match requirement for this grant fund.

There are no additional funds available to cover project overruns. Ecology will allocate all of the money available through the NEP program. The applicant must be certain that all deliverables can be accomplished by the budget in the application.

Disbursement of funds

Ecology will disburse funds on a cost-incurred reimbursable basis.

Amendment process

Modifications and changes to the funding agreement may become necessary. The recipient and Ecology's project team must negotiate changes and execute a formal amendment to the funding agreement to reflect those changes.

Extensions

Time extensions are discouraged and will only be granted to the recipient if there is a demonstrated need for more time to accomplish the project tasks. The recipient should request a time extension at least three months prior to the expiration date of the funding agreement.

Progress reports

Ecology requires recipients to submit progress reports on a regular basis. Progress reports should describe all project activities for the time period covered making certain to include a detailed description of all work that appears in the corresponding payment request. Unless specified in the funding agreement, progress reports are submitted quarterly for the following periods:

- January 1 through March 31
- April 1 through June 30
- July 1 through September 30
- October 1 through December 31

Quarterly progress reports are due 15 days following the end of the quarter being reported.

Administrative and general terms and conditions

General Terms and Conditions are general requirements contained in all Ecology grant agreements and are not negotiable. The General Terms and Conditions are found in the *Administrative Requirements for Grants and Loans* (Yellow Book), Publication No. 91-18, available at www.ecy.wa.gov/biblio/9118.html.

Special terms and conditions

Special Terms and Conditions are written into an agreement to modify or clarify project elements that are specific to the project or the program guidelines. Special Terms and Conditions are consistent with the General Terms and Conditions but may be more specific or restrictive.

Federal administrative programmatic terms and conditions

Grants awarded through this process are federal NEP funds and the federal administrative and programmatic conditions provided under the attachment in this document apply.

Equipment purchase/equipment fees

Equipment purchases will be considered on a project-by-project basis, and should be incorporated into the budget in the project application, and must be approved by the Ecology project management team. If equipment is owned by the recipient, an appropriate use fee may be charged as outlined in the Yellow Book (page 26).

Incurring eligible costs

The recipient can begin incurring costs on the date that the funding agreement is signed by Ecology. In some instances, eligible costs can be incurred before the effective date of an agreement.

Incurring costs prior to an agreement

Prior Authorization is written authorization that allows the recipient to incur eligible project costs before the funding agreement is effective. Prior Authorization is determined on a case-by-case basis. It does not guarantee reimbursement of funds, and Ecology cannot release funds before the effective date of the agreement. Costs incurred before the Prior Authorization date are the sole responsibility of the public body. All work performed and costs incurred by the recipient prior to the final signature of the grant agreement are at the recipient's own risk.

To request Prior Authorization the applicant signatory must write a letter to Ecology's Water Quality Program Manager requesting and justifying Prior Authorization including a description of the projected work that will be accomplished, estimated costs to be incurred, and the time frame.

Reasons for allowing Prior Authorization include, but are not limited to:

- Work must be done in a specific environmental window.
- Meet required schedules in compliance order, consent decrees, or permits.
- The applicant is ready to proceed immediately.
- The project would otherwise be substantively delayed as the grant agreement was prepared.

Payment processing

Payment holds or termination

If a recipient does not satisfy conditions in the funding agreement, Ecology may terminate the agreement and request that the recipient repay all of the funds disbursed, withhold a payment, or decrease the payment by the amount proportionate to the costs associated to the incomplete work.

Submitting a payment request

The recipient must submit a payment request at least quarterly, but no more frequently than monthly. The recipient must submit a completed A19-1A (A19) Invoice Voucher Form and all other required invoicing forms to Ecology's financial manager. The recipient must provide an original A19 form signed by an authorized signatory in blue ink. If the costs are eligible, all required documentation has been submitted, and project progress is acceptable, Ecology's financial manager will approve the request. If not, the financial manager and project manager will work with the recipient to resolve the issue.

Payment requests forms

Payment requests must include the following forms:

- A State of Washington Invoice Voucher Form A19-1A
- Running Budget Summary Form B1 (ECY 060-3) or B2 (ECY 060-7)
- Voucher Support Form C1 (ECY 060-8) or C2 (ECY 060-9)
- Contractor Participation Report Form D (ECY 060-11)

Where applicable, payment requests should also include the following:

- Monthly Time Sheet Form E (ECY 060-12)
- Record of Meeting Attendance Form F (ECY 060-13)
- Conversion to a Composite Hourly Billing Rate for an Employee Form H (F-21)
- Valuation of Donated Property Form I (ECY 060-15)

Ecology's financial manager or project manager may request additional documentation to support the costs reflected in a payment request at any time. Recipients must keep supportive documentation available in project files for the duration of the project and for five years following project completion.

Performance measures

Post project assessment of performance measures

The Legislature directed Ecology to implement an outcome-focused approach. As a result, Ecology is including a special condition in each grant agreement that requires recipients to develop a post project assessment plan and to participate in a brief survey or possible interview to assess project results. The month and year of the project assessment will typically occur three years after project completion. This date will be negotiated between the applicant and Ecology's project management team.

Environmental Review Requirements

SEPA and state environmental review process

All recipients must comply with the State Environmental Policy Act (SEPA). The recipient must complete SEPA requirements prior to receiving state funds when applicable. Additionally, recipients must comply with all other applicable state and federal environmental statutes, regulations, and executive orders.

Historic and cultural resources review

Many projects have the potential to significantly impact culturally or historically important locations or artifacts. It is Ecology's responsibility to work with the Department of Archaeology and Historic Preservation (DAHP), tribes, and interested parties to meet federal requirements regarding cultural and historic preservation. All projects that disturb soils from their natural state must comply with the corresponding state or federal law. Staff from Ecology's Water Quality Program will help grant recipients follow the appropriate steps and will work with DAHP and corresponding tribes to determine if a site has the potential of disturbing or significantly

impacting cultural or historic resources. Previous correspondence made by the recipient to DAHP and the tribes is not sufficient to meet cultural resources review requirements. Recipients should contact their Ecology project management team for detailed information, guidance, procedures, and other related resources. Information is also available on the DAHP website: www.dahp.wa.gov/

Federal Provisions

Recipients (in this section refer to as sub-recipient) must comply with all applicable federal laws, rules and regulations in carrying out the terms and conditions of the grant agreement.

Administrative conditions

Cost principles

Sub-Recipient agrees to comply with the cost principles of the below listed federal regulations are applicable as appropriate to this award.

2 CFR 225 (A-87) for State, Local, and Indian Tribal Governments

2 CFR 220 (A-21) for Educational Institutions

2 CFR 230 (A-122) Nonprofit Organizations

FAR 31.2 for Commercial Organizations

An electronic copy of all the Circulars and applicable CFR's may be obtained via the OMB Home Web page at http://www.whitehouse.gov/omb/circulars_default.

Unless otherwise indicated, the Cost Principles apply to the use of funds provided under this Agreement and In-kind matching donations. The applicability of the Cost Principles depends on the type of organization incurring the costs.

Audit requirements

The Sub-Recipient shall fully comply with requirements of OMB Circular A-133, 'Audits of States, Local Governments, and Non-Profit Organizations', if applicable.

Hotel-Motel Fire Safety Act

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

Recycled paper

In accordance with 40 CFR 30.16, Sub-Recipient agrees to use recycled paper and double-sided printing for all reports which are prepared as a part of this Agreement and delivered to EPA. This requirement does not apply to reports prepared on forms supplied by EPA, or to Standard Forms,

which are printed on recycled paper and are available through the General Services Administration.

State agencies and political subdivisions

In accordance with Section 6002 of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6962) any State agency or agency of a political subdivision of a State which is using appropriated Federal funds shall comply with the requirements set forth. Regulations issued under RCRA Section 6002 apply to any acquisition of an item where the purchase price exceeds \$10,000 or where the quantity of such items acquired in the course of the preceding fiscal year was \$10,000 or more. RCRA Section 6002 requires that preference be given in procurement programs to the purchases of specific products containing recycled materials identified in guidelines developed by EPA. These guidelines are listed in 40 CFR 247.

State and local institutions of higher education and non-profit organizations

In accordance with 40 CFR 30.16, State and local institutions of higher education, hospitals, and non-profit organizations that receive direct Federal funds shall give preference in their procurement programs funded with Federal funds to the purchase of recycled products pursuant to EPA's guidelines.

State tribal and local government recipients

In accordance with the policies set forth in EPA Order 1000.25 and Executive Order 13423, Strengthening Federal Environmental, Energy and Transportation Management (January 24, 2007), Sub-Recipient agrees to use recycled paper and double sided printing for all reports which are prepared a part of this Agreement and delivered to EPA. This requirement does not apply to reports prepared on forms supplied by EPA, or to Standard Forms, which are printed on recycled paper and are available through the General Services Administration.

Lobbying

Sub-Recipient agrees to comply with Title 40 CFR Part 34, *New Restrictions on Lobbying*. Sub-Recipient shall include the language of this provision in award documents for all sub-awards exceeding \$100,000, and require that sub-awardees submit certification and disclosure forms accordingly.

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

Part 30 recipients

All contracts awarded by Sub-Recipient shall contain, when applicable, the anti-lobbying provisions as stipulated in the Appendix at Title 40 CFR Part 30.

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

Lobbying and litigation

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

Suspension and debarment

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

Sub-Recipient may access the Excluded Parties List System at: <http://www.epls.gov>. This term and condition supersedes EPA Form 5700-49, 'Certification Regarding Debarment, Suspension, and Other Responsibility Matters'.

Drug-free workplace certification

Sub-Recipient must make an ongoing, good faith effort to maintain a drug-free workplace pursuant to the specific requirements set forth in Title 40 CFR 36.200-36.230. Additionally, in accordance with these regulations, Sub-Recipient organization must identify all known workplaces under its federal award; and keep this information on file during the performance of the award.

Sub-Recipients who are individuals must comply with the drug-free provisions set forth in Title 40 CFR 36.300.

The consequences for violating this condition are detailed under Title 40 CFR 36.510. Sub-Recipients can access the Code of Federal Regulations (CFR) Title 40 Part 36 at: http://www.access.gpo.gov/nara/cfr/waisidx_06/40cfr36_06.html

Management fees

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

Reimbursement limitation

If the Sub-Recipient expends more than the amount of federal funding in its approved budget in anticipation of receiving additional funds, it does so at its own risk. The Federal Government is not legally obligated to reimburse Sub-Recipient for costs incurred in excess of the approved budget.

Trafficking in persons

The following prohibition statement applies to Sub-Recipient, and all sub-awardees of Sub-Recipient. Sub-Recipient must include this statement in all sub-awards made to any private entity under this Agreement.

“YOU AS THE SUB-RECIPIENT, YOUR EMPLOYEES, SUB-AWARDEES UNDER THIS AWARD, AND SUB-AWARDEES’ EMPLOYEES MAY NOT ENGAGE IN SEVERE FORMS OF TRAFFICKING IN PERSONS DURING THE PERIOD OF TIME THAT THE AWARD IS IN EFFECT; PROCURE A COMMERCIAL SEX ACT DURING THE PERIOD OF TIME THAT THE AWARD IS IN EFFECT; OR USE FORCED LABOR IN THE PERFORMANCE OF THE AWARD OR SUB-AWARDS UNDER THIS AWARD.”

DUNS and CCR requirements

Unless otherwise exempted from this requirement under 2 CFR 25.110, Sub-Recipient must maintain the currency of its information in the CCR until submission of its final financial report required under this Award or receive the final payment, whichever is later.

Sub-Recipient may not make a sub-award to any entity unless the entity has provided its DUNS number to Sub-Recipient.

FY2011 ACORN funding restriction

No funds provided under this Agreement may be used for sub-awards/sub-grants or contracts to the Association of Community Organizations for Reform NOW (ACORN) or any of its subsidiaries.

Disadvantaged business enterprise requirements, general compliance

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

Sub-awards

If Sub-Recipient makes sub-awards under this Agreement, Sub-Recipient is responsible for selecting its sub-awardees and, if applicable, for conducting sub-award competitions. Sub-Recipient agrees to:

Establish all sub-award agreements in writing;

- Maintain primary responsibility for ensuring successful completion of the approved project (SUB-RECIPIENT CANNOT DELEGATE OR TRANSFER THIS RESPONSIBILITY TO A SUB-AWARDEE).

- Ensure that any sub-awards comply with the standards in Section 210(a)-(d) of OMB Circular A-133, and are not used to acquire commercial goods or services for the sub-awardee.
- Ensure that any sub-awards to 501(c)(4) organizations do not involve lobbying activities.
- Monitor the performance of sub-awardees, and ensure sub-awardees comply with all applicable regulations, statutes, and terms and conditions which flow down in the sub-award.
- Obtain Ecology's consent before making a sub-award to a foreign or international organization, or a sub-award to be performed in a foreign country.
- Obtain approval from Ecology for any new sub-award work that is not outlined in the approved work plan in accordance with 40 CFR Parts 30.25 and 31.30, as applicable.

Programmatic conditions

Semi-annual performance reports

Consistent with 40 CFR §35.115 and EPA Order 5700.7, the sub-recipient will submit performance reports using the Financial and Ecosystem Accounting Tracking System (FEATS) form every six months during the life of the project. The FEATS form will be provided to the sub-recipient by the Ecology Project Manager. The reporting periods shall end March 31st and September 30th of each calendar year. Reports shall be submitted on or before April 15th and October 15th of each calendar year to the Ecology Project Manager. It is preferred that reports be submitted by electronic mail. In accordance with 40 CFR Part 30.51(d) and 40 CFR Part 31.40, as appropriate, the sub-recipient agrees to submit performance reports that include brief information on each of the following areas:

- (a) A comparison of actual accomplishments to the outputs/outcomes established in the assistance agreement work plan and sub-awards for the period.
- (b) The reasons for slippages if established outputs/outcomes were not met.
- (c) Additional pertinent information, including when appropriate, analysis and information of cost overruns or high unit costs.

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

Recognition of EPA funding

Reports, documents, signage, videos, or other media, developed as part of projects funded by this Agreement shall contain the following statement:

“This project has been funded wholly or in part by the United States Environmental Protection Agency under Puget Sound Ecosystem Restoration and Protection Cooperative Agreement grant PC-00J20101 With Washington Department of Ecology. The contents of this document do not necessarily reflect the views and policies of the Environmental

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Copyrighted material

EPA has the right to reproduce, publish, use, and authorize others to use copyrighted works or other data developed under this assistance agreement for Federal purposes. Ecology acknowledges that EPA may authorize another grantee to use copyrighted works or other data developed under this Agreement as a result of: a) the selection of another grantee by EPA to perform a project that will involve the use of the copyrighted works or other data or; b) termination or expiration of this agreement.

Peer review

The results of this project may affect management decisions relating to Puget Sound. Prior to finalizing any significant technical products the Principal Investigator (PI) of this project must solicit advice, review and feedback from a technical review or advisory group consisting of relevant subject matter specialists. A record of comments and a brief description of how respective comments are addressed by the PI will be provided to the Ecology Project Manager prior to releasing any final reports or products resulting from the funded study.

Quality assurance

The RECIPIENT must first complete a Quality Assurance Project Plan (QAPP) waiver form (see <http://www.ecy.wa.gov/programs/eap/qa/docs/NEPQAPP/index.html>). Completing the waiver form may indicate that a detailed QAPP is required. *Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies* can be found at: <http://www.ecy.wa.gov/biblio/0403030.html>. The RECIPIENT must submit a waiver or QAPP to Ecology’s QA Officer for review, comment, and *final approval* prior to conducting any work on the project (e.g., field measurements, sample collections, laboratory analyses, analysis of existing data, modeling). All relevant environmental data must be submitted to Ecology in EIM format (see <http://www.ecy.wa.gov/eim>) unless specified otherwise by the QA Officer.