

**U.S. Department of Agriculture
Office of Partnerships and Public Engagement
Terms and Conditions for Grant Agreements**

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1. PURPOSE

This document provides the Office of Partnerships and Public Engagement (OPPE) general terms and conditions that apply to all project and research-related awards such as the Outreach and Assistance for Socially Disadvantaged and Veteran Farmers and Ranchers, also known as the 2501 Program and the Socially Disadvantaged Farmer and Rancher Policy Research Center (PRC), to community-based and non-profit organizations, institutions of higher education, and Tribal entities. 2501 Program recipients must have the financial, legal, administrative, and operational capacity to carry out the objectives of the Federal grant. The terms and conditions will apply to all federal awards (grant agreements) funded by OPPE.

2 CFR Part 200 establishes uniform administrative requirements, cost principles, and audit requirements for Federal awards to non-Federal entities. References made in this document to 2 CFR 200 are located online at: [Uniform Guidance \(2 CFR Part 200\)](#):

Federal award is defined in [2 CFR 200.38](#) and the information included in a federal award is identified in [2 CFR 200.211](#).

2. INTRODUCTION

As defined in [2 CFR 200.69](#), a non-Federal entity (NFE) means a state, local government, Indian tribe, institution of higher education (IHE), or nonprofit organization that carries out the award as a recipient or subrecipient. These award terms are applicable to NFEs. The terms NFEs, awardees, and recipients may be used interchangeably throughout this document.

Authorized Departmental Officer (ADO) is the Secretary or any employee of the U.S. Department of Agriculture with delegated authority to issue or modify award instruments on behalf of the Secretary.

The NFE must, in addition to the assurances and certifications made as part of the award, comply with all applicable terms and conditions during the project period. Failure to comply may result in actions as outlined in Section 30. Remedies for Noncompliance.

All award notifications will be ***conditionally approved*** pending final validation of all selected applicants' submission documentation and/or application package. OPPE reserves the right not to fund any ***conditionally approved*** selected applicant and/or application found to be ineligible after final validation.

Notice of Award

Applicants who are selected for an OPPE grant will receive an award notification with an Award Face Sheet which serves as the Notice of Award. The Award Face Sheet is the legal document issued to the recipient organization that indicates an award has been made and that funds may be requested from OPPE. The Award Face Sheet provides much of the critical information about administering and complying with the terms of the grant, including:

- CFDA number and Award number

- Legal authority
- Awardee organization and project manager/director
- Total Award amount
- Duration of Award (Period of Performance)
- Program and administrative points of contact at OPPE

If a recipient cannot accept the award, including the legal obligation to perform in accordance with award terms and conditions, the organization should notify the ADO immediately upon receipt of the Notice of Award. Recipients will be asked to relinquish the award if the award has been made and the recipient determines that they cannot carry out the project. If necessary, OPPE will terminate the award due to noncompliance. OPPE's determination of applicable terms and conditions of award or an ADO's denial of a request to change the terms and conditions is discretionary and not subject to appeal. Once the recipient accepts the award, the contents of the Award Face Sheet—Notice of Award are binding on the recipient unless and until modified by a revised Notice of Award signed by the ADO (7 CFR 3430.41-42).

Programmatic Terms and Conditions

All award activities shall be limited to those authorized by Section 2501(a)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 and as specified in the Funding Opportunity Announcement. The objective of all OPPE 2501 Program funded projects is to enhance coordination of the outreach, technical assistance, and education efforts of at least one USDA Program in Agricultural Marketing Services, Farm Service Agencies, Natural Resource Conservation Service, Rural Development, Risk Management, and National Institute of Food and Agriculture. The NFE shall carry out their award activities and processes as described in the approved statement of work (Project Narrative or program of work) incorporated into this award agreement. Awardees will be bound by the activities and processes contained in the statement of work and the further conditions contained in this award agreement. If the statement of work is inconsistent with this award agreement, then the latter will govern.

This agreement shall be effective when executed by both parties. The award activities approved by OPPE shall commence and be completed by the dates indicated in the Award Face Sheet (ezFedGrants generated Agreement Form), unless earlier terminated under Section 27. Termination of this award agreement.

The NFE accepts responsibility for accomplishing their award program/project as submitted and included in their proposal's statement of work. The NFE shall also provide continuing information to OPPE on the status of their program/project, related activities, and any problems that may arise. The NFE must inform OPPE as soon as problems, delays, or adverse conditions which materially affect the ability to attain program/project objectives occur or prevents the meeting of time schedules or goals. Modifications of the statement of work, or changes in the awardee's budget may be approved by the OPPE ADO provided, in OPPE's opinion, the modification is justified and there is a likelihood that the NFE can accomplish the goals set out and approved in the statement of work during the modification period.

The NFE shall use award funds only for the purposes and activities approved by OPPE in their budget. Any uses not provided for in the approved budget must be approved in writing by OPPE. See Section 15. Prior Written Approval. If the award exceeds \$100,000, cumulative transfers

among direct cost budget categories totaling more than 10 percent of the total budget must have prior written approval by OPPE.

A change of any activities and processes must be submitted in writing then approved by the ADO. See Section 15. Prior Written Approval.

OPPE is required to seek input from stakeholders, including awardees providing education and training under the 2501 Program at least annually. This is to ensure that the program is responsive to the concerns of entities providing assistance under 7 U.S.C. 2279(c)(4)(J). To fulfill this obligation, OPPE may require Project Directors/Managers and Principal Investigators to attend an Annual Partnership Symposium that can be expensed with awarded grant funds not to exceed \$1,000 per award year. The symposium will allow participants, USDA officials, and other agriculture-related industry participants to network, encourage partnerships, share best practices, discuss programmatic requirements, share information on new and enhanced USDA programs and services, and obtain programmatic stakeholder feedback. Stakeholder input will also be accepted by those unable to attend the annual symposium in person by September 30th of each fiscal year by emailing 2501grants@usda.gov .

3. ORDER OF PRECEDENCE

In the event of any inconsistency between provisions of the award, the inconsistency will be resolved by giving precedence in the following order:

- Applicable laws and statutes of the United States, including any specific legislative provisions mandated in the statutory authority for the award
- Code of Federal Regulations (CFR)
- OPPE General terms and conditions for grants and cooperative agreements
- Agency policy
- Application documents

4. APPLICABLE REGULATIONS AND NATIONAL POLICY REQUIREMENTS

In consideration of this award by OPPE to the awardee, to be made pursuant to section 2501(a)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990, the awardee will provide a program/project in accordance with the terms of this agreement and applicable regulations. The awardee agrees to comply with the following regulations, as applicable. The full text of Code of Federal Regulations (CFR) references may be found at [eCFR—Code of Federal Regulations](http://www.ecfr.gov). The Code of Federal Regulations is accessible through the National Archives and Records Administration at the following link: <http://gpoaccess.gov/executive.html>. Should a national requirement be missing, the NFE is nevertheless responsible for compliance with the applicable national policy requirements. In addition to any other terms and conditions stated herein, NFEs shall be bound by the applicable statutory and national policy requirements which hereby are incorporated in this grant award by reference and such other provisions as specified herein.

Applicable Regulations and National Policy Requirements

This award and subawards at any tier under this award, shall be governed to the extent applicable by the following administrative provisions in effect at the time of award:

Regulation/Statute-Title

2 CFR Part 25-Universal Identifier and System of Award Management

2 CFR Part 170-Reporting Subaward and Executive Compensation Information

2 CFR Part 170.315-Certification that NFE's policies are in accordance with OMB Guidance located at 2 CFR Part 200

2 CFR Part 175-Award Term for Trafficking in Persons

2 CFR Part 180-OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)

2 CFR Part 182-Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)

2 CFR Part 200-Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards including:

2 CFR Part 220-Cost Principles for Educational Institutions.

2 CFR Part 225-Cost Principles for State, Local and Indian Tribal Governments.

2 CFR Part 230-Cost Principles for Nonprofit Organizations

2 CFR Part 200.322-Maximize Use of Goods, Products, and Materials Produced in the United States

2 CFR Part 200.340-Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer effectuates the program goals or agency priorities.

2 CFR Part 400-Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

2 CFR Part 415-General Program Administrative Regulations – USDA Uniform Federal Assistance Regulations, implementing OMB directives and incorporating provisions of 31 U.S.C. §6301-6308 (Formerly the Federal Grant and Cooperative Agreement Act of 1977, Public Law 95-224), as well as general policy requirements applicable to awardees of Departmental financial assistance.

2 CFR Part 416-USDA implementation of Uniform Administrative Requirements for General Program Administrative Regulations for Grants and Cooperative Agreements to State and Local Governments (including Indian Tribal governments).

2 CFR Part 417-USDA implementation of Governmentwide Nonprocurement Debarment and Suspension

2 CFR Part 418-USDA implementation of New Restrictions on Lobbying. Imposes prohibitions and requirements for disclosure and certification related to lobbying on awardees of Federal contracts, grants, cooperative agreements, and loans.

2 CFR Part 421-USDA implementation of Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)

2 CFR 422-Research Institutions Conducting USDA-Funded Extramural Research; Research Misconduct, published at 79 FR 75992, Dec. 19, 2014. In accordance with sections 2, 3 and 8 of 2 CFR part 422, institutions that conduct extramural research funded by USDA must foster an atmosphere conducive to research integrity, bear primary responsibility for prevention and detection of research misconduct, and are to maintain and effectively communicate, including training, to their staff regarding policies and procedures relating to research misconduct. Grant recipients shall, upon request, make available to OPPE the policies and procedures as well as documentation to support the conduct of the training.

7 CFR Part 1--Subpart A-USDA implementation of the Freedom of Information Act

7 CFR Part 3-USDA implementation of OMB Circular No. A_129, regarding debt management

29 U.S.C. §794 -(Section 504, Rehabilitation Act of 1973) and 7 CFR Part 15b (USDA implementation of statute) --prohibiting discrimination based upon physical or mental handicap in Federally assisted programs.

35 U.S.C. §200 et seq.-Bayh-Dole Act, promoting the utilization of inventions arising from federally supported research or development; encouraging maximum participation of small business firms in federally supported research and development efforts; and promoting collaboration between commercial concerns and nonprofit organizations, including universities, while ensuring that the Government obtains sufficient rights in federally supported inventions to meet the needs of the Government and protect the public against nonuse or unreasonable use of inventions (implementing regulations are contained in 37 CFR Part 401).

P. L. 109-282-Federal Financial Accountability and Transparency Act of 2006

P. L. 113-101-Digital Accountability and Transparency Act of 2014

P. L. 115-232-Which prohibits the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (2 CFR Part 200.216)

Age Discrimination Act of 1975-(42 U.S.C. §6101-6107), as amended, which prohibits discrimination on the basis of age; Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2012, P.L. No. 112-55, Division A, Sections 738 and 739 regarding corporate felony convictions and corporate federal tax delinquencies. Drug Abuse Office and Treatment Act of 1972 (Public Law 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (Public Law 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records.

Executive Order 13513-Federal Leadership on Reducing Text Messaging While Driving

Executive Order 13798-Promoting the freedom of speech and religious liberty in alignment with *Promoting Free Speech and Religious Liberty*

Executive Order 13864-Improving Free Inquiry, Transparency, and Accountability at Colleges and Universities (§§ 200.300, 200.303, 200.339, and 200.341)

OMB Memo M-22-11-Guidance on Application of Buy America Preference in Federal Financial

Assistance Program for Infrastructure

41 U.S.C. 22-Interest of Member of Congress

Title VI of the Civil Rights Act of 1964-
([Public Law 88-352](#)), as amended, which prohibits discrimination on the basis of race, color, or national origin, and 7 CFR Part 15, Subpart A (USDA implementation)

Title VIII of the Civil Rights Act of 1968-
([42 U.S.C. §3601 et seq.](#)), as amended, relating to nondiscrimination in the sale, rental or financing of housing

Any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made, and the requirements of any other nondiscrimination statute(s) which may apply to the application.

Other laws, regulations, Executive Orders, and other applicable requirements are hereby incorporated into this agreement.

5. OTHER REQUIREMENTS

Limit of Federal Liability

The maximum obligation of OPPE to the awardee is the amount indicated in the award as obligated by OPPE. Nothing in this article or in the other requirements of this award requires OPPE to make any additional award of funds or limits its discretion with respect to the amount of funding to be provided for the same or any other purpose. However, in the event that an erroneous amount is stated in the award, the approved budget, or any supporting documentation relating to the award, OPPE shall have the unilateral right to make the correction and to make an appropriate adjustment in the OPPE share of the award to align with the Federal amount authorized.

Assurances and Certifications

Assurance regarding felony convictions or tax delinquent status for corporate applicants: This award is subject to the provisions contained in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2012, P.L. No. 112-55, Division A, Sections 738 and 739 regarding corporate felony convictions and corporate federal tax delinquencies. Accordingly, by accepting this award the recipient acknowledges that it: (1) does not have a tax delinquency, meaning that it is not subject to any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, and (2) has not been convicted (or had an officer or agent acting on its behalf convicted) of a felony criminal violation under any Federal or State law within 24 months preceding the award, unless a suspending and debarment official of the United States Department of Agriculture has considered suspension or debarment of the recipient corporation, or such officer or agent, based on these convictions and/or tax delinquencies and determined that suspension or debarment is not necessary to protect the interests of the Government. If the recipient fails to comply with these provisions, OPPE will annul this agreement and may recover any funds the recipient has expended in violation of sections 738 and 739.

Responsible and Ethical Conduct of Research for the Policy Research Center (PRC)

The responsible and ethical conduct of research (RCR) is critical for excellence, as well as public trust, in science and engineering. Consequently, education in RCR is considered essential in the preparation of future scientists. By accepting a OPPE award the awardee assures that program directors, faculty, undergraduate students, graduate students, postdoctoral researchers, and any staff participating in the research project receive appropriate training and oversight in the responsible and ethical conduct of research and that documentation of such training will be maintained. Awardees are advised that the documentation of the training are subject to OPPE review upon request.

Note that the training referred to herein may be either on-campus or off-campus training. The general content of the ethics training, at a minimum, will emphasize three key areas of research ethics: authorship and plagiarism, data and research integration and reporting misconduct. Each institution will be responsible for developing its own training system, as schools will need flexibility to develop training tailored to their specific student needs. Awardees should consider the Collaborative Institutional Training Initiative (CITI) program for RCR (<https://www.citiprogram.org/rcrpage.asp>). Typically, this RCR education addresses the topics of: Data Acquisition and Management - collection, accuracy, security, access; Authorship and Publication; Peer Review; Mentor/Trainee Responsibilities; Collaboration; Conflict of Interest; Research Misconduct; Human Subject Research; and Use of Animals in Research.

Prohibition Against Certain Internal Confidentiality Agreements

The NFE may not require their employees, contractors, or subrecipients seeking to report fraud, waste, or abuse to sign or comply with internal confidentiality agreements or statements prohibiting or otherwise restricting them from lawfully reporting that waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information. The NFE must notify their employees, contractors, or subrecipients that the prohibitions and restrictions of any internal confidentiality agreements inconsistent with this award provision are no longer in effect. The prohibition in this award provision does not contravene requirements applicable to any other form issued by a Federal department or agency governing the nondisclosure of classified information. If OPPE determines that the awardee is not in compliance with this award provision, OPPE: Will prohibit the awardee use of funds under this award, in accordance with sections 743 and 744 of Division E of the Consolidated Appropriations Act, 2016, (Pub. L. 114-113) or any successor provision of law; may pursue other remedies available for the awardee's material failure to comply with award terms and conditions.

Standards of Conduct

Non-confidential information resulting from the NFE's activities shall be made available to the general public on an equal basis. The NFE will adopt a standard of conduct that provides that, if an employee, officer, or agency of the NFE, or such person's immediate family members conducts business with the NFE, the NFE must not:

- a. Participate in the selection, award, or administration of a contract to such persons for which Federal funds are used;
- b. Knowingly permit the award or administration of the contract to be delivered to such persons

or other immediate family members or to any entity (i.e., partnerships, corporations, etc.) in which such persons or their immediate family members have an ownership interest; or

c. Permit such person to solicit or accept gratuities, favors, or anything of monetary value from any other person receiving assistance under this award.

Monitoring Compliance – Site Visits

Site Visits are conducted by OPPE to assess grantees' capability, performance, and compliance against the elements that make up each award and to ensure that award recipients maintain responsible oversight over the operations of their Federal award and validate their compliance with applicable regulations and guidelines. The primary goal of grant monitoring is to identify deficiencies in program policies and operations and to determine the corrective actions needed to rectify any problems that are identified. A secondary goal is to use the Site Visit as an opportunity to provide technical assistance to the grantee, if needed. Site Visit Monitors assess whether grantee systems provide effective control and accountability of funds, property, and other assets and to determine if the awardee's financial management system accurately and completely discloses and documents financial results of Federal awards. OPPE performs site visits each year on approximately 10% of the total number of active awardees. Recipients are notified by letter when they have been selected for a Site Visit.

Data Collection

The provisions of 5 CFR Part 1320 apply if this agreement involves the collection of identical information from ten or more non-Federal persons and the collection of information is conducted or sponsored by USDA. A collection of information undertaken by a NFE is considered to be conducted or sponsored by USDA if: (1) the NFE is conducting the collection of information at the specific request of OPPE; or (2) the terms and conditions of the award require specific approval by the agency of the collection of information or collection procedures.

Any data collection activities performed under this award are the responsibility of the NFE. USDA support of the project does not constitute USDA approval of the survey design, questionnaire content, or data collection procedures. The NFE shall not represent to respondents that such data are being collected for or in association with USDA or any other Federal Government agencies unless such data are sponsored by the Department. However, this requirement is not intended to preclude mention of USDA support of the project in response to an inquiry or acknowledgment of such support in any publication of this data.

The NFE will provide information as requested by OPPE concerning the NFE's actions in soliciting citizen participation in the application process, including published notices of public meetings, actual public meetings held, and content of written comments received.

Use of Appropriate and Current Forms

The NFE must use the most current Office of Management and Budget (OMB) approved forms when submitting SF-425 "Federal Financial Reports" and SF-270 "Request for Advance or Reimbursement." All current post award forms can be found on Grants.gov at the following link: <https://www.grants.gov/forms>. Click on the Forms tab and then on Post Award Reporting Forms to obtain the most current forms. Do not submit forms with a past expiration date; they will not be accepted.

6. FLOW-DOWN OF REQUIREMENTS UNDER SUBAWARDS

The terms and conditions of the award flow down to subawards to subrecipients, unless the terms and conditions specify an exception. See [2 CFR 200.101](#). NFE Grants Management Officers should familiarize themselves with the requirements for reporting subawards set forth in the Federal Funding Accountability and Transparency Act of 2006 (FFATA) and [2 CFR Part 170, Appendix A](#).

Federal Funding Accountability and Transparency Act (FFATA) Reporting

The Federal Funding Accountability and Transparency Act of 2006 legislation (FFATA or Transparency Act-P.L.109-282, as amended by section 6202(a) of P.L. 110-252) requires accurate and prompt subawards reporting through the Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS) and made publicly available through USASpending.gov is vital to monitoring the implementation of funded activities and OPPE's ability to focus resources on mission essential initiatives.

Pursuant to 2 CFR Part 170, the FSRS is the reporting tool that all Federal awardees must use to capture and report compensation of \$30,000 or more to any subaward (i.e., to contractors or subawardees). The revisions to 2 CFR 170.220 raised the subaward reporting threshold from \$25,000 to \$30,000. As a result, recipients of awards made prior to November 12, 2020 are required to report on subawards over \$25,000, while the recipients of awards made on or after that date are required to report on subawards over \$30,000. These awardees are subject to FFATA subaward reporting requirements as outlined in the Office of Management and Budget guidance issued August 27, 2010. The subaward information entered in FSRS will then be displayed on the USASpending.gov website furthering Federal spending transparency.

Agency Approval of Subawards

Prime recipients must obtain prior written approval from the awarding agency for all proposed subawards, regardless of size (see [2 CFR 200.308\(c\)\(1\)\(vi\)](#)). When requesting approval, prime recipients **must** confirm that they have conducted:

- a. A risk-assessment of each of the proposed subrecipient(s) by name; and,
- b. Verify that each subrecipient:
 - (1) **Does not** have active exclusions in the System for Award Management (SAM);
 - (2) **Does not** appear on the Specially Designated Nationals (SDN) and Blocked Persons List maintained by the Office of Foreign Assets Control within the U.S. Department of the Treasury; and,
 - (3) **Does not** appear on the Consolidated List of organization and persons subject to sanctions by the United Nations Security Council.

This prime recipient approval process maximizes the value of grant funding by applying a risk-based, data-driven framework that balances compliance requirements with demonstrating successful results for the American taxpayer.

Subaward Reporting

As required by FFATA, 2 CFR 200.308(c)(1)(vi) and these Terms and Conditions, when OPPE

approves a subaward equal to or greater than \$30,000 for awards awarded after November 12, 2020, the agency ADO reminds the prime recipient of the requirement to report the subaward through FSRS. Specifically, prime recipients must report each action that obligates \$30,000 or more in funds, not including Recovery Funds (as defined in Section 1512(a)(2) of the American Recovery and Investment Act of 2009, Public Law 111-5). OPPE also reminds prime recipients that they must submit this report in FSRS and they have a continuing responsibility to update data on new obligations into subawards.

If a prime recipient fails to fully comply with mandatory requirements and award terms, OPPE may impose additional award conditions or take other actions as appropriate under the circumstances. These actions could include (see 2 CFR 200.338 and Section 30. Remedies for Noncompliance):

- Withholding cash payments temporarily pending correction of the deficiency;
- Disallowing all or part of the cost of the activity or action that is out of compliance;
- Suspending (wholly or partly) or terminating the award; and,
- Withholding further awards for the project or program and initiating proceedings for suspension and debarment.

If applicable, the prime NFE must file a FFATA subaward report by the end of the month following the month in which the NFE awards a subaward of \$30,000 or more. For example, if a subaward was made on November 13, 2020, the prime NFE has until December 30, 2020 to report the subaward information. The prime NFE must report the following subaward information in FSRS:

- a. Name of entity receiving award
- b. Amount of award
- c. Transaction type – grant
- d. Funding agency - USDA, Departmental Management, Office of Partnerships and Public Engagement
- e. Catalog of Federal Domestic Assistance (CFDA) program number - CFDA #10.443, Outreach and Assistance for Socially Disadvantaged and Veteran Farmers and Ranchers (OASDVFR) Grants
- f. Award title descriptive of the purpose of the funding action
- g. Location of the entity (including congressional district)
- h. Place of performance (including congressional district)
- i. Unique identifier of the entity and its parent; and
- j. Total compensation and names of top five executives

For more detailed information about reporting using the FSRS system, see the learning module

that demonstrates the FSRS reporting tool at www.FSRS.gov; click “FSRS Awardee User Demonstration” under Training Materials.

7. RECIPIENT AND USDA AGENCY CONTACTS

The following contacts are provided for the awardee’s assistance. Recipient Contacts:
The NFE Project Manager, Director, or Principal Investigator contact is identified in Block 12 of the Award Face Sheet.

USDA/OPPE Contacts:

Questions regarding technical matters should be referred to: the OPPE Program Director identified in Block 11 of the Award Face Sheet (ezFedGrants generated form).

Questions regarding administrative matters should be referred to: the OPPE administrative contact staff member identified in Block 11 of the Award Face Sheet.

The OPPE Authorized Departmental Officer (ADO) address, telephone, and facsimile numbers are as follows:

U. S. Department of Agriculture
Deputy Director
Office of Partnerships and Public Engagement (OPPE)
1400 Independence Avenue, S.W.
Whitten Building, Stop 0601 Washington, D.C. 20250-9821
Telephone: (202) 720-6350
Facsimile: (202) 720-7136
e-mail: OASDVFR@usda.gov

8. PERIOD OF PERFORMANCE

“Period of Performance” has the meaning given in [2 CFR 200.77](#), with the additional clarification that the term includes any extension of the end date of the award, such as a no-cost extension authorized by [2 CFR 200.309](#). The period of performance is identified in Block 3 of the Award Face Sheet. Statutory language or agency policy may limit the maximum potential period of performance (including any awards transferred from another institution or organization). The period of performance will commence on the effective date cited in the award instrument. Any such limitation also applies to subcontracts made under awards subject to a period of performance limitation.

Appropriations cannot be restored after expiration of the account.

See Extension of a Period of Performance under Section 16. Extensions.

The NFE may charge to the award only allowable costs incurred during the period of performance. See [2 CFR 200.309](#). Any costs incurred before the USDA awarding agency or pass-through entity

made the award are unallowable for OPPE Programs. See Section 9. Pre-Award Costs.

9. PRE-AWARD COSTS

As outlined in [2 CFR 200.458](#), pre-award costs prior to the effective date of the award are allowable only with the written approval of the USDA awarding agency. OPPE does not allow pre-award costs for any OPPE Programs. See Section 9. Pre-award Costs.

As outlined in [2 CFR 200.308](#), all costs incurred before the USDA awarding agency makes the award are at the risk of the recipient. The USDA awarding agency is under no obligation to reimburse costs if for any reason the:

- a. Award is not made;
- b. Award is less than anticipated; or
- c. Award is inadequate to cover such costs.

10. ALLOWABLE COSTS

Federal Cost Principles. Allowable costs shall be determined in accordance with the applicable program legislation, the purpose of the award, the terms and conditions of the award as contained herein, and if this award is to an entity other than a Federal agency, by the following Federal cost principles that are applicable to the type of organization receiving the award, regardless of type of award or tier (i.e., prime awardee, subaward) are in effect at the time of award as outlined in [2 CFR 200 Subpart E—Cost Principles](#) applicable to the NFE incurring the costs, [7 U.S.C. 2279](#), program regulation as applicable, and these award terms and conditions.

Salaries of Administrative and Clerical Staff

Direct charging the salaries is allowable if all conditions in [2 CFR 200.413](#) are met. Salaries for key personnel working on the grant project may not exceed the prevailing wage rates established by the Department of Labor by occupation and geographical area (See [2 CFR 200.404](#) and Appendix II(D)).

Participant support costs

Unless otherwise specified in the program regulations or award terms and conditions, the NFE may include participant support costs such as stipends or subsistence allowances, travel allowances, and registration fees paid to or on behalf of participants or trainees (but not employees) in connection with conferences, or training projects. However, the NFE must have prior agency approval to transfer funds budgeted for participant support costs to other categories of expense.

Meals

There is a high burden of proof to show that paying for food and beverages with Federal Funds is necessary to meet the goals and objectives of a federal grant. There may be circumstances where the cost would be permissible, i.e. lack of access to food and beverages near the training site location. Meals are allowable when they are part of the cost of meetings and conferences, the primary purpose of which is the dissemination of technical information (in such instances

the cost of transportation, rental of facilities, speakers' fees, and other items incidental to such meetings or conferences are also allowable). On the other hand, business meals may not be charged as project costs when individuals decide to go to breakfast, lunch, or dinner together when no need exists for continuity of a meeting. Such activity is considered to be an entertainment cost. Note: Meals consumed while in official travel status do not fall in this category. They are considered to be per diem expenses and should be reimbursed in accordance with the organization's established travel policies subject to statutory limitations.

Food for conferences and workshops may not exceed \$20 per person per meal.

Indirect Costs

The recipient is authorized to transfer amounts budgeted for indirect costs to absorb increases in direct costs, or vice versa. Indirect costs are allowable unless statutory language limits or prohibits the amount of allowable indirect costs. When indirect costs are limited, the indirect costs allowable will be the lesser of the following amounts: (1) the Federally approved negotiated indirect cost rate and base, or (2) the limit identified in the statutory language. Note: Any limitation or prohibition of indirect costs on the NFE also applies to subcontracts under the funded awards.

NFEs may charge their negotiated indirect cost rate or 10 percent, whichever is lower. Statutory regulations limit indirect costs rates for 2501 Program recipients. Indirect cost rates exceeding 10 percent will not be permitted.

11. UNALLOWABLE COSTS

2501 Program funds shall not be used to substitute for any financial support previously provided and currently available or assured from any other source. Costs incurred for any purpose prohibited in the Federal Cost Principles 2 CFR Part 220, 2 CFR Part 225, 2 CFR Part 230 is unallowable. Unless otherwise permitted by law or approved in writing by the ADO, the following costs are unallowable under this award:

Pre-award Costs

Pre-award expenditures are unallowable under the 2501 Program. Any and all costs incurred by the awardee prior to the beginning date of this agreement are incurred at the recipient's risk (i.e., the Federal awarding agency is under no obligation to reimburse such costs if for any reason the recipient does not receive an award or if the award is less than anticipated and inadequate to cover such costs).

Costs Above the Amount Authorized

Costs above the amount authorized for this agreement are unallowable. Additionally, costs which lie outside the scope of the approved award and any amendments thereto are unallowable.

Costs Incurred After Agreement Expiration

Costs incurred after the expiration of this agreement are unallowable without an appropriate approved extension.

Entertainments Costs

Entertainment costs regardless of their apparent relationship to award objectives are unallowable.

Capital Assets and Construction Costs

Payment for any capital assets, the purchase of real estate or vehicles, the improvement or renovation of the NFE's office space, or for the repair or maintenance of privately-owned vehicles is unallowable. Additionally, funds may not be used for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.

Financing and Loans

Grant funds may not be used for start-up or financing costs for businesses or for capacity building. Additionally, funds may not be used as small agricultural loans for individual farmers.

Incentivizing Participation

Grant funds may not be used to pay attendees as an incentive for participation in an event, conferences, workshops, or training nor be advertised as such. Tuition remission costs are also unallowable under this award.

Consulting services performed by Federal employees is unallowable.

Consulting services performed by a Federal employee during official duty hours when such consulting services result in the payment of additional compensation to the employee is unallowable. Additionally, no funds under this award may be used towards travel costs for OPPE employees.

Excessive costs for demonstration project involving livestock are unallowable.

Cattle for demonstration projects only may not exceed \$4,000 which includes any transportation costs, feed/feeding lot, etc.)

Personal Injury Costs are Unallowable

Grant funds cannot be used for compensation for injuries to persons or loss, theft, or damage to property during project activities.

12. INDIRECT COSTS

Indirect costs are costs incurred by the recipient for a common or joint purpose that benefits more than one cost objective.

As outlined in 2 CFR 200.414 (f), any NFE entity that has never had a negotiated indirect cost rate may use a de minimis rate of 10% of modified total direct costs (MTDC) which may be used indefinitely. No documentation is required to justify the 10% de minimis indirect cost rate. As described in §200.403, costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both.

Per 2 CFR 200.1, Modified Total Direct Cost (MTDC) means all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first \$25,000 of

each subaward (regardless of the period of performance of the subawards under the award). MTDC excludes equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of \$25,000. Other items may only be excluded when necessary to avoid a serious inequity in the distribution of indirect costs, and with the approval of the cognizant agency for indirect costs.

The recipient is authorized to transfer amounts budgeted for indirect costs to absorb increases in direct costs, or vice versa. Indirect costs are allowable unless statutory language limits or prohibits the amount of allowable indirect costs. When indirect costs are limited, the indirect costs allowable will be the lesser of the following amounts: (1) the Federally approved negotiated indirect cost rate and base, or (2) the limit identified in the statutory language. Note: Any limitation or prohibition of indirect costs on the NFE also applies to subcontracts under the funded awards.

NFEs may charge their negotiated indirect cost rate or 10 percent, whichever is lower. Statutory regulations limit indirect costs rates for 2501 Program recipients. Indirect cost rates exceeding 10 percent will not be permitted. NFEs may voluntarily choose to waive indirect costs or charge less than the de minimis rate of 10% of modified total direct costs (MTDC).

Indirect costs will be allowed for the award when specifically included as a line item in the approved budget for this award.

13. COST SHARING OR MATCHING REQUIREMENTS

There are no cost-sharing nor matching requirements associated with the 2501 Program. However, if the NFE chooses to include such funds in their budget, as outlined in [2 CFR 200.306](#), contributions must meet all of the following criteria:

- a. Are verifiable from the NFE's records;
- b. Are not included as contributions for any other Federal award;
- c. Are necessary and reasonable for accomplishment of project or program objectives;
- d. Are allowable (see Section 10. Allowable Costs);
- e. Are not paid by the Federal government under another Federal award, except where the Federal statute authorizing a program specifically provides that Federal funds made available for such program can be applied to matching or cost sharing requirements of other Federal programs; and
- f. Are provided for in the approved budget when required by the USDA awarding agency.

Unrecovered indirect costs, including indirect costs on cost sharing or matching may be included a part of cost sharing or matching only with the prior approval of the USDA awarding agency. The budget plan is the financial expression of the project or program as approved during the award

process. The approved budget includes the Federal share of project costs and that portion of the non-Federal share of project costs, if any, that the recipient and the Federal awarding agency formally agree upon as cost sharing (see OMB Memorandum M-01-06, *Clarification of OMB A-21 Treatment of Voluntary Uncommitted Cost Sharing and Tuition Remission Costs*, January 5, 2001 available at: <http://www.whitehouse.gov/omb/memoranda/m01-06.html>).

14. PROGRAM INCOME

Program income as defined in 2 CFR 200.80, means gross income earned by NFE that is directly generated by a supported activity or earned as a result of the award during the period of performance except as provided in 2 CFR 200.307 (f). Program income includes but is not limited to:

- a. Income from fees for services performed,
- b. The use or rental of real or personal property acquired under Federal awards,
- c. The sale of commodities or items fabricated under a Federal award,
- d. License fees and royalties on patents and copyrights, and
- e. Principal and interest on loans made with Federal award funds.

Interest earned on advances of Federal funds is not program income.

Except as otherwise provided in Federal statutes, regulations, or the terms and conditions of the Federal award, program income does not include rebates, credits, discounts, and interest earned on any of them.

Program income derived from this award must be managed according to 7 CFR 2500.043, 2 CFR 215 or 2 CFR 416. Pursuant to 2 CFR 215.24 and 2 CFR 416.25(g), OPPE program income earned during the project period shall be retained by the awardee and in accordance with Federal awarding agency regulations or the terms and conditions of the award, shall be used in one or more of the ways listed as follows:

- a. Added to funds committed to the project by the Federal awarding agency and recipient and used to further eligible project or program objectives.
- b. Used to finance the non-Federal share of the project or program.
- c. Deducted from the total project or program allowable cost in determining the net costs on which the Federal share of costs is based.

Treatment of Program Income

Unless specifically instructed otherwise, the default program income instruction is item (a) above, which is to add to funds committed to the project by the Federal awarding agency and awardee

and used to further eligible project or program objectives. For OPPE, the additive method of [2 CFR 200.307\(e\)\(2\)](#) will be used to dispose of program income.

Records Retention on Program Income Information

As outlined in [2 CFR 200.307 \(f\)](#) and [2 CFR 200.333 \(e\)](#), the NFE is not accountable for program income earned after the period of grant support unless the USDA awarding agency requires otherwise in the terms and conditions of the award. When this is a requirement, the recipient will need to retain records for program income transactions after the period of performance. The retention period for the records pertaining to the earning of the program income starts for a period of three years from the end of the recipient's fiscal year in which the program income is earned.

15. PRIOR WRITTEN APPROVAL

This section identifies prior approvals required as outlined in [2 CFR 200.308](#), other sections of [2 CFR 200](#), followed by OPPE-specific items and situations in which OPPE is waiving the prior approval requirement.

As outlined in [2 CFR 200.308\(4\)\(f\)](#), the Federal awarding agency may, at its option, restrict the transfer of funds among direct cost categories or programs, functions and activities for Federal awards in which the Federal share of the project exceeds the simplified acquisition threshold and the cumulative amount of such transfers exceeds or is expected to exceed 10 percent of the total budget as last approved by the Federal awarding agency. The Federal awarding agency cannot permit a transfer that would cause any Federal appropriation to be used for purposes other than those consistent with the appropriate. The recipient must request written prior approval from the USDA awarding agency for one or more of the following program or budget-related reasons:

- a. Change in the scope or the objective of the project or program (even if there is no associated budget revision requirement prior written approval).
- b. Change in a key person specified in the application or the award.

If the approved project manager or director severs his or her connection with the recipient or otherwise relinquishes active direction of the project (either permanently or for a continuous period of more than 3 months or a 25 percent reduction in time devoted to the project), then the recipient must get prior approval for a reduction in time or a replacement project manager or director. In lieu thereof, the recipient has the option to relinquish the award (in which case the award will be terminated by mutual agreement, in accordance with [2 CFR 200.339](#)).

Prior approval also is required for the following:

[2 CFR 200.313](#) Equipment—See Section 22. Equipment, of these terms for further information.

[2 CFR 200.430](#) Compensation-personal services—Unless there is prior approval by the Federal awarding agency, charges of a faculty member's salary to a Federal award must not exceed the proportionate share of the Institutional Base Salary (IBS) for the period during which the faculty member worked on the award.

2 CFR 200.431 Compensation-fringe benefits—(i)(2)(ii) Measurement of costs of abnormal or mass severance pay by means of an accrual will not achieve equity to both parties. Thus, accruals for this purpose are not allowable. However, the Federal Government recognizes its obligation to participate, to the extent of its fair share, in any specific payment. Prior approval by the Federal awarding agency or cognizant agency for indirect cost, as appropriate, is required. (i)(4) Severance payments to foreign nationals employed by the non-Federal entity outside the United States, to the extent that the amount exceeds the customary or prevailing practices for the non-Federal entity in the United States, are unallowable, unless they are necessary for the performance of Federal programs and approved by the Federal awarding agency. (i)(5) Severance payments to foreign nationals employed by the non-Federal entity outside the United States due to the termination of the foreign national as a result of the closing of, or curtailment of activities by, the non-Federal entity in that country, are unallowable, unless they are necessary for the performance of Federal programs and approved by the Federal awarding agency.

2 CFR 200.438 Entertainment costs—Costs of entertainment, including amusement, diversion, and social activities and any associated costs are unallowable, except where specific costs that might otherwise be considered entertainment have a programmatic purpose and are authorized either in the approved budget for the Federal award or with prior written approval of the Federal awarding agency.

2 CFR 200.439 Equipment and other capital expenditures—Capital expenditures for improvements to land, buildings, or equipment which materially increase their value or useful life are unallowable as a direct cost except with the prior written approval of the Federal awarding agency, or pass-through entity.

2 CFR 200.441 Fines, penalties, damages and other settlements—Costs resulting from non-Federal entity violations of, alleged violations of, or failure to comply with, Federal, state, tribal, local or foreign laws and regulations are unallowable, except when incurred as a result of compliance with specific provisions of the Federal award, or with prior written approval of the Federal awarding agency.

2 CFR 200.442 Fund raising and investment management costs—Costs of organized fund raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred to raise capital or obtain contributions are unallowable. Fund raising costs for the purposes of meeting the Federal program objectives are allowable with prior written approval from the Federal awarding agency.

2 CFR 200.447 Insurance and indemnification—Costs of insurance or of contributions to any reserve covering the risk of loss of, or damage to, Federal Government property are unallowable except to the extent that the Federal awarding agency has specifically required or approved such costs.

2 CFR 200.454 Memberships, subscriptions, and professional activity costs—Costs of membership in any civic or community organization are allowable with prior approval by the Federal awarding agency or pass-through entity.

2 CFR 200.455 Organization costs—Costs such as incorporation fees, brokers' fees, fees to promoters, organizers or management consultants, attorneys, accountants, or investment

counselor, whether or not employees of the non-Federal entity in connection with establishment or reorganization of an organization, are unallowable except with prior approval of the Federal awarding agency.

2 CFR 200.462 Rearrangement and reconversion costs—Special arrangements and alterations costs incurred specifically for a Federal award are allowable as a direct cost with the prior approval of the Federal awarding agency or pass-through entity.

2 CFR 200.467 Selling and marketing costs—Costs of selling and marketing any products or services of the non-Federal entity (unless allowed under §200.421 Advertising and public relations.) are unallowable, except as direct costs, with prior approval by the Federal awarding agency when necessary for the performance of the Federal award.

2 CFR 200.474 Travel costs—Notwithstanding the provisions of 2 CFR 200.444 General costs of government, travel costs of officials covered by that section are allowable with the prior written approval of the Federal awarding agency or pass-through entity when they are specifically related to the Federal award.

Subcontracts

No more than 50 percent of the total dollars of this award may be subcontracted to another party(ies) without prior written approval of the ADO except subcontracts to Federal agencies. Any subcontract awarded to a Federal agency under this award must have prior written approval of the ADO. To request ADO approval the following must be submitted as a pdf attachment in an email sent to OASDVFR@usda.gov:

- a. A justification for the proposed subcontractual arrangements,
- b. A performance statement,
- c. A detailed budget and narrative for the subcontract, and
- d. An AR signed letter of commitment.

No-cost Extension of Time

Also see Section 8. Period of Performance. Usually one no-cost extension or an extension of no more than 12 months is permitted. The extension(s) must be approved in writing by the ADO. The awardee should prepare and submit a written request on organizational letterhead as soon as the NFE determines necessity but in any case, must be received no later than 10 days prior to the expiration date of the award. To request ADO approval, letter requests and accompanying documents must be submitted as pdf attachments to an email sent to OASDVFR@usda.gov following the guidance. The request must contain, at a minimum, the following information:

- a. The length of additional time required to complete project objectives, actual projected date for completing project, and a justification for the extension (see last paragraph of this article);
- b. A summary of progress to date (a copy of the most recent progress report is acceptable provided the information is current - see Progress Reports under Section 18. Performance Reporting Requirements);

- c. An estimate of funds expected to remain unobligated on the originally scheduled expiration date, original budget with a comparison of expenses to be expended during the No-cost extension period;
- d. A projected timetable to complete the portion(s) of the project for which the extension is being requested; and
- e. Signature of the Authorized Representative (AR) and the Project Director/Principal Investigator (PD/PI). Any request received by the agency that does not meet this requirement will be returned for the necessary signature(s).

Requests for no-cost extensions of time after expiration date

OPPE may consider and approve requests for no-cost extensions of time up to 120 days following the expiration of the award. These will be approved only for extenuating circumstances, as determined by OPPE. The awardee's Authorized Representative must submit the requirements identified in a. through e. of this section as well as an “extenuating circumstance” justification and a description of the actions taken by the awardee to minimize these requests in the future.

The fact that funds are expected to remain unobligated at the expiration of the award is not in itself sufficient justification to receive an extension of time unless otherwise authorized in the program legislation. Normally, no single extension may exceed 12 months and only in exceptional cases will more than one extension be considered. The award period (including any subsequent authorized extensions of time) shall not exceed any applicable statutory limit as well as any expiring appropriation limitation. See Section 20. Payments.

Salaries

Salary rates of pay exceeding an Executive Level IV salary range (see Executive Schedule link at <http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2015/executive-senior-level>) requires prior OPPE approval. This rate does not include any fringe benefits, general and administrative (G&A), overhead, or other expenses. To request ADO approval, provide the salary rate of pay and a justification for the rate in a request submitted as a pdf attachment to an email sent to OASDVFR@usda.gov.

Extension to Submit a Final Federal Financial Report, Form SF-425

To request ADO approval, requests must be submitted as a pdf attachment to an email sent to OASDVFR@usda.gov following the guidance below:

Request submitted PRIOR to the end of the 120-day period following the award expiration date.

The request should include a provisional report (showing unliquidated obligations), justification for not submitting a final by the initial due date, and the anticipated date for submission of a final report. Note that any extension of time is subject to expiring appropriations (see Section 20. Payments) or other statutory or agency policy limitations (see Section 8. Period of Performance). Funds will remain available for drawdown during an approved extension of time.

Request submitted FOLLOWING the end of the 120-day period following the award expiration date

Such requests will only be considered, up to 30 days after the due date, in extenuating circumstances. This request should include a provisional report (showing unliquidated obligations)

as well as an anticipated submission date for the final report, a justification for the late submission, and a justification for the extenuating circumstances. Note that any extension of time is subject to expiring appropriations (see Section 20. Payments) or other statutory or agency policy limitations (see Section 8. Period of Performance).

OPPE approves the inclusion of certain costs for which the agency's prior approval is required by 2 CFR 200.407. Unless otherwise stated, agency approval is granted for the recipient to:

2 CFR 200.308 Revision of budget and program plans

2 CFR 200.332 Fixed amount subawards—Unless otherwise specified, the NFE (pass-through) may provide subawards based on fixed amounts, provided that the subawards meet the requirements for fixed amount awards in 2 CFR 200.201 Use of grant agreements (including fixed amount awards), cooperative agreements, and contracts.

2 CFR 200.413 Direct costs—Direct charge the salaries of administrative and clerical staff if all conditions in 2 CFR 200.413 are met.

2 CFR 200.430 Compensation-personal services—(h)(ii) Directly charge payments of Incidental activities for which supplemental compensation is allowable under written institutional policy (at a rate not to exceed institutional base salary) and not include them in the records described in paragraph (i) of 2 CFR 200.430. (h)(3) Include charges for Intra-IHE faculty consulting on sponsored agreements that exceed a faculty member's base salary, but only in unusual cases where: (a) consultation is across departmental lines or involves a separate or remote operation; and (b) the consulting work is in addition to the faculty member's regular departmental load.

2 CFR 200.439 Equipment and other capital expenditures—(b)(1) Direct charge capital expenditures for general purpose equipment. (b)(2) Unless otherwise specified, the requirement to obtain prior approval for special purpose equipment over \$5,000 is required.

2 CFR 200.447 Insurance and indemnification—Costs of insurance required or approved and maintained, pursuant to the Federal award, are allowable.

2 CFR 200.456 Participant support costs—Unless otherwise specified, include participant support costs such as stipends or subsistence allowances, travel allowances, and registration fees paid to or on behalf of participants or trainees (but not employees) in connection with conferences, or training projects.

2 CFR 200.458 Pre-award costs—see Section 9. Pre-Award Costs and Section 10. Allowable Costs.

16. EXTENSIONS

As outlined in 2 CFR 200.309, the recipient may initiate a one-time extension of the period of performance by up to 12 months. For extensions of the period of performance - see Section 8.

Period of Performance. The recipient is authorized to initiate a one-time extension of the final end date of the period of performance of up to 12 months unless one or more of the following conditions applies:

- a. The agency-specific requirements of the award prohibit the extension;
- b. The extension requires additional Federal funds.
- c. The extension involves any change in the approved objectives or scope of the project.

For one-time extensions, the recipient must notify the Federal awarding agency in writing with the supporting reasons and revised end date at least 10 days before the final end date of the period of performance specified in the award. This one-time extension may not be exercised merely for the purpose of using unobligated balances. See Section 15. Prior Written Approval to request the following types of extensions: more than one no-cost extension or an extension of more than 12 months and an extension to submit a Final Federal Financial Report, SF-425.

17. FINANCIAL REPORTING

As outlined in [2 CFR 200.328](#), the recipient must submit financial reports by the frequency required in the terms and conditions of the award. The NFE will submit semi-annual and final Federal Financial Reports (SF-425) in accordance with 2 CFR 215 and 2 CFR Parts 415. The form and its instructions for completion can be found at [Grants.gov](https://www.grants.gov) under the Forms tab, “Post-Award Reporting Forms.” Please note: The SF-425 is a cumulative report: enter cumulative amounts from date of the inception of the award through the end date of the reporting period specified.

All OPPE grant reporting must be completed using USDA’s ezFedGrants management system. Semi-annual, financial, and final reporting on this grant is also to be completed through the ezFedGrants management system. Information on ezFedGrants can be found on <https://www.nfc.usda.gov/FSS/ClientServices/ezFedGrants/>.

Questions regarding report content should be directed to the OPPE 2501 Program Staff via email to OASDVFR@usda.gov; or via telephone to (202) 720-6350. The following are the financial reporting requirements for OPPE.

Federal Financial Report, Form SF-425

A “Federal Financial Report,” Form SF-425, is due on a semi-annual basis no later than 30 days following the end of the reporting period. The report must be submitted through ezFedGrants or as a pdf attachment to an email sent to OASDVFR@usda.gov.

- a. The report shall be completed on a single award basis.
- b. The cash management information (lines 10(a) through 10(c)) is to be completed.
- c. The financial status information (lines 10(d) through 10(h) as well as Section 11) on the

form are to be completed.

d. The awardee shall report program outlays and program income, if any, on the same accounting basis (i.e., cash or accrual) that it uses in its normal accounting system.

e. Awardees should report any interest earned in the remarks section of the SF-425.

f. All drawdowns must be made within 120 days after the expiration date of the award and before the final SF-425 is submitted.

Per 2 CFR 200.415(a) Required Certifications, to assure that expenditures are proper and in accordance with the terms and conditions of the Federal award and approved project budgets, the financial reports or vouchers requesting payment under the agreements must include a certification, signed by an official who is authorized to legally bind the NFE, which reads as follows:

“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).”

Final Federal Financial Report Form SF-425

A final “Federal Financial Report,” Form SF-425, is due 120 days after the expiration date of this award. The report must be submitted through ezFedGrants or as a pdf attachment to an email sent to OASDVFR@usda.gov. There should not be any unliquidated obligations reported on the final SF-425 report. If the NFE still has valid obligations that remain unpaid when the SF-425 is due, the NFE shall request an extension of time to submit the report. See Section 15. Prior Written Approval.

Further, when a final report is overdue (beyond the 120-day period following the award expiration date and not covered by an approved extension of the due date for submission of the report), the grant account will be suspended, which restricts the awardee's ability to draw funds. If any remaining funding is needed by the NFE, they must contact OPPE and request a draw providing OPPE with justification and documentation to support the draw. Such draw requests will only be approved in extenuating circumstances, as determined by OPPE. Regardless of extensions given for the submission of the SF-425, funds will not be available for any drawdowns that exceed statutory limits as well as any expiring appropriations (see Expiring Appropriation under Section 20. Payments).

Questions regarding report content should be directed to the OPPE 2501 Program Staff via email to OASDVFR@usda.gov; or via telephone to (202) 720-6350.

18. PERFORMANCE AND OTHER REPORTING REQUIREMENTS

As outlined in [2 CFR 200.329](#), the NFE is responsible for oversight of the operations of the award support activities. The NFE must monitor the activities to assure compliance with applicable Federal requirements and performance expectations are being achieved. Monitoring must cover each program/project, function, or activity. [2 CFR 200.301](#) addresses performance measurement. Performance Progress Reports must be submitted by the NFE in accordance with 2 CFR 215 and 2 CFR Parts 415.

All OPPE grant reporting must be completed using USDA's ezFedGrants management system. Semi-annual progress and final progress reporting on this grant are also to be completed through the ezFedGrants management system. Information on ezFedGrants can be found on <https://www.nfc.usda.gov/FSS/ClientServices/ezFedGrants/>.

Questions regarding report content should be directed to the OPPE 2501 Program Staff via email to OASDVFR@usda.gov; or via telephone to (202) 720-6350.

Performance Progress Reporting

Semi-annual Performance Progress Reports will be submitted by the NFE within 30 days after the end of each reporting period. OPPE will provide a template for suggested use by the NFC but reserves the right to change the format or process. The NFE has minimum performance requirements it must meet as a condition to this agreement. Additionally, the NFE's activities must be conducted in targeted areas named in the Statement of Work; however, this does not preclude work in other areas of need. **Performance Progress Reports should be written in a narrative format with substantive detail on activities carried out during the reporting period.** OPPE will monitor performance reports to ensure that minimum performance requirements are being met.

Semi-annual Performance Progress Reports will include the following information as it pertains to their Statement of Work for this agreement:

- a. Information on Outreach workshops
- b. Information on One-on-One Meetings
- c. Information on Conferences held
- d. Information on Farmer or Rancher Management
- e. All other training initiatives
- f. Targeted areas addressed as indicated in the Statement of Work
- g. Other targeted areas addressed, if applicable

Questions regarding report content should be directed to the OPPE 2501 Program Staff via email

to OASDVFR@usda.gov; or via telephone to (202) 720-6350.

Final Performance Progress Report

Final Performance Progress Reports will cover the entire period of award including any No Cost Extension period that is approved in the agreement and are due no later than 120 days after the end date of the Period of Award. The Final Performance Progress Report follows the format of semi-annual Performance Progress Reports to include the same information required in semi-annual reports but must include a summary of participants, target audiences, products (outputs), accomplishments (outcomes/impacts), and changes/problems.

Final Performance Reports should convey the impact the project had on the communities the NFE served and discuss the project's accomplishments in achieving expected outcomes. A comparison of actual accomplishments with the goals established for the reporting period (where the output of the project can be expressed readily in numbers, a computation of the cost per unit of output should be submitted if the information is considered useful) should be included in the Final Performance Report and include a written narrative on project accomplishments, socially, economically, civically, environmentally, etc. Final Progress Reports must include a summary of the project throughout the funding period, achievements of the project, and a discussion of overall successes and issues experienced in conducting the project.

Questions regarding report content should be directed to the OPPE 2501 Program Staff via email to OASDVFR@usda.gov; or via telephone to (202) 720-6350.

Use of Reported Information

Please note the vital importance of preparing well written progress reports. Information reported is used extensively by OPPE for describing the work OPPE funds, in planning and defending its budget, assessing its programs, and communicating project results to Congress. This depends on quality reports written in lay terms.

19. RESPONSIBILITY FOR SUBRECIPIENT MONITORING AND MANAGEMENT

If the project involves subaward agreements, the pass-through entity is responsible for assessing the risk of subrecipients, and ensure subrecipients are meeting the performance goals and objectives (see [2 CFR 200.331 through 200.333](#)).

The pass-through entity must provide to subrecipient(s) appropriate terms and conditions concerning closeout of the subaward(s).

Pass-through entity monitoring of the subrecipient(s) must include:

Reviewing financial and performance reports required by the pass-through entity.

Follow-up and ensuring that the subrecipient takes timely and appropriate action on all deficiencies pertaining to the award provided to the subrecipient from the pass-through entity detected through audits, on-site review, and other means.

Issuing a management decision for audit findings pertaining to the Federal award provided to the

subrecipient from the pass-through entity.

Timeframes for reviewing financial and programmatic reports are established by the USDA awarding agency or pass-through entity. Intervals must be no less frequently than annually nor more frequent than quarterly except in unusual circumstances, for example where more frequent reporting is necessary for the effective monitoring of the award or could significantly affect program outcomes.

20. PAYMENTS

Subject to [31 CFR 208.3](#), notwithstanding any other provision of law, effective January 2, 1999, all Federal payments made by the USDA awarding agency shall be made by electronic funds transfer (EFT), unless a waiver applies (see [31 CFR 208.4](#)).

As outlined in [2 CFR 200.305 \(b\)](#), for NFEs other than states, payment methods must minimize the time elapsing between the transfer of funds from the United States Treasury or the pass-through entity and the disbursement by the NFE whether the payment is made by EFT, or issuance or redemption of checks, warrants, or payment by other means. Awardees are expected to request funds via the federally approved electronic payment system in a timely manner in accordance with [2 CFR 215.22](#) and [2 CFR 416.21](#). All payments to the awardee shall be made via the approved electronic funds transfer (EFT) method.

All OPPE payments will be made in advance. Because of the nature of the 2501 Program, OPPE awardees are considered **Advance payees only**. The Payment Type on the form SF-270 Request for Advance or Reimbursement, Block 1a must be marked as an ‘Advance.’ After the submission of the first claim, each successive claim must be accompanied with a justification on how the funds were spent from the previous claim. The ezFedGrants external portal is not designed to accept advance payment requests from the NFE; as a result, 2501 Program awardees cannot submit their own SF270s through ezFedGrants. **Please let your finance representatives know.**

NFEs requesting advances should request payment in amounts necessary to cover anticipated cash needs for the Advance period (upcoming month or quarter) for all awards made by the USDA awarding agency as outlined in [2 CFR 200.305 \(b\)\(2\)](#). All Federal funds Advanced to the NFE shall be used to carry out the project activities approved in their original proposal or any approved budget revisions.

OPPE utilizes the ezFedGrants management system, as the payment system for award funds. For more information see <https://www.nfc.usda.gov/FSS/ClientServices/ezFedGrants/>.

To process an advance payment, the NFE should submit the SF-270 *Request for Advance or Reimbursement* form offline (i.e., via an emailed PDF) directly to OPPE’s staff-shared email box: OASDVFR@usda.gov. The claim will be created by a 2501 Program staff member in the internal portal on behalf of the NFE. This process may be different from other USDA grants held by the NFE. Please continue to follow other agencies instructions regarding claims submissions.

21. INTEREST EARNED ON FEDERAL ADVANCE PAYMENTS

In accordance with [2 CFR 200.305 \(b\)\(9\)](#), interest earned amounts up to \$500 per year may be retained by the NFE for administrative expense.

Any additional interest earned on Federal advance payments deposited in interest-bearing accounts must be remitted annually to federal agency payment system. Remittances must include pertinent information of the payee and nature of payment in the memo area (often referred to as “addenda records” by Financial Institutions) as that will assist in the timely posting of interest earned on federal funds.

Questions regarding report content should be directed to the OPPE 2501 Program Staff via email to OASDVFR@usda.gov; or via telephone to (202) 720-6350.

22. EQUIPMENT

Per [2 CFR 200.33](#), Equipment is defined as tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the NFE for financial statement purposes, or \$5,000 (see also [2 CFR 200.12](#) Capital assets, [200.20](#) Computing devices, [200.48](#) General purpose equipment, [200.58](#) Information technology systems, [200.89](#) Special purpose equipment, and [200.94](#) Supplies).

Expenditures for the acquisition or improvement of general and special purpose equipment is allowable, without prior agency approval, if the cost of the equipment is appropriately prorated among the activities to be benefitted.

In accordance with [2 CFR 200.313](#): Title to equipment acquired under the award will vest upon acquisition to the NFE. Unless a statute specifically authorizes the USDA awarding agency to vest title in the NFE without further obligation to the government, and the USDA awarding agency elects to do so, the title must be a conditional title. Title must vest to the recipient subject to the following conditions:

- a. Use the equipment for the authorized purpose(s) of the project during the period of performance, or until the property is no longer needed for the purposes of the project.
- b. Not encumber the property without approval of the USDA awarding agency or pass-through entity.
- c. Use and dispose of the property in accordance with the requirements of this section.

Use.

Equipment must be used by the NFE in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by the award, and the NFE must not encumber the property without prior approval of the USDA awarding agency. When equipment is no longer needed for the original program or project, the equipment may be used in

other activities supported by the USDA awarding agency, in the following order of priority:

- a. Activities under the award from the USDA awarding agency which funded the original program or project, then
- b. Activities under awards from other Federal awarding agencies, including consolidated equipment for information technology systems.

During the time that equipment is used on the project or program for which it was acquired, the recipient must also make equipment available for use on other projects or programs currently or previously supported by the Federal government, provided that such use will not interfere with the work on the projects or program for which it was originally acquired.

The NFE must not use equipment acquired with the award to provide services for a fee that is less than private companies charge for equivalent services unless specifically authorized by Federal statute for as long as the Federal government retains an interest in the equipment.

When acquiring replacement equipment, the NFE may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property.

Equipment Management Requirements

Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part under the award, until disposition takes place will, as a minimum, meet the following requirements:

- a. Property records must be maintained that include description of the property, a serial number or identification number, the source of funding for the property (including the Federal Award Identification Number (FAIN)), who holds the title, acquisition date, and cost of the property, percentage of Federal participation in the project costs for the award under which the property was acquired, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property.
- b. A physical inventory of the property must be taken, and the results reconciled with the property records at least once every two years.
- c. A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft must be investigated.
- d. Adequate maintenance procedures must be developed to keep the property in good condition.
- e. If the NFE is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

Disposition of Equipment

When the original or replacement equipment acquired under the award is no longer needed for the

original project or program or for other activities currently or previously supported by a Federal awarding agency, except as otherwise provided in Federal statutes, regulations, or Federal awarding agency disposition instructions, the NFE must request disposition instructions from the USDA awarding agency if required by the terms and conditions of the award. Disposition of the equipment will be made in accordance with the USDA awarding agency disposition instructions outlined in [2 CFR 200.313 \(e\)\(1\) through \(4\)](#).

Fixed Equipment and Real Property

No funds awarded under the authorities of Section 2501(a)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 may be used for the renovation or refurbishment of a building for facility; the purchase or installation of fixed equipment in such spaces; or for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.

23. PROCUREMENT

USDA NFEs shall adhere to the requirements of [2 CFR 200.317 through 200.326](#) which prescribes standards in establishing procedures for the procurement of supplies and other expendable property, equipment, real property and other services with Federal funds.

See FAQs 200.110-6, 200-318-1, 200.320-2 of the *Frequently Asked Questions for The Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR 200* (located at <https://cfo.gov/cofar>) regarding procurement.

This is a non-construction grant. However, procurement of goods required to conduct training or for demonstration purposes must adhere to OMB Memo M-22-11 which states: Recipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless:

(1) all iron and steel used in the project are produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;

(2) all manufactured products used in the project are produced in the United States- this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulations; and

(3) all construction materials are manufactured in the United States-this means that all manufacturing processes for the construction material occurred in the United States.

The Buy American preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project, but are not an

integral part of the structure or permanently affixed to the infrastructure project.

When necessary, recipients may apply for, and the agency may grant, a waiver from these requirements. Refer to OMB Memo M-22-11 for specific waiver requirements.

24. SUBRECIPIENT AND CONTRACTOR DETERMINATIONS

The NFE may concurrently receive Federal awards as a recipient, a subrecipient, or a contractor, depending on the substance of its agreements with Federal awarding agencies and pass-through entities. Therefore, a pass-through entity must make case-by-case determinations whether each agreement it makes for the disbursement of Federal program funds casts the party receiving the funds in the role of a subrecipient or a contractor. The USDA awarding agency may supply and require recipients to comply with additional guidance to support these determinations provided such guidance does not conflict with this section.

Subrecipients

A subaward is for the purpose of carrying out a portion of a Federal award and creates a Federal assistance relationship with the subrecipient. Characteristics which support the classification of the NFE as a subrecipient include when the NFE:

- a. Determines who is eligible to receive what Federal assistance;
- b. Has its performance measured in relation to whether objectives of a Federal program were met;
- c. Has responsibility for programmatic decision making;
- d. Is responsible for adherence to applicable Federal program requirements specified in the Federal award; and
- e. In accordance with its agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.

Contractors

A contract is for the purpose of obtaining goods and services for the NFE's own use and creates a procurement relationship with the contractor. Characteristics indicative of a procurement relationship between the non-Federal entity and a contractor are when the NFE receiving the Federal funds:

- a. Provides the goods and services within normal business operations;
- b. Provides similar goods or services to many different purchasers;
- c. Normally operates in a competitive environment;
- d. Provides goods or services that are ancillary to the operation of the Federal program; and

e. Is not subject to compliance requirements of the Federal program as a result of the agreement, though similar requirements may apply for other reasons.

Regardless of whether an award is a grant, cooperative agreement, subgrant or contract under an award, all are expected to follow the applicable OMB cost principles in 2 CFR 200—Subpart E. The NFEs are also responsible for ensuring all contracts contain the appropriate provisions outlined in 2 CFR 200, Appendix II.

25. CONFLICT OF INTEREST

As outlined in 2 CFR 200.112 and 2 CFR 400.2, the NFE must disclose in writing any potential conflict of interest to the USDA awarding agency or pass-through entity in accordance with applicable USDA awarding agency policy.

See FAQ 200.112-1 of the *Frequently Asked Questions for The Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR 200* (located at <https://cfo.gov/cofar>) regarding Conflict of Interest.

26. ACKNOWLEDGMENT OF SUPPORT ON PUBLICATIONS AND AUDIOVISUALS

As outlined in 2 CFR 415.2, the NFE shall have an acknowledgement of USDA awarding agency support placed on:

- a. Any publications written or published with grant support and, if feasible, on any publication reporting the results of, or describing, a grant-supported activity, and
- b. Any audiovisual which is produced with grant support and which has a direct production cost to the recipient of over \$5,000.

The results of the program/project assisted by award funds may be published by the awardee without prior review by OPPE, provided that such publications acknowledge the support provided by funds pursuant to the provisions of section 14004 of the Food, Conservation, and Energy Act of 2008 (FCEA), Pub.L 110-246, 122 Stat. 1651, 2205-2206. The NFE will e-mail an electronic copy of any publication to the ADO at the request of OPPE.

Acknowledgement of Support and Disclaimer

The awardee is responsible for acknowledging OPPE for work supported by OPPE funding during news media interviews, including popular media such as radio, television, and news magazines, that discuss in a substantial way work that is funded by this award. When acknowledging USDA support in accordance with 2 CFR Part 415, awardees must use one the following acknowledgments of USDA/OPPE support which must appear in the publication of any material, whether copyrighted or not, and any products produced in electronic formats (e.g., World Wide Web pages, computer programs, etc.) which is substantially based upon or developed under this

award:

"This material is based upon work supported by the Office of Partnerships and Public Engagement, U.S. Department of Agriculture, under Award No. [the awardee should enter the applicable award number here]."

"Funding was provided by the Office of Partnerships and Public Engagement"

"Funding was provided by USDA"

In addition, all publications and other materials, except scientific articles or papers published in scientific journals, must contain the following statement:

"Any opinions, findings, conclusions, or recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the view of the U.S. Department of Agriculture."

USDA Logo

OPPE also expects that the awardee will use USDA's official logo in all of their publications, posters, websites, and presentations resulting from this award. The logo and rules for using the logo can be found at <https://www.usda.gov/style-guide/logo>.

Press Announcements and Media Interviews

Recommended awards should not be announced in any manner by an awardee until approval is obtained by OPPE's Communication Office. This applies to press releases, newsletters, press interviews, and web or social media postings. In many cases, the Secretary of Agriculture may want to personally announce the award.

OPPE awardees are requested to coordinate all public announcements with USDA's Communication Staff. Simultaneous announcement by OPPE and the awardee are preferred.

27. TERMINATION

Termination: Award termination will be considered pursuant to [2 CFR Part 215](#) or [2 CFR Part 416](#). In such instances, OPPE may reimburse the awardee for eligible costs incurred prior to the effective date of the suspension or termination and may allow all necessary and proper costs which the awardee could not reasonably avoid. OPPE will withhold further advances and awardees are prohibited from further use of award funds, pending corrective action.

As outlined in [2 CFR 200.340](#), this award may be terminated in whole or in part as follows by:

- a. USDA awarding agency or pass-through entity, if the NFE fails to comply with the terms and conditions of this Federal award;
- b. USDA awarding agency or pass-through entity for cause;

c. USDA awarding agency or pass-through entity with the consent of the NFE, in which case the two parties must agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated; or

d. NFE upon sending to the USDA awarding agency or pass-through entity written notification setting forth the reason(s) for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if the USDA awarding agency or pass-through entity determines in the case of partial termination that the reduced or modified portion of the award or subaward will not accomplish the purposes for which the award was made, the USDA awarding agency or pass-through entity may terminate the Federal award in its entirety.

When a Federal award is terminated or partially terminated, both the USDA awarding agency or pass-through entity and the NFE remain responsible for compliance with the requirements in closeout and post-closeout adjustments and continuing responsibilities.

28. AUDIT REQUIREMENTS

NFEs are responsible for obtaining audits in accordance with the audit requirements of 2 CFR 200.500 through 200.521. In addition, NFEs are subject to the audit requirements found in the Single Audit Act Amendments of 1996, (31 U.S.C. 7501-7507).

A NFE that expends \$750,000 or more in a fiscal year in Federal awards must have a single or program-specific audit conducted for that year.

A NFE that expends less than \$750,000 during their fiscal year in Federal awards is exempt from Federal audit and requirements for that year, except as noted in 2 CFR 200.503 Relation to other audit requirements, but records must be available for review or audit by appropriate USDA officials, pass-through entity, and Government Accountability Office (GAO).

The audit report must be completed and the Data Collection Form (Form SF-SAC) and reporting package must be submitted within 30 calendar days after receipt of the auditor's report(s), or nine months after the end of the audit period. All auditees are to submit their audit reports directly to the Federal Audit Clearinghouse (FAC). The SF-SAC and reporting package **MUST** be submitted electronically to FAC: <http://harvester.census.gov/sac/>. Any future updates to the location of the FAC may be found at the OMB web site.

29. DEBARMENT AND SUSPENSION

Per OMB guidance, Federal awarding agencies are required to check the SAM.gov Exclusions list of persons and entities ineligible for Federal awards. This requirement flows down to Federal Award recipients who are required to check SAM Exclusions for all subawards and contracts. Prime recipients must obtain prior written approval from the awarding agency for all proposed subawards, regardless of size (see 2 CFR 200.308(c)(1)(vi)). When requesting approval, prime recipients must confirm that they have conducted a risk-assessment of each of the proposed

subrecipient(s) by name; and verify that each subrecipient does not have active exclusions in SAM and does appear on the Suspension and Debarment List.

In accordance with [2 CFR 200.214](#), NFEs and contractors are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, [2 CFR part 180](#). These regulations restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities.

NFEs must comply with the provisions on governmentwide suspension and debarment in [Subpart C of 2 CFR Part 180](#), Responsibilities of Participants Regarding Transactions Doing Business with Other Persons, as supplemented by USDA's regulations at [Subpart C of 2 CFR Part 417](#), Responsibilities of Participants Regarding Transactions. These provisions restrict Federal awards, subawards and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal programs or activities.

The NFE is responsible for requiring the inclusion of a similar term or condition in any lower tier covered transaction, as described in [Subpart B of 2 CFR Part 180](#), Covered Transactions, as supplemented by USDA's regulation at [Subpart B of 2 CFR Part 417](#), Covered Transactions.

The NFE is also responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transaction. The NFE acknowledges that failing to disclose the information required under [2 CFR 180.335](#) may result in the termination of the award, or pursuance of other available remedies, including suspension and debarment.

30. REMEDIES FOR NONCOMPLIANCE

As outlined in [2 CFR 200.339](#), if a NFE fails to comply with Federal statutes, regulations or the terms and conditions of the USDA award, the USDA awarding agency or pass-through entity may impose additional conditions, as described in [2 CFR 200.208](#) Specific conditions. If the USDA awarding agency or pass-through entity determines that noncompliance cannot be remedied by imposing additional conditions, the USDA awarding agency or pass-through entity may take one or more of the following actions, as appropriate in the circumstances:

- a. Temporarily withhold cash payments pending correction of the deficiency by the NFE or more severe enforcement action by the Federal awarding agency or pass-through entity.
- b. Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.
- c. Wholly or partly suspend or terminate the Federal award.
- d. Initiate suspension or debarment proceedings as authorized under [2 CFR Part 180](#) and the USDA awarding agency regulations (or in the case of a pass-through entity, recommend such a proceeding be initiated by the USDA awarding agency).
- e. Withhold further Federal awards for the project or program.

- f. Take other remedies that may be legally available.

31. RETENTION REQUIREMENTS FOR RECORDS

In accordance with [2 CFR 200.334](#), financial records, supporting documents, statistical records, and all other NFE records pertinent to an award must be retained for a period of three years from the date of submission of the final expenditure report. For awards that are renewed quarterly or annually, from the date of the submission of the semi-annual financial report as authorized by the USDA awarding agency or pass-through entity in the case of a subrecipient(s). The only exceptions are the following:

- a. If any litigation, claim, or audit is started before the expiration of the 3-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.
- b. When notified in writing by the USDA awarding agency, cognizant agency for audit, oversight agency for audit, cognizant agency for indirect costs, or pass-through entity to extend the retention period.
- c. Records for real property and equipment acquired with Federal funds must be retained for 3 years after final disposition.
- d. When records are transferred to or maintained by the USDA awarding agency or pass-through entity, the 3-year retention requirement is not applicable.
- e. Records for program income transactions after the period of performance.
- f. Indirect cost rate proposals and cost allocation plans.

32. REQUESTS FOR TRANSFER OF RECORDS

As outlined in [2 CFR 200.335](#), the USDA awarding agency must request transfer of certain records to its custody from the NFE when it determines that the records possess long-term retention value. However, in order to avoid duplicate recordkeeping, the USDA awarding agency may decide for the NFE to retain any records that are continuously needed for joint use.

33. ACCESS TO RECORDS

As outlined in [2 CFR 200.337](#), the USDA awarding agency, inspectors general, the Government Accountability Office (GAO) and the pass-through entity or any of their authorized representatives have the right of access to recipient records. This access extends to any books, documents, papers,

and other records of the recipient that are pertinent to the federal award for audits, examinations, excerpts, and transcripts. This right extends to the NFE's personnel for timely interviews and discussions related to associated documents. The NFE also may view pertinent records of subrecipients and contractors for similar purposes ([2 CFR 200.331\(a\)\(5\)](#)).

The USDA awarding agency or the GAO may authorize other government officials (e.g., program officials, USDA awarding agency grants management staff, federal or pass-through program officials and other officials) to access a NFE's records. These officials' responsibility extends to compliance requirements for which the NFE is held accountable, as outlined in the terms and conditions of the grant. If there are questions about such access, the NFE should contact the USDA awarding agency for guidance. If an audit begins before the three-year period expires, the relevant records must be retained until final resolution ([2 CFR 200.334](#)).

The access rights to a NFE's grant records do not expire at the end of the retention period. Authorized Federal officials have access rights as long as the records are retrained by the NFE ([200.336\(c\)](#)).

In furtherance of [2 CFR 200.211](#), reporting potentially classifiable information:

This award is intended for unclassified, publicly releasable research. The recipient will not be granted access to classified information. The awarding agency does not expect that the results of the research project will involve classified information.

If, however, in conducting the activities supported under this award, the project director (PD) is concerned that any of the research results involve potentially classifiable information that may warrant Government restrictions on the dissemination of the results, the PD should promptly notify the awarding agency's program official, or the ADO.

Release of Information

The Freedom of Information Act of 1966 (5 U.S.C. 552) and the Privacy Act of 1974 (5 U.S.C. 552a), as implemented by USDA's regulations (7 CFR Part 1), shall govern the release or withholding of information to the public in connection with this award project. The release of information under these laws and regulations applies only to records held by OPPE and imposes no requirement on the awardee or on any subawardee to permit or deny public access to their records. Requests for records or the release of information relating to this award should be directed to:

FOIA Officer
Alexis R. Graves Departmental FOIA Officer
1400 Independence Ave S.W.
Room 4104
Washington, DC 20250

FOIA Requests Email: USDAFOIA@ocio.usda.gov

The regulations cited herein do not affect the retention period for project-related records or rights of access to such records or documents by OPPE, the Comptroller General, or their authorized representatives.

34. CLOSEOUT REQUIREMENTS

Closeout: Award closeout is the process by which OPPE determines that all required project activities have been performed satisfactorily and all necessary administrative actions have been completed. This award and any subcontracts hereunder shall be closed out as soon as possible after expiration or termination of the project. While the awardee may use its own policies and procedures in closing out awards made to its recipients, the closeout of the prime award will be done in accordance with 2 CFR Part 215 and 2 CFR Part 416. See also sections 17 and 18. Reporting of this document for instructions regarding final performance and financial reports.

As outlined in [2 CFR 200.344](#), the award closeout is the process by which the NFE and USDA awarding agency or pass-through entity determine that all required work of the award and all necessary administrative actions have been completed.

Unless the USDA awarding agency grants an extension, the NFE must submit the following no later than 120 calendar days after the end date of the period of performance:

- a. Final Financial Report (SF-425),
- b. Final Performance Report, and
- c. Other reports as required by or identified in the terms and conditions

See Section 17. Financial Reporting and Section 18. Performance Reporting Requirements for further information about the submission of final reports.

The NFE must liquidate all obligations incurred under the award not later than 120 calendar days after the end of the period of performance.

The USDA awarding agency or pass-through entity must complete close out actions no later than one year after receipt and acceptance of all required final reports. The one-year period begins once the USDA awarding agency receives the final reports.

35. POST-CLOSEOUT ADJUSTMENTS AND CONTINUING RESPONSIBILITIES

As outlined in [2 CFR 200.344](#), the closeout of a grant does not affect any of the following:

- a. The right of USDA awarding agency or pass-through entity to disallow costs and recover funds because of a later audit or other review. Any disallowance determinations and notifications made by the USDA awarding agency or pass-through entity must be made within the record retention period. See Section 31. Retention Requirements for Records.
- b. The obligation of the NFE to return any funds as a result of later refunds, corrections, or other transactions including final indirect cost rate adjustments.
- c. Audit requirements as required in Section 28. Audit Requirements and [2 CFR 200.500 through 200.521](#).

d. Property management and disposition requirements in [2 CFR 200.310 through 200.316](#).

e. Records retention as required in 31. Retention Requirements for Records and [2 CFR 200.334](#).

36. Scientific Integrity

Pursuant to the authority established under U.S. Department of Agriculture’s Departmental Regulation #: DR 1074-001

All USDA employees, political, and career, who:

- (a) Engage in, supervise, manage, or report on scientific activities;
- (b) Analyze and/or publicly communicate information resulting from scientific activities; and/or
- (c) Utilize information derived from scientific activities in policy and decision making.

All contractors, cooperators, partners, permittees, lessees, grantees, and volunteers, who engage or assist in the activities identified on behalf of USDA, are expected to uphold the principles of scientific integrity established by this DR.

37. Public Access

Pursuant to the authority established under U.S. Department of Agriculture’s Departmental Regulation #: DR 1020-006.

This policy applies to all unclassified scientific research covered under this agreement, including intramural research and extramural research, that is supported wholly or in part by the USDA, regardless of the USDA funding level or funding mechanism.”

38. Geospatial Data

Pursuant to the authority established under U.S. Department of Agriculture’s Departmental Regulation #: DR 3465-001

All USDA Mission Areas, agencies, and staff offices will ensure that contracts, grants, agreements, and business processes are written to ensure that geospatial data collected utilizing Federal funds is high quality and meets the business requirements.”

39. Buy America Preferences for Infrastructure Projects

Pursuant to the authorities established under the following laws, regulations and memoranda: P.L. 117-58, 2 CFR part 184, 2 CFR 200.322(c), M-24-02 Appendix I

Required Use of American Iron, Steel, Manufactured Products, and Construction Materials

Buy America Preference. Recipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for an infrastructure project unless:

(1) All iron and steel used in the project are produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;

(2) All manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard that meets or exceeds this standard has been established under applicable law or regulation for determining the minimum amount of domestic content of the manufactured product; and

(3) All construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. The construction material standards are listed below.

Incorporation into an infrastructure project. The Buy America Preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America Preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project, but are not an integral part of the structure or permanently affixed to the infrastructure project.

Categorization of articles, materials, and supplies. An article, material, or supply should only be classified into one of the following categories: (i) Iron or steel products; (ii)

Manufactured products; (iii) Construction materials; or (iv) Section 70917(c) materials. An article, material, or supply should not be considered to fall into multiple categories. In some cases, an article, material, or supply may not fall under any of the categories listed in this paragraph. The classification of an article, material, or supply as falling into one of the categories listed in this paragraph must be made based on its status at the time it is brought to the work site for incorporation into an infrastructure project. In general, the work site is the location of the infrastructure project at which the iron, steel, manufactured products, and construction materials will be incorporated.

Application of the Buy America Preference by category. An article, material, or supply incorporated into an infrastructure project must meet the Buy America Preference for only the single category in which it is classified.

Determining the cost of components for manufactured products. In determining whether the cost of components for manufactured products is greater than 55 percent of the total cost of all components, use the following instructions:

(a) For components purchased by the manufacturer, the acquisition cost, including transportation costs to the place of incorporation into the manufactured product (whether or not such costs are paid to a domestic firm), and any applicable duty (whether or not a duty-free entry certificate is issued); or

(b) For components manufactured by the manufacturer, all costs associated with the manufacture of the component, including transportation costs as described in paragraph (a), plus allocable overhead costs, but excluding profit. Cost of components does not include any costs associated with the manufacture of the manufactured product.

Construction material standards. The Buy America Preference applies to the following construction materials incorporated into infrastructure projects. Each construction material is followed by a standard for the material to be considered “produced in the United States.” Except as specifically provided, only a single standard should be applied to a single construction material.

(1) Non-ferrous metals. All manufacturing processes, from initial smelting or melting through final shaping, coating, and assembly, occurred in the United States.

(2) Plastic and polymer-based products. All manufacturing processes, from initial combination of constituent plastic or polymer-based inputs, or, where applicable, constituent composite materials, until the item is in its final form, occurred in the United States.

(3) Glass. All manufacturing processes, from initial batching and melting of raw materials through annealing, cooling, and cutting, occurred in the United States.

(4) Fiber optic cable (including drop cable). All manufacturing processes, from the initial ribboning (if applicable), through buffering, fiber stranding and jacketing, occurred in the United States. All manufacturing processes also include the standards for glass and optical fiber, but not for non-ferrous metals, plastic and polymer-based products, or any others.

(5) Optical fiber. All manufacturing processes, from the initial preform fabrication stage through the completion of the draw, occurred in the United States.

(6) Lumber. All manufacturing processes, from initial debarking through treatment and planing, occurred in the United States.

(7) Drywall. All manufacturing processes, from initial blending of mined or synthetic gypsum plaster and additives through cutting and drying of sandwiched panels, occurred in the United States.

(8) Engineered wood. All manufacturing processes from the initial combination of constituent materials until the wood product is in its final form, occurred in the United States.

Waivers

When necessary, recipients may apply for, and the agency may grant, a waiver from these requirements. The agency should notify the recipient for information on the process for requesting a waiver from these requirements.

When the Federal agency has made a determination that one of the following exceptions applies, the awarding official may waive the application of the Buy America Preference in any case in which the agency determines that:

- (1) applying the Buy America Preference would be inconsistent with the public interest;
- (2) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
- (3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

A request to waive the application of the Buy America Preference must be in writing. The agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office.

There may be instances where an award qualifies, in whole or in part, for an existing waiver described at [link to awarding agency web site with information on currently applicable general applicability waivers].

Definitions

“Buy America Preference” means the “domestic content procurement preference” set forth in section 70914 of the Build America, Buy America Act, which requires the head of each Federal agency to ensure that none of the funds made available for a Federal award for an infrastructure project may be obligated unless all of the iron, steel, manufactured products, and construction materials incorporated into the project are produced in the United States.

“Construction materials” means articles, materials, or supplies that consist of only one of the items listed in paragraph (1) of this definition, except as provided in paragraph (2) of this definition. To the extent one of the items listed in paragraph (1) contains as inputs other items listed in paragraph (1), it is nonetheless a construction material.

- (1) The listed items are:
 - (i) Non-ferrous metals;
 - (ii) Plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
 - (iii) Glass (including optic glass);
 - (iv) Fiber optic cable (including drop cable);
 - (v) Optical fiber;
 - (vi) Lumber;
 - (vii) Engineered wood; and
 - (viii) Drywall.

(2) Minor additions of articles, materials, supplies, or binding agents to a construction material do not change the categorization of the construction material.

“Infrastructure” means public infrastructure projects in the United States, which includes, at a minimum, the structures, facilities, and equipment for roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property; and structures, facilities, and equipment that generate, transport, and distribute energy including electric vehicle (EV) charging.

“Infrastructure project” means any activity related to the construction, alteration, maintenance, or repair of infrastructure in the United States regardless of whether infrastructure is the primary purpose of the project. See also paragraphs (c) and (d) of 2 CFR 184.4.

“Iron or steel products” means articles, materials, or supplies that consist wholly or predominantly of iron or steel or a combination of both.

“Manufactured products” means:

(1) Articles, materials, or supplies that have been:

- (i) Processed into a specific form and shape; or
- (ii) Combined with other articles, materials, or supplies to create a product with different properties than the individual articles, materials, or supplies.

(2) If an item is classified as an iron or steel product, a construction material, or a Section 70917(c) material under 2 CFR 184.4(e) and the definitions set forth in 2 CFR 184.3, then it is not a manufactured product. However, an article, material, or supply classified as a manufactured product under 2 CFR 184.4(e) and paragraph (1) of this definition may include components that are construction materials, iron or steel products, or Section 70917(c) materials.

“Predominantly of iron or steel or a combination of both” means that the cost of the iron and steel content exceeds 50 percent of the total cost of all its components. The cost of iron and steel is the cost of the iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings utilized in the manufacture of the product and a good faith estimate of the cost of iron or steel components.

“Section 70917(c) materials” means cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives. See Section 70917(c) of the Build America, Buy America Act.

The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.