

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary

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Madison, Wisconsin 53707-7921
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October 28, 2010

Ms. Sharon Green
U.S. EPA –Region V
Assistance Section (MC-10J)
77 West Jackson Boulevard
Chicago, IL 60604-3590

SUBJECT: Sheboygan AOC Pathway to Delisting Habitat BUIs – Grant No. GL-00E00489-0

Dear Ms. Green:

We are pleased to accept the award of \$202,181 for Grant No. GL-00E00489-0, “Sheboygan AOC Pathway to Delisting Habitat BUIs.” The budget and project periods for this grant are 09/01/10-08/31/12.

Enclosed is an executed copy of the original of the grant award. The second executed document has been retained for our file.

We appreciate the benefits to the State which this award represents. If you have questions regarding this matter, please contact Mr. Greg Searle (608/266-9252), Section Chief of the Monitoring & Management Section in the Bureau of Watershed Management.

Sincerely,


for Matthew J. Frank
Secretary

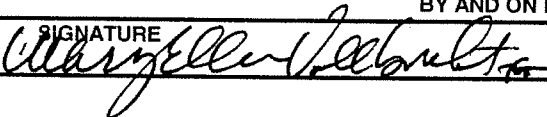
GL-00E00489-0 acp.doc.

Enc.

cc: Greg Searle – WT/3
Terri Burns – FN/2
Steve Galarneau – OGL/3
Joanne Farnsworth – WM/6
Dennis Schenborn – FM/4
Rebecca Schroeder – ER/6
Mirchell Phillips – U.S. EPA, Region V (MC-10J)
Felicia Gaines – U.S. EPA, Region V (WS-15J)



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	U.S. ENVIRONMENTAL PROTECTION AGENCY Grant Agreement	ASSISTANCE ID NO.			DATE OF AWARD 09/09/2010
		PRG	DOC ID	AMEND#	
		GL - 00E00489 - 0			MAILING DATE 09/16/2010
		TYPE OF ACTION New			
		PAYMENT METHOD: ASAP			ACH# 50396
RECIPIENT TYPE: State		Send Payment Request to: Las Vegas Financial Center			
RECIPIENT: Wisconsin Department of Natural Resources P.O. Box 7921 Madison, WI 53707 EIN: 39-6006436		PAYEE: Wisconsin Department of Natural Resources P.O. Box 7921 Madison, WI 53707			
PROJECT MANAGER Greg Searle P.O. Box 7921 Madison, WI 53707 E-Mail: greg.searle@wisconsin.gov Phone: (608) 266-9252		EPA PROJECT OFFICER Jennifer Conner 77 West Jackson Blvd., GL-17J Chicago, IL 60604-3507 E-Mail: Conner.Jennifer@epamail.epa.gov Phone: 312-886-0201		EPA GRANT SPECIALIST Mirchell Phillips Assistance Section, MC-10J E-Mail: Phillips.Mirchell@epamail.epa.gov Phone: 312-886-5265	
PROJECT TITLE AND DESCRIPTION Sheboygan AOC Pathway to Delisting Habitat BUIs This project supports the Great Lakes Restoration Initiative (GLRI) and the Great Lakes Water Quality Agreement under the Public Law 111-88. Specifically, this project is intended to support the development of delisting strategies and a fish and wildlife population and habitat restoration plan to address the "fish and wildlife population" and "fish and wildlife habitat" beneficial use impairments for the Sheboygan River and Harbor Area of Concern. This project includes a rapid ecological assessment using historical and current data, as well as new field surveys, as needed, to fill data gaps or update needed for the assessment.					
BUDGET PERIOD 09/01/2010 - 08/31/2012		PROJECT PERIOD 09/01/2010 - 08/31/2012		TOTAL BUDGET PERIOD COST \$202,181.00	
				TOTAL PROJECT PERIOD COST \$202,181.00	
NOTICE OF AWARD Based on your application dated 06/23/2010, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$202,181. EPA agrees to cost-share 100.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$202,181. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.					
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE		
ORGANIZATION / ADDRESS U.S. EPA Region 5 Mail Code MCG10J 77 West Jackson Blvd. Chicago, IL 60604-3507			ORGANIZATION / ADDRESS U.S. EPA, Region 5 Great Lakes Natural Program Office 77 West Jackson Blvd. Chicago, IL 60604-3507		
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY					
SIGNATURE OF AWARD OFFICIAL Digital signature applied by EPA Award Official		TYPED NAME AND TITLE Cyndy Colantoni, Associate Director for Resources Management		DATE 09/09/2010	
AFFIRMATION OF AWARD					
BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION					
SIGNATURE 		TYPED NAME AND TITLE Matthew J. Frank, Secretary		DATE 10-26-10	

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Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.469 - Great Lakes Program	Public Law 111-88 Department of Interior Environment and Related Agencies Appropriations Act 2010	40 CFR PART 31

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	1005HTX054	1011	B	05H6	403BJ7E	4116	050700T	-	202,181
									202,181

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$41,275
2. Fringe Benefits	\$11,239
3. Travel	\$18,000
4. Equipment	\$0
5. Supplies	\$6,600
6. Contractual	\$117,500
7. Construction	\$0
8. Other	\$0
9. Total Direct Charges	\$194,614
10. Indirect Costs: <u>14.41%</u> Base <u>52514</u>	\$7,567
11. Total (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %.)	\$202,181
12. Total Approved Assistance Amount	\$202,181
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$202,181
15. Total EPA Amount Awarded To Date	\$202,181

Administrative Conditions

1. FY 10 ACORN FUNDING RESTRICTIONS

Congress has prohibited EPA from using its FY 2010 appropriations to provide funds to the Association of Community Organizations for Reform Now (ACORN) or any of its subsidiaries. None of the funds provided under this agreement may be used for subawards/subgrants or contracts to ACORN or its subsidiaries. Recipients should direct any questions about this prohibition to their EPA Grants Management Office.

2. CONSULTANT CAP

Payment to consultants. EPA participation in the salary rate (excluding overhead) paid to individual consultants retained by recipients or by a recipient's contractors or subcontractors shall be limited to the maximum daily rate for a Level IV of the Executive Schedule (formerly GS-18), to be adjusted annually. This limit applies to consultation services of designated individuals with specialized skills who are paid at a daily or hourly rate. As of January 1, 2010, the limit is \$596.00 per day and \$74.50 per hour. This rate does not include transportation and subsistence costs for travel performed (the recipient will pay these in accordance with their normal travel reimbursement practices).

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

3. COPYRIGHTED MATERIAL

In accordance with 40 CFR 31.34 for State, local and Indian Tribal governments or 40 CFR 30.36 for other recipients, EPA has the right to reproduce, publish, use, and authorize others to use copyrighted works or other data developed under this assistance agreement for Federal purposes.

Examples of a Federal purpose include but are not limited to: (1) Use by EPA and other Federal employees for official Government purposes; (2) Use by Federal contractors performing specific tasks for the Government; (3) Publication in EPA documents provided the document does not disclose trade secrets (e.g. software codes) and the work is properly attributed to the recipient through citation or otherwise; (4) Reproduction of documents for inclusion in Federal depositories; (5) Use by State, tribal and local governments that carry out delegated Federal environmental programs as "co-regulators" or act as official partners with EPA to carry out a national environmental program within their jurisdiction and; (6) Limited use by other grantees to carry out Federal grants provided the use is consistent with the terms of EPA's authorization to the other grantee to use the copyrighted works or other data.

Under Item 6, the grantee acknowledges that EPA may authorize another grantee(s) to use the copyrighted works or other data developed under this grant as a result of:

- a. the selection of another grantee by EPA to perform a project that will involve the use of the copyrighted works or other data or;
- b. termination or expiration of this agreement.

In addition, EPA may authorize another grantee to use copyrighted works or other data developed with Agency funds provided under this grant to perform another grant when such use promotes efficient and effective use of Federal grant funds.

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

STATES WITH ESTABLISHED GOALS - PROJECT GRANTS [NON-PART 35, SUBPART A]

GENERAL COMPLIANCE, 40 CFR, Part 33

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

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

A recipient must negotiate with the appropriate EPA award official, or his/her designee, Fair share objectives for MBE and WBE participation in procurement under the financial assistance agreement.

Current Fair Share Objective/Goal

The dollar amount of this assistance agreement is \$250,000, or more; or the total dollar amount of all of the recipient's non-TAG assistance agreements from EPA in the current fiscal year is \$250,000, or more. The Wisconsin Department of Natural Resources has negotiated the following, applicable MBE/WBE fair share objectives/goals with EPA as follows:

Combined Rate: MBE 3% WBE 12%

Negotiating Fair Share Objectives/Goals, 40 CFR, Section 33.404

If the recipient has not yet negotiated its MBE/WBE fair share objectives/goals, the recipient agrees to submit proposed MBE/WBE objectives/goals based on an availability analysis, or disparity study, of qualified MBEs and WBEs in their relevant geographic buying market for construction, services, supplies and equipment.

The recipient agrees to submit proposed fair share objectives/goals, together with the supporting availability analysis or disparity study, to the Regional MBE/WBE Coordinator within 120 days of its acceptance of the financial assistance award. EPA will respond to the proposed fair share objective/goals within 30 days of receiving the submission. If proposed fair share objective/goals are not received within the 120 day time frame, the recipient may not expend its EPA funds for procurements until the proposed fair share objective/goals are submitted.

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

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

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

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

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

periods ending March 31st and September 30th for:

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

The reports are due within 30 days of the end of the semiannual reporting periods (April 30th and October 30th). Reports should be sent to

**Adrianne M. Callahan, Region 5 MBE/WBE Coordinator
USEPA, Acquisition and Assistance Branch
77 West Jackson Boulevard (MC-10J)
Chicago, IL 60604**

Final MBE/WBE reports must be submitted within 90 days after the project period of the grant ends. Your grant cannot be officially closed without all MBE/WBE reports.

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

CONTRACT ADMINISTRATION PROVISIONS, 40 CFR, Section 33.302

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

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

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

5. DRUG-FREE WORKPLACE CERTIFICATION FOR ALL EPA RECIPIENTS

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

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

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

6. HOTEL-MOTEL FIRE SAFETY

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

7. INDIRECT COST - PARTIAL RATE

The effective period of the recipient's current Federally approved indirect cost rate is from July 1, 2009 to June 30, 2010. For indirect costs incurred after this effective period and during the current assistance agreement budget period, the recipient will not charge nor claim for reimbursement any indirect costs until an acceptable indirect cost rate has been negotiated with the cognizant Federal Agency. The recipient

must submit a copy of the Indirect Cost Rate Negotiation Agreement to the EPA, Region 5, Acquisition and Assistance Branch within 30 days after the indirect cost rate has been accepted, in order to be eligible to claim indirect costs against this assistance agreement.

8. LOBBYING AND LITIGATION - ALL RECIPIENTS

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

9. MANAGEMENT FEES

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

10. RECYCLED PAPER - PART 31 RECIPIENTS - STATE, TRIBES & LOCAL GOVERNMENTS

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

11. RECYCLED PRODUCTS - STATE AGENCIES AND POLITICAL SUBDIVISIONS

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

12. REIMBURSEMENT LIMITATION

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

13. SINGLE AUDIT ANNUAL REPORTING REQUIREMENT

In accordance with OMB Circular A-133, which implements the single Audit Act, the recipient hereby agrees to obtain a single audit from an independent auditor if it expends \$500,000 or more in total Federal funds in any fiscal year. Within nine months after the end of a recipient's fiscal year or 30 days after receiving the report from the auditor, the recipient shall submit a copy of the SF-SAC and a Single Audit Report Package. **For fiscal periods 2002 to 2007 recipients are to submit hardcopy to the following address:**

Federal Audit Clearinghouse
1201 East 10th Street
Jeffersonville, IN 47132

For fiscal periods 2008 and beyond the recipient MUST submit a copy of the SF-SAC and a Single Audit Report Package, using the Federal Audit Clearinghouse's Internet Data Entry System. Complete information on how to accomplish the 2008 and beyond Single Audit Submissions you will need to visit the

14. SUBAWARDS

- a. The recipient agrees to:
- (1) Establish all subaward agreements in writing;
 - (2) Maintain primary responsibility for ensuring successful completion of the EPA-approved project (this responsibility cannot be delegated or transferred to a subrecipient);
 - (3) Ensure that any subawards comply with the standards in Section 210(a)-(d) of OMB Circular A-133 and are not used to acquire commercial goods or services for the recipient;
 - (4) Ensure that any subawards are awarded to eligible subrecipients and that proposed subaward costs are necessary, reasonable, and allocable;
 - (5) Ensure that any subawards to 501(c)(4) organizations do not involve lobbying activities;
 - (6) Monitor the performance of their recipients and ensure that they comply with all applicable regulations, statutes, and terms and conditions which flow down in the subaward;
 - (7) Obtain EPA's consent before making a subaward to a foreign or international organization, or a subaward to be performed in a foreign country; and
 - (8) Obtain approval from EPA for any new subaward work that is not outlined in the approved work plan in accordance with 40 CFR Parts 30.25 and 31.30, as applicable.
- b. Any questions about subrecipient eligibility or other issues pertaining to subawards should be addressed to the recipient's EPA Project Officer. Additional information regarding subawards may be found at <http://www.epa.gov/ogd/guide/subaward-policy-part-2.pdf>. Guidance for distinguishing between vendor and subrecipient relationships and ensuring compliance with Section 210(a)-(d) of OMB Circular A-133 can be found at <http://www.epa.gov/ogd/guide/subawards-appendix-b.pdf> and <http://www.whitehouse.gov/omb/circulars/a133/a133.html>.
- c. The recipient is responsible for selecting its subrecipients and, if applicable, for conducting subaward competitions.

15. SUSPENSION & DEBARMENT: 2 CFR PART 1532

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

Recipient may access the Excluded Parties List System at www.epls.gov. This term and condition supersedes EPA Form 5700-49, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters."

16. TRAFFICKING VICTIMS OF 2000 - PART 31 RECIPIENTS

To implement requirements of Section 106 of the Trafficking Victims Protection Act of 2000, as amended, the following provisions apply to this award:

- a. We, as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity: (1) is determined to have violated an applicable prohibition in the Prohibition Statement below; or (2) has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in the Prohibition Statement below through conduct that is either: (a) associated with performance under this award; or (b) imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR part 1532. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in the Prohibition Statement below.
- b. Our right to terminate unilaterally that is described in paragraph a of this award term: (1) implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and (2) is in addition to all other remedies for noncompliance that are available to us under this award.

c. You must include the requirements of the Prohibition Statement below in any subaward you make to a private entity.

Prohibition Statement - You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not engage in severe forms of trafficking in persons during the period of time that the award is in effect; procure a commercial sex act during the period of time that the award is in effect; or use forced labor in the performance of the award or subawards under the award.

17. UNLIQUIDATED OBLIGATIONS - INTERIM FFR - PART 31 RECIPIENTS

Submission of interim Federal Financial Reports

Pursuant to 40 CFR 31.41(b) and 31.50(b), EPA recipients shall submit an annual Federal Financial Report (SF-425) to EPA no later than 90 calendar days following the end of the reporting quarter.

The following reporting period end dates shall be used for interim reports: 8/31.

At the end of the project, the recipient must submit a final Federal Financial Report to EPA no later than 90 calendar days after the end of the project period. The form is available on the internet at <http://www.epa.gov/ocfo/financeservices/forms.htm>. All FFRs must be submitted to the Las Vegas Finance Center: US EPA, LVFC, PO Box 98515, Las Vegas, NV 89193, or by Fax to: 702-798-2423.

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

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

Programmatic Conditions

1. ENVIRONMENTAL RESULTS - RECIPIENT PERFORMANCE REPORTING

Recipients subject to 40 C.F.R. Part 31 (other than recipients of State or Tribal Program grants under 40 C.F.R. Parts 35 Subparts A or B)

Performance Reports:

In accordance with 40 C.F.R. §31.40, the recipient agrees to submit performance reports that include brief information on each of the following areas: 1) a comparison of actual accomplishments to the outputs/outcomes established in the assistance agreement workplan for the period; 2) the reasons for slippage if established outputs/outcomes were not met; and 3) additional pertinent information, including, when appropriate, analysis and information of cost overruns or high unit costs.

In accordance with 40 C.F.R. § 31.40 (d), the recipient agrees to inform EPA as soon as problems, delays or adverse conditions become known which will materially impair the ability to meet the outputs/outcomes specified in the assistance agreement work plan.

2. QUALITY SYSTEM DOCUMENTATION

Projects involving the use of existing environmental data or collection of new environmental data (use or collection of environmental data) must meet the American National Standard Specifications and Guidelines for Quality Systems for Environmental Data Collection and Environmental Technology Programs, ANSI/ASQC E4-2004. The term "Quality System Documentation" (QSD) includes a Quality Management Plan (QMP), a Quality Assurance Project Plan (QAPP), or such other documentation which demonstrates compliance with ANSI/ASQC E4-2004.

No work involving direct measurements or data generation, environmental modeling, compilation of data from literature or electronic media, and data supporting the design, construction, and operation of environmental technology shall be initiated under this project until the EPA Project

Officer, in concert with the EPA Quality Manager, has approved the Quality System Documentation.

- Organizations having an approved QMP are required to prepare and submit project-level QAPPs to U.S. EPA for approval under all GLRI competitive assistance awards. Individual QAPPs must be documented in the project files.
- It is the grantee's responsibility to assure that the grant is implemented as proposed and that any modifications include appropriate Quality System Documentation. If at any time additional steps must be taken to comply with ANSI/ASQC E4-2004, the grantee will take those steps and adjust its implementation schedule accordingly. The grantee will notify GLNPO's Quality Assurance Manager of those steps. If possible, notification shall be at least 15 days in advance of implementation. (40 CFR 30.54 or 31.45 as appropriate).
- This project has been determined to involve use of existing environmental data or collection of new environmental data (use or collection of environmental data). Acceptable Quality System Documentation (QSD) must be submitted to the EPA Project Officer within 90 days of the acceptance of this agreement.

Contact GLNPO's Quality Manager, Louis Blume (312) 353-2317 with questions or to request sample documentation. Further guidance is available in the Grants Requirements/Instruction from < http://www.epa.gov/quality/qa_docs.html >, which includes the documents "QA/R-5: EPA Requirements for Quality Assurance Project Plans" and "QA/R-2 EPA Requirements for Quality Management Plans."

3. SUB AWARD POLICY

a. The recipient agrees to:

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

b. Any questions about subrecipient eligibility or other issues pertaining to subawards should be addressed to the recipient's EPA Project Officer. Additional information regarding subawards may be found at <http://www.epa.gov/ogd/guide/subaward-policy-part-2.pdf>. Guidance for distinguishing between vendor and subrecipient relationships and ensuring compliance with Section 210(a)-(d) of OMB Circular A-133 can be found at <http://www.epa.gov/ogd/guide/subawards-appendix-b.pdf> and <http://www.whitehouse.gov/omb/circulars/a133/a133.html>.

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

d. Community Involvement Costs

Costs for promoting community involvement activities are allowable to the extent they are consistent with the EPA approved scope of work and applicable regulations. As authorized by 40 CFR 30.25(c)(2)(v) or 40 CFR 31.30(d)(4), EPA is granting prior approval for subawards of financial assistance to non-profit organizations or local governments representing residents in the area in which the recipient will carry out its project, or who would otherwise be affected by or benefit from the project, even if those subawards were not described in the application and funded in the award. However, the subawards must comply with the respective OMB Circulars and cost principals. The recipient must also notify EPA's project officer of

the identity of the subrecipient and the purpose of the subaward when it makes the subaward and submit a revised budget which reflects the amount of the subaward(s) in the "Other" category, and clearly identifies the amounts taken from each of the remaining budget categories to fund the subaward(s).

4. MEETINGS / CONFERENCES / TRAVEL COSTS

Time and travel costs along with participation in professional meetings and conferences funded under this agreement shall be approved by the EPA Project Officer in advance. Although the EPA Project Officer may have approved this type of activity as a component of the workplan, the recipient (or its representative) seeking to attend professional meetings and conferences not covered/approved in the original scope of work, needs to obtain prior approval from an EPA Project Officer. Specifically, at least 45 days in advance, the recipient shall request approval of the EPA Project Officer for any travel plans not previously anticipated and not previously approved as part of this assistance agreement by providing the Project Officer with a description of the event, the location of the event, the event sponsor, travel dates, the recipient's role in the event, the number of travelers and estimated travel costs. The request should also include a justification describing why this travel is a necessary part of this assistance agreement. The recipient agrees that any travel requiring an increase in grant funds or a rebudgeting of funds from other cost categories of the approved budget must be approved in writing and/or by formal amendment to this agreement as applicable. In addition, the recipient understands that any international travel requires written prior approval by EPA since such travel requires clearance by EPA's Office of International Affairs and in certain instances, the US Department of State. The recipient understands that if it incurs travel costs of any kind without EPA's prior approval, it does so at its own risk.

5. SIGNAGE

The recipient shall ensure that a visible project identification sign (with the Great Lakes Restoration Initiative logo provided by EPA Project Officer) is erected as appropriate at each on-the-ground protection or restoration project. Each sign must give project information and credit the Great Lakes Restoration Initiative and appropriate federal agencies for funding. The recipient will determine the design, placement, and materials for each sign. The GLRI logo should be accompanied with the statement indicating that the (recipient name) received financial support in the amount of (EPA funds awarded in this assistance agreement) from the EPA.

6. REPORTING

[A] Great Lakes Accountability System Reporting. EPA has developed an electronic accountability and performance system called the "Great Lakes Accountability System (GLAS). The GLAS is an internet based system designed to track GLRI projects in order to assess the GLRI's effectiveness. The Conference Report accompanying Public Law 111-88, House Report 111-316, suggested EPA develop a process that "ensures monitoring and reporting on the progress of the GLRI. The GLAS system will include program and project information including project location, environmental progress and results, and additional project data.

The recipient shall ensure that applicable information is reported **quarterly** into the GLAS database pertaining to its contributions (including those from contracts and grants) to Goals, Objectives, and Measures under the GLRI Action Plan. Quarterly reporting means the first full quarter after the issuance of award and quarterly thereafter for the life of the project, starting with January 2011. Reporting shall take place on or before January 15, April 15, July 15, and October 15, for the preceding quarter, in accordance with detailed reporting instructions that will be published periodically by EPA. If the recipient has received the award prior to July 30, 2010, a special reporting period may be negotiated with the recipient so that input into GLAS may occur before January 2011.

Recipients and sub-recipients (contractors, sub-awardees, etc.) shall be responsible for inputting their project information into the GLAS database using specified formats and timeframes. The website for the database will be accessible through the Great Lakes Restoration Initiative website (<http://greatlakesrestoration.us>) or directly at <https://restore.glnpo.net/glas/login.htm> . For more information (including a video on GLAS reporting mechanism), please visit <http://epa.gov/glnpo/live/glasdemo3/>.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 2005-0001. The time required each year to

complete this information collection is estimated to average 33 hours per project for state, local and tribal governments and 41 hours per project for non-governmental organizations, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This information collection is scheduled to expire on July 31, 2013. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, to the Director, Collection Strategies Division, OIC/OEI, U. S. Environmental Protection Agency (2822), 1200 Pennsylvania Ave., NW, Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th St., NW, Washington, DC 20503, Attention: Desk Officer for EPA. Include the EPA ICR number (2379.01) and OMB control number (2005-0001) in any correspondence.

[B] Semi-annual progress reports. In addition to quarterly GLAS reporting, the recipient shall submit semi-annual progress reports (electronically) to the EPA Project Officer by April 30 and October 30 of each year, commencing April 30, 2011 through the life of the assistance agreement. Progress reports shall document progress under the project in writing and in pictures. Item **M2** in the online application materials provides a (<http://www.epa.gov/greatlakes/fund/applicationpac/Management/ProgressReport.pdf>) suggested outline, addressing (1) work accomplished for the period, quantifying results; (2) Object Class Category changes; (3) corrective actions; (4) projected new work; (5) percent completion of scheduled work; (6) percent of budgeted amounts spent; (7) any change in principal investigator; (8) any change needed in project period, (9) date and amount of latest drawdown request; and (10) delays or adverse conditions which materially impair the ability to meet the outputs/outcomes specified in the assistance agreement work plan.

The reports must contain information in order to ascertain that the Scope of Work (SOW) is being carried out as specified in the assistance agreement. The EPA Project Officer must be able to determine that all mission support products, services, information or data generation and use, including technology development and verification, is performed in accordance with EPA policies and the assistance agreement.

[C] Final Report: The Final Report shall incorporate project outputs and summarize the nature and extent of the project, methodologies employed, significant events and experiences, and a compilation of the data collected. The final report shall also include analysis of the data, conclusions, and recommendations. The final report shall incorporate photo documentation of the project and environmental progress under the project at appropriate phases, and appropriate illustrations, diagrams, charts, graphs, and maps to express the data and findings. In order for the report writing costs to be eligible under the award, they must be incurred before the project end date. The draft Final Report must be submitted electronically to the EPA Project Officer no later than 45 days after the end of the project period for review and comment. Electronic and paper versions of the Final Report shall be submitted no later than 90 days after the end of the project period. All work products shall carry attribution to the U.S. EPA Great Lakes Restoration Initiative for funding assistance and should also acknowledge significant contributions by others. If applicable, the Final Report shall include:

- A database (Excel or similar format) of field and laboratory data including but not limited to lat-long, date, time, field observations, parameter data, laboratory analysis, QA duplicates/replicates
- Model files including input-output data, model code, model output, and peripheral and post-processing utilities.

[D] Geospatial Data Reporting

Location information (address information, latitude and longitude values, coverage, geospatial metadata, and other coordinate information) shall be reported for all areas of interest in this agreement (ex: sampling sites/areas, restoration sites/areas, etc.) according to the format available at http://www.epa.gov/nerlesd1/ggc/pdf/epa_natl_geo_data_policy.pdf. Each Sample (for example concentrations of nitrate in water sample) shall include corresponding latitude and longitude information for the specific sample location. All reports and supplemental data, text, and graphics shall be submitted to the EPA Project Officer in digital format as follows:

[a] Original electronic copy on CD or Email Attachments. Macintosh and Windows are acceptable. All major word processing and desktop publishing formats are acceptable. Digital graphics should be submitted in their original form. Any special fonts used within the document should also be provided, **OR**

[b] Hypertext markup language, (HTML) **OR** [c] "PDF" version.

Contact Pranas Pranckevicius (pranckevicius.pranas@epa.gov, (312) 353-3437) or Kenneth Klewin (klewin.kenneth@epa.gov, (312) 886-4794) with questions or to receive environmental monitoring data format. http://www.epa.gov/glnpo/monitoring/data_proj/glenda/index.html

All data, including geospatial data should be collected, acquired, processed, documented, stored, accessed, maintained, and retired through the use of complete, consistent, and integrated metadata

7. PRE-AWARD COSTS

The recipient may be reimbursed for pre-award costs incurred within 90 days prior to the budget and project start date identified in the assistance agreement provided that such costs were included in the assistance application and approved by the EPA Project Officer prior to the issuance of the award. Approval of the pre-award cost must be consistent with the requirements set forth in the applicable OMB Cost Principles which can be found at http://www.whitehouse.gov/omb/circulars_default/. EPA is under no obligation to reimburse such costs unless they are included in the signed award agreement.

