



**BOARD OF SUPERVISORS AGENDA ITEM REPORT**  
**CONTRACTS / AWARDS / GRANTS**

**Requested Board Meeting Date:** 10/20/2015

**or Procurement Director Award**

**Contractor/Vendor Name:** U.S. Environmental Protection Agency  
**(DBA):**

**Project Title/Description:**  
Southside Brownfields Assessment Grant  
US EPA/Pima County Cooperative Agreement

**Purpose:**  
This EPA revenue contract provides \$400,000 in grant funds to Pima County to conduct Brownfields revitalization and economic development activities targeted along unincorporated "Southside" commercial and industrial corridors.

Activities include conducting existing conditions analysis, community outreach, property characterization, environmental site assessment, and cleanup planning activities. Brownfields are previous developed properties whose productive reuse is complicated by perceived presence of hazardous substances or pollutants from previous land uses (e.g. junk yards, gas stations, vacant lots subject to illegal dumping, etc.).

**Procurement Method:**  
N/A

**Program Goals/Predicted Outcomes:**

Goals (PimaProsper):

1. To improve the quality of life of County resident's through revitalization and redevelopment efforts.
2. Integrate land use strategies with physical infrastructure, human infrastructure, economic development, and resource conservation to ensure the long-range viability of the region.

Predicted outcomes:

1. Previously abandoned, vacant, and distressed public and private properties will be revitalized into:
  - a. Market driven commercial and industrial uses creating jobs and property tax revenue.
  - b. Community amenities and green infrastructure leveraging other federal, state and local resources and efforts.
2. Creation of Business Infill Incentive and/or Revitalization Districts to facilitate redevelopment.

**Public Benefit:**

Grant funded brownfields activities support commercial and industrial revitalization efforts that promote jobs and regional economic development initiatives.

**Metrics Available to Measure Performance:**

At minimum 30 Phase I Environmental Site Assessments will be conducted  
As needed, at minimum 6 Phase II Environmental Site Assessments will be conducted  
As needed, 2 Cleanup Plans will be completed

**Retroactive:**

Yes, finalized IGA not received from EPA until 9-23-15. EPA has approved pre-award costs to 7/1/15.

**Original Information**

Document Type: GTAW Department Code: CD Contract # (i.e.,15-123): 16000000000000000017

Effective Date: 7/1/2015 Termination Date: 9/30/2018 Prior Contract Number (Synergen/CMS):

Expense Amount: \$

Revenue Amount: \$ 400,000

Funding Source(s): U.S Environmental Protection Agency

Cost to Pima County General Fund: N/A

Contract is fully or partially funded with Federal Funds?  Yes  No  Not Applicable to Grant Awards

Were insurance or indemnity clauses modified?  Yes  No  Not Applicable to Grant Awards

Vendor is using a Social Security Number?  Yes  No  Not Applicable to Grant Awards

If Yes, attach the required form per Administrative Procedure 22-73.

**Amendment Information**

Document Type: Department Code: Contract Number (i.e.,15-123):

Amendment No.: AMS Version No.:

Effective Date: New Termination Date:

Expense Revenue Increase Decrease Amount This Amendment:

Funding Source(s):

Cost to Pima County General Fund: \$

Contact: Josue Licea, Community Development Planner

Department: Community Development & Neighborhood Conservation Telephone: 724-6765

Department Director Signature/Date: Margaret M. Kuc 09/30/2015

Deputy County Administrator Signature/Date: [Signature] 9/30/15

County Administrator Signature/Date: [Signature] 9/30/15  
(Required for Board Agenda/Addendum Items)

	<p align="center"><b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b></p> <p align="center"><b>Cooperative Agreement</b></p>		<b>GRANT NUMBER (FAIN):</b> 99T36101 <b>MODIFICATION NUMBER:</b> 0 <b>PROGRAM CODE:</b> BF	<b>DATE OF AWARD</b> 09/16/2015
			<b>TYPE OF ACTION</b> New	<b>MAILING DATE</b> 09/23/2015
			<b>PAYMENT METHOD:</b> ASAP	<b>ACH#</b> 90628
			<b>RECIPIENT TYPE:</b> County	
<b>RECIPIENT:</b> Pima County 2797 East Ajo Way, 3rd Floor Tucson, AZ 85713 <b>EIN:</b> 86-6000543		<b>PAYEE:</b> Pima County 2797 East Ajo Way, 3rd Floor Tucson, AZ 85713		
<b>PROJECT MANAGER</b> Josue Licea 2797 East Ajo Way, 3rd Floor Tucson, AZ 85713 <b>E-Mail:</b> josue.licea@pima.gov <b>Phone:</b> 520-724-6765		<b>EPA PROJECT OFFICER</b> Jose Garcia 75 Hawthorne Street, SFD-6-1 San Francisco, CA 94105 <b>E-Mail:</b> garcia.jose@epa.gov <b>Phone:</b> 213-244-1811		<b>EPA GRANT SPECIALIST</b> Darlene Fernandez Grants Management Office, MTS-7 <b>E-Mail:</b> fernandez.darlene@epa.gov <b>Phone:</b> 415-972-3664
<b>PROJECT TITLE AND DESCRIPTION</b> Brownfields Assessment Cooperative Agreement  This project provides funding for Pima County to inventory, characterize, assess, and conduct cleanup planning and community involvement related activities for Brownfields sites in approximately 35 square miles of land owned by the City of Tucson, and unincorporated land managed by Pima County, in the 'southside' of metropolitan Tucson. The grantee plans to conduct approximately 30 Phase I Assessments and 6 Phase II Assessments. The project will build help with assessments related to redevelopment of the "Southside." This award provides \$400,000 in federal funding.  Preaward costs have been approved back to 7/1/15.				
<b>BUDGET PERIOD</b> 07/01/2015 - 09/30/2018	<b>PROJECT PERIOD</b> 07/01/2015 - 09/30/2018	<b>TOTAL BUDGET PERIOD COST</b> \$400,000.00	<b>TOTAL PROJECT PERIOD COST</b> \$400,000.00	
<h3>NOTICE OF AWARD</h3>				
Based on your Application dated 06/30/2015 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$400,000. EPA agrees to cost-share 100.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$400,000. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.				
<b>ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)</b>			<b>AWARD APPROVAL OFFICE</b>	
<b>ORGANIZATION / ADDRESS</b> U.S. EPA, Region 9 Grants Management Office, MTS-7 75 Hawthorne Street San Francisco, CA 94105			<b>ORGANIZATION / ADDRESS</b> U.S. EPA, Region 9 Superfund Division, SFD-1 75 Hawthorne Street San Francisco, CA 94105	
<b>THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY</b>				
<b>Digital signature applied by EPA Award Official</b> Michelle Josilo - Acting Grants Management Officer				<b>DATE</b> 09/16/2015

# EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 400,000	\$ 400,000
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$	\$ 0
State Contribution	\$	\$	\$ 0
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
<b>Allowable Project Cost</b>	<b>\$ 0</b>	<b>\$ 400,000</b>	<b>\$ 400,000</b>

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.818 - Brownfields Assessment and Cleanup Cooperative Agreements	CERCLA: Sec. 104(k)(2)	2 CFR 200 2 CFR 1500 and 40 CFR 33

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	1509K0B030	15	E4	09K1AG7	301D79	4114	G900NY00		200,000
-	1509K0B030	15	E4	09K1AG7	301D79XBP	4114	G900OR00		200,000
									400,000

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$85,000
2. Fringe Benefits	\$0
3. Travel	\$20,000
4. Equipment	\$0
5. Supplies	\$10,000
6. Contractual	\$285,000
7. Construction	\$0
8. Other	\$0
9. Total Direct Charges	\$400,000
10. Indirect Costs: % Base	\$0
11. Total (Share: Recipient 0.00 % Federal 100.00 %.)	\$400,000
12. Total Approved Assistance Amount	\$400,000
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$400,000
15. Total EPA Amount Awarded To Date	\$400,000

## **Administrative Conditions**

The recipient agrees to comply with the current EPA general terms and conditions available at:

[http://www.epa.gov/ogd/tc/general tc applicable aa recipients dec 26 2014.pdf](http://www.epa.gov/ogd/tc/general%20tc%20applicable%20aa%20recipients%20dec%2026%202014.pdf).

These terms and conditions are in addition to the assurances and certifications made as part of the award and the terms, conditions or restrictions cited below. The EPA repository for the general terms and conditions by year can be found at:

<http://www.epa.gov/ogd/tc.htm>.

### **A. Annual Federal Financial Report (FFR) - SF 425**

For awards with cumulative project and budget periods greater than 12 months, the recipient will submit an annual FFR (SF 425) covering the period from "project/budget period start date" to **September 30** of each calendar year to the U.S. EPA Las Vegas Finance Center (LVFC). The FFR will be submitted electronically to

[lvfc-grants@epa.gov](mailto:lvfc-grants@epa.gov) no later than **December 30** of the same calendar year. The form with instructions can be found on LVFC's website at <http://www2.epa.gov/financial/forms>.

### **B. Procurement**

The recipient will ensure all procurement transactions will be conducted in a manner providing full and open competition consistent with 2 CFR Part 200.319. In accordance 2 CFR Part 200.323 the grantee and subgrantee(s) must perform a cost or price analysis in connection with applicable procurement actions, including contract modifications.

### **C. Six Good Faith Efforts 40 CFR Part 33, Subpart**

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 require that sub-recipients, loan recipients, and prime contractors also comply. Records documenting compliance with the six good faith efforts shall be retained:

- (a) Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and 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 SBA and the Minority Business Development Agency of the Department of Commerce.

(f) If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

## **D. Utilization of Disadvantaged Business Enterprises**

### **General Compliance, 40 CFR Part 33**

The recipient agrees to comply with the requirements of EPA's Disadvantaged Business Enterprise (DBE) Program for procurement activities 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 agreements.

In accordance with 40 CFR Section 33.411 some recipients may be exempt from the fair share objective requirements as described in 40 CFR Part 33, Subpart D.

Recipients should work with their DBE coordinator if they think their organization may qualify for an exemption.

The dollar amount of this assistance agreement, or the total dollar amount of all of the recipient's financial assistance agreements in the current federal fiscal year from EPA is \$250,000 or more. The recipient accepts the applicable MBE/WBE fair share objectives/goals negotiated with EPA by the **Arizona Department of Environmental Quality (AZ DEQ)** as follows:

	MBE	WBE
Construction	12%	5%
Equipment	4%	4%
Services	3%	2%
Supplies	1%	1%

The recipient accepts the fair share objectives/goals stated above and attests to the fact that it is purchasing the same or similar construction, supplies, services and equipment, in the same or similar relevant geographic buying market as **AZ DEQ**.

### **Negotiating Fair Share Objectives/Goals, Section 33.404**

The recipient has the option to negotiate its own MBE/WBE fair share objectives/goals. If the recipient wishes to negotiate its own 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 submission of proposed fair share goals with the supporting analysis or disparity

study means that the recipient is **not** accepting the fair share objectives/goals of another recipient. 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, Joe Ochab at [Ochab.Joe@epa.gov](mailto:Ochab.Joe@epa.gov), 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.

### **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.

## **E. MBE/WBE Reporting**

### **General Compliance, 40 CFR Part 33, Subpart E – Reporting Condition**

MBE/WBE reporting is required annually. Reporting is required for assistance agreements where there are funds budgeted for procuring construction, equipment, services and supplies, including funds budgeted for direct procurement by the recipient or procurement under subawards or loans in the “Other” category, that exceed the threshold amount of \$150,000, including amendments and/or modifications.

Based on EPA’s review of the planned budget, this award meets the conditions above and is subject to Disadvantaged Business Enterprise (DBE) Program reporting requirements. Conversely, the recipient must submit to the [GrantsRegion9@epa.gov](mailto:GrantsRegion9@epa.gov) a justification and budget detail within 21 days of the award date demonstrating that this award is not subject to the DBE reporting requirements.

The recipient agrees to complete and submit a “MBE/WBE Utilization under Federal Grants, Cooperative agreements” report (EPA Form 5700-52A) on an annual basis. All procurement actions that are reportable, not just that portion which exceeds \$150,000.

When completing the annual report, recipients are instructed to check the box titled “annual:” in section 1B of the form. For the final report, recipients must check the box indicated for the “last report” of the project in section 1B of the form. Annual reports are due by October 30<sup>th</sup> of each year. Final reports are due by October 30<sup>th</sup> or 90 days after the end of the project period, whichever comes first.

The reporting requirement is based on total procurements. Recipients with expended and/or budgeted funds for procurement are required to report annually whether the planned procurements take place during the reporting period or not. If no budgeted procurements take place during the reporting period, the recipient should check the box

in section 5B when completing the form.

MBE/WBE reports should be sent to [GrantsRegion9@epa.gov](mailto:GrantsRegion9@epa.gov) . The current EPA Form 5700-52A can be found at the EPA Office of Small Business Program's Home Page at [http://www.epa.gov/osbp/dbe\\_reporting.htm](http://www.epa.gov/osbp/dbe_reporting.htm) .

This provision represents an approved deviation from the MBE/WBE reporting requirements as described in 40 CFR Part 33, Section 33.502; however, the other requirements outlined in 40 CFR Part 33 remain in effect, including the Good Faith Effort requirements as described in 40 CFR Part 33, Subpart C, and Fair Share Objectives negotiation as described in 40 CFR Part 33, Subpart D.

#### **F. Indirect Costs**

The Cost Principles under 2 CFR Part 200, Subpart E apply to this award. Since there are no indirect costs included in the assistance budget, they are not allowable under this Assistance Agreement.

### **Programmatic Conditions**

Please see Attachment A for programmatic terms and conditions.

--END OF DOCUMENT--

# Assessment Terms and Conditions

Please note that these Terms and Conditions (T&Cs) apply to Brownfields Assessment Grants awarded under CERCLA § 104(k).

## Pima County BF-99T36101-0

### I. GENERAL FEDERAL REQUIREMENTS

**NOTE: For the purposes of these Terms and Conditions the term “assessment” includes, eligible activities under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) § 104(k)(2)(A)(i) such as activities involving the inventory, characterization, assessment, and planning relating to brownfield sites as described in the EPA approved work plan.**

#### A. Federal Policy and Guidance

1. a. Cooperative Agreement Recipients: By awarding this cooperative agreement, EPA has approved the proposal for the Cooperative Agreement Recipient (CAR) submitted in the Fiscal Year 2015 competition for Brownfields assessment cooperative agreements. **OPTIONAL - include if the work plan is not approved or conditionally approved:** By awarding this cooperative agreement, EPA has not approved/conditionally approved the proposal for the Cooperative Agreement Recipient (CAR) submitted in the Fiscal Year 2015 competition for Brownfields assessment cooperative agreements. The CAR may not expend (“draw down”) funds to carry out this agreement until EPA’s award official approves the work plan.
- b. In implementing this agreement, the CAR shall ensure that work done with cooperative agreement funds complies with the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) § 104(k). The CAR shall also ensure that assessment activities supported with cooperative agreement funding comply with all applicable Federal and State laws and regulations.
- c. The recipient must comply with Federal cross-cutting requirements. These requirements include but are not limited to, DBE requirements found at 40 CFR Part 33; OSHA Worker Health & Safety Standard 29 CFR 1910.120; the Uniform Relocation Act; National Historic Preservation Act; Endangered Species Act; and Permits required by Section 404 of the Clean Water Act; Executive Order 11246, Equal Employment Opportunity, and implementing regulations at 41 CFR 60-4; Contract Work Hours and Safety Standards Act, as amended (40 USC § 327-333) the Anti-Kickback Act (40 USC § 276c) and Section 504 of the Rehabilitation Act of 1973 as implemented by Executive Orders 11914 and 11250.
- d. The CAR must comply with Davis-Bacon Act prevailing wage requirements and associated U.S. Department of Labor (DOL) regulations for all construction, alteration and repair contracts and subcontracts awarded with funds provided under this agreement. Activities conducted under assessment grants generally do not

involve construction, alteration and repair within the meaning of the Davis-Bacon Act. The recipient must contact EPA's Project Officer if there are unique circumstances (e.g. removal of an underground storage tank or another structure and restoration of the site) which indicate that the Davis-Bacon Act applies to an activity the CAR intends to carry out with funds provided under this agreement. The Agency will provide guidance on Davis-Bacon Act compliance if necessary.

## **B. Eligible Brownfields Site Determinations**

1.
  - a. The CAR must provide information to EPA about site-specific work prior to incurring any costs under this cooperative agreement for sites that have not already been pre-approved in the CAR's work plan by the EPA. The information that must be provided includes whether or not the site meets the definition of a brownfield site as defined in § 101(39) of CERCLA, whether the CAR is the potentially responsible party under CERCLA 107 and/or has defenses to liability.
  - b. If the site is excluded from the general definition of a brownfield, but is eligible for a property-specific funding determination, then the CAR may request a property-specific funding determination. In their request, the CAR must provide information sufficient for EPA to make a property-specific funding determination on how financial assistance will protect human health and the environment, and either promote economic development or enable the creation of, preservation of, or addition to parks, greenways, undeveloped property, other recreational property, or other property used for nonprofit purposes. The CAR must not incur costs for assessing sites requiring a property-specific funding determination by EPA until the EPA Project Officer has advised the CAR that the Agency has determined that the property is eligible.
2.
  - a. For any petroleum contaminated brownfield site that is not included in the CAR's EPA approved work plan, the CAR shall provide sufficient documentation to the EPA prior to incurring costs under this cooperative agreement which includes (refer to the latest version of EPA's *Proposal Guidelines for Brownfields Assessment Grants* dated October 2014 for discussion of this element) documenting that:
    - (1) a State has determined that the petroleum site is of relatively low risk, as compared to other petroleum-only sites in the State,
    - (2) the State determines there is "no viable responsible party" for the site;
    - (3) the State determines that the person assessing or investigating the site is a person who is not potentially liable for cleaning up the site; and
    - (4) the site is not subject to any order issued under section 9003(h) of the Solid Waste Disposal Act.This documentation must be prepared by the CAR or the State following contact and discussion with the appropriate petroleum program official.
  - b. Documentation must include (1) the identity of the State program official contacted, (2) the State official's telephone number, (3) the date of the contact, and (4) a summary of the discussion relating to the state's determination that the site is of relatively low risk, that there is no viable

responsible party and that the person assessing or investigating the site is not potentially liable for cleaning up the site. Other documentation provided by a State to the recipient relevant to any of the determinations by the State must also be provided to the EPA Project Officer.

- c. If the State chooses not to make the determinations described in 2.a. above, the CAR must contact the EPA Project Officer and provide the information necessary for EPA to make the requisite determinations.
- d. EPA will make all determinations on the eligibility of petroleum-contaminated brownfields sites located on tribal lands (i.e., reservation lands or lands otherwise in Indian country, as defined at 18 U.S.C. 1151). Before incurring costs for these sites, the CAR must contact the EPA Project Officer and provide the information necessary for EPA to make the determinations described in 2.a. above.

## **II. GENERAL COOPERATIVE AGREEMENT ADMINISTRATIVE REQUIREMENTS**

### **A. Term of the Agreement**

1. The term of this agreement is three years from the date of award, unless otherwise extended by EPA at the CAR's request.
2. If after 18 months from the date of award, EPA determines that the CAR has not made sufficient progress in implementing its cooperative agreement, the recipient must implement a corrective action plan approved by the EPA Project Officer, or EPA may terminate this agreement for material non-compliance with its terms. For purposes of assessment grants, the recipient demonstrates "sufficient progress" when 35% of funds have been drawn down and obligated to eligible activities; for assessment coalition grants "sufficient progress" is demonstrated when a solicitation for services has been released, sites are prioritized or an inventory has been initiated if necessary, community involvement activities have been initiated and a Memorandum of Agreement (for Assessment Coalitions) is in place.
3. Assessment funding for an eligible brownfield site may not exceed \$200,000 unless a waiver has been granted by EPA. Following the granting of a waiver, funding is not to exceed \$350,000 at the site.

### **B. Substantial Involvement**

1. The EPA may be substantially involved in overseeing and monitoring this cooperative agreement.
  - a. Substantial involvement by EPA generally includes administrative activities such as monitoring, reviewing project phases, and approving substantive terms included in professional services contracts.

- b. Substantial EPA involvement also includes brownfields property-specific funding determinations described in I.B. under *Eligible Brownfields Site Determinations* above. If the CAR awards a subaward for site assessment, the CAR must obtain technical assistance from EPA on which sites qualify as a brownfield site and determine whether the statutory prohibition found in section 104(k)(4)(B)(i)(IV) of CERCLA applies. This prohibition precludes the subrecipient from using EPA funds to assess a site for which the subrecipient is potentially liable under § 107 of CERCLA. (See Section II.C.3 for more information on subawards.)
  - c. Substantial EPA involvement may include reviewing financial and environmental status reports; and monitoring all reporting, record-keeping, and other program requirements.
  - d. EPA may waive any of the provisions in term and condition II.B.1. with the exception of property-specific funding determinations. EPA will provide waivers in writing.
2. Effect of EPA’s substantial involvement includes:
- a. EPA’s review of any project phase, document, or cost incurred under this cooperative agreement, will not have any effect upon CERCLA § 128 *Eligible Response Site* determinations or rights, authorities, and actions under CERCLA or any Federal statute.
  - b. The CAR remains responsible for ensuring that all assessments are protective of human health and the environment and comply with all applicable Federal and State laws.
  - c. The CAR and its subrecipients remain responsible for incurring costs that are allowable under 2 CFR Part 200 Subpart E.

**C. Cooperative Agreement Recipient Roles and Responsibilities**

- 1. The CAR must acquire the services of a qualified environmental professional(s) to coordinate, direct, and oversee the brownfields assessment activities at a particular site, if they do not have such a professional on staff.
- 2. The CAR is responsible for ensuring that contractors and subrecipients comply with the terms of their agreements with the CAR, and that agreements between the CAR and subrecipients and contractors comply with the terms and conditions of this agreement.
- 3. Subawards are defined at 2 CFR 200.92. The CAR may not subaward to for-profit organizations. The CAR must obtain commercial services and products necessary to carry out this agreement under competitive procurement procedures as described in 2 CFR Part 200.317 through 200.326. In addition, EPA policy encourages awarding subawards competitively and the CAR must consider awarding subawards through competition.

4. The CAR is responsible for assuring that EPA's Brownfields Assessment Grant funding received under this grant, or in combination with any other previously awarded Brownfields Assessment grant does not exceed the \$200,000 assessment grant funding limitation for an individual brownfield site. Waiver of this funding limit for a brownfields site must be approved by EPA prior to the expenditure of funding exceeding \$200,000. In no case may EPA funding exceed \$350,000 on a site receiving a waiver.
5. CARs expending funding from a community-wide assessment grant on a particular site must include such funding amount in any total funding expended on the site.
6. **Competency of Organizations Generating Environmental Measurement Data:** In accordance with Agency Policy Directive Number FEM-2012-02, Policy to Assure the Competency of Organizations Generating Environmental Measurement Data under Agency-Funded Assistance Agreements, the CAR agrees, by entering into this agreement, that it has demonstrated competency prior to award, or alternatively, where a pre-award demonstration of competency is not practicable, the CAR agrees to demonstrate competency prior to carrying out any activities under the award involving the generation or use of environmental data. The CAR shall maintain competency for the duration of the project period of this agreement and this will be documented during the annual reporting process. A copy of the Policy is available online at [http://www.epa.gov/fem/lab\\_comp.htm](http://www.epa.gov/fem/lab_comp.htm) or a copy may also be requested by contacting the EPA project officer for this award.

#### **D. Quarterly Progress Reports**

1. In accordance with EPA regulations 2 CFR Parts 200 and 1500 (specifically, 200.328 *monitoring and reporting program performance*), the CAR agrees to submit quarterly progress reports to the EPA Project Officer within thirty days after each reporting period. These reports shall cover work status, work progress, difficulties encountered, preliminary data results and a statement of activity anticipated during the subsequent reporting period, including a description of equipment, techniques, and materials to be used or evaluated. A discussion of expenditures and financial status for each workplan task, along with a comparison of the percentage of the project completed to the project schedule and an explanation of significant discrepancies shall be included in the report. The report shall also include any changes of key personnel concerned with the project.

Quarterly progress reports must clearly differentiate which activities were completed with EPA funds provided under the BF Assessment grant, versus any other funding source used to help accomplish grant activities.

In addition, the report shall include brief information on each of the following areas: 1) a comparison of actual accomplishments to the anticipated outputs/outcomes specified in the cooperative agreement work plan; 2) reasons why anticipated outputs/outcomes were not met; and 3) other pertinent information, including, when appropriate, analysis and explanation of cost overruns or high unit costs. The CAR agrees that it will notify EPA of problems, delays, or adverse conditions which materially impair the ability to meet the outputs/outcomes specified in the cooperative agreement work plan.

2. The CAR must submit progress reports on a quarterly basis to the EPA Project Officer. Quarterly progress reports must include:
  - a. Summary and status of approved activities performed during the reporting quarter, summary of the performance outputs/outcomes achieved during the reporting quarter, a description of problems encountered or difficulties during the reporting quarter that may affect the project schedule and a discussion of meeting the performance outputs/outcomes.
  - b. An update on project schedules and milestones; including an explanation of any discrepancies from the approved workplan.
  - c. A list of the properties where assessment activities were performed and/or completed during the reporting quarter.
  - d. A budget recap summary table with the following information: current approved project budget; costs incurred during the reporting quarter; costs incurred to date (cumulative expenditures); and total remaining funds. The CAR should include an explanation of any discrepancies in the budget from the approved workplan.
3. The CAR must maintain records that will enable it to report to EPA on the amount of funds expended on specific properties under this cooperative agreement.
4. In accordance with 2 CFR 200.328 (d) (1), the CAR 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 approved workplan.

#### **E. Property Profile Submission**

1. The CAR must report on interim progress (i.e., assessment started) and any final accomplishments (i.e., assessment completed, cleanup required, contaminants, Institution Controls, Engineering Controls) by completing and submitting relevant portions of the Property Profile Form using the Brownfields Program on-line reporting system, known as Assessment, Cleanup and Redevelopment Exchange System (ACRES). The CAR must enter the data in ACRES as soon as the interim action or final accomplishment has occurred, or within 30 days after the end of each reporting quarter. EPA will provide the CAR with training prior to obtaining access to ACRES. The training is required to obtain access to ACRES. The CAR must utilize the ACRES system unless approval is obtained from the regional Project Officer to utilize and submit the Property Profile Form instead.

#### **F. Community Outreach**

The cooperative agreement recipient agrees to clearly reference EPA investments in the project during all phases of community outreach outlined in the EPA-approved work plan, which may include the development of any post-project summary or success materials that highlight achievements to which this project contributed. Specifically:

1. Public or Media Events  
The Recipient agrees to notify the EPA Project Officer listed in this award document of public or media events publicizing the accomplishment of significant events related to construction projects as a result of this agreement, and provide the opportunity for attendance and participation by federal representatives with at least ten (10) working days

notice.

2. Limited English Proficiency Communities

To increase public awareness of projects serving communities where English is not the predominant language, recipients are encouraged to include in their outreach strategies communication in non-English languages. Translation costs for this purpose are allowable, provided the costs are reasonable.

**G. Final Technical Cooperative Agreement Report with Environmental Results**

1. In accordance with EPA regulations 2 CFR Parts 200 and 1500 (specifically, 200.328 *monitoring and reporting program performance*), the CAR agrees to submit to the EPA Project Officer within 90 days after the expiration or termination of the approved project period a final technical report on the cooperative agreement and at least one reproducible copy suitable for printing. The final technical report shall document project activities over the entire project period and shall include brief information on each of the following areas: 1) a comparison of actual accomplishments with the anticipated outputs/outcomes specified in the assistance agreement work plan; 2) reasons why anticipated outputs/outcomes were not met; and 3) other pertinent information, including, when appropriate, analysis and explanation of cost overruns or high unit costs. The CAR agrees that it will notify EPA of problems, delays, or adverse conditions which materially impair the ability to meet the outputs/outcomes specified in the cooperative agreement workplan.

**III. FINANCIAL ADMINISTRATION REQUIREMENTS**

**A. Eligible Uses of the Funds for the Cooperative Agreement Recipient**

1. To the extent allowable under the work plan, cooperative agreement funds may be used for eligible programmatic expenses to inventory, characterize, assess, and conduct planning and outreach. Eligible programmatic expenses include activities described in Section IV of these Terms and Conditions. In addition, such eligible programmatic expenses may include:
  - a. Determining whether assessment activities at a particular site are authorized by CERCLA § 104(k);
  - b. Ensuring that an assessment complies with applicable requirements under Federal and State laws, as required by CERCLA § 104(k);
  - c. Using a portion of the grant to purchase environmental insurance for the characterization or assessment of the site. Funds may not be used to purchase insurance intended to provide coverage for any of the Ineligible Uses under Section III.B.
  - d. Any other eligible programmatic costs including direct costs incurred by the recipient in reporting to EPA; procuring and managing contracts; awarding and managing subawards to the extent allowable under III. B. 2; and carrying out

community involvement pertaining to the assessment activities.

***CAN CHANGE - LOCAL GOVERNMENTS ONLY***

2. ***Local Governments only.*** *No more than 10% of the funds awarded by this agreement may be used for brownfield program development and implementation (including monitoring of health and institutional controls) as described in Task \_\_\_ of the EPA approved work plan. The CAR must maintain records on funds that will be used to carry out Task \_\_\_ of its EPA approved workplan to ensure compliance with this requirement.*

**B. Ineligible Uses of the Funds for the Cooperative Agreement Recipient**

1. Cooperative agreement funds shall not be used by the CAR for any of the following activities:
  - a. Cleanup activities;
  - b. Development activities that are not brownfields assessment activities (e.g., construction of a new facility);
  - c. Job training unrelated to performing a specific assessment at a site covered by the grant;
  - d. To pay for a penalty or fine;
  - e. To pay a federal cost share requirement (for example, a cost-share required by another Federal grant) unless there is specific statutory authority;
  - f. To pay for a response cost at a brownfields site for which the recipient of the grant or subaward is potentially liable under CERCLA § 107;
  - g. To pay a cost of compliance with any federal law, excluding the cost of compliance with laws applicable to the assessment; and
  - h. Unallowable costs (e.g., lobbying and fund raising) under 2 CFR Part 225 for state, local and tribal governments, as applicable.
2. Under CERCLA § 104(k) (4) (B), administrative costs are prohibited costs under this agreement. Prohibited administrative costs include all indirect costs under 2 CFR Part 225 for state, local and tribal governments, as applicable.
  - a. Ineligible administrative costs include costs incurred in the form of salaries, benefits, contractual costs, supplies, and data processing charges, incurred to comply with most provisions of the *Uniform Administrative Requirements, Cost Principles and Audit requirements for Federal Awards at 2 CFR 200 and 2 CFR 1500*. Direct costs for grant administration, with the exception of costs specifically identified as eligible programmatic costs, are ineligible even if the grant recipient is required to carry out the activity under the grant agreement.

- b. Ineligible grant administration costs include direct costs for:
  - (1) Preparation of applications for brownfields grants;
  - (2) Record retention required under 2 CFR 1500.6;
  - (3) Record-keeping associated with equipment purchases required under 2 CFR 200.313;
  - (4) Preparing revisions and changes in the budgets, scopes of work, program plans and other activities required under 2 CFR 200.308;
  - (5) Maintaining and operating financial management systems required under 2 CFR 200.302;
  - (6) Preparing payment requests and handling payments under 2 CFR 200.305;
  - (7) Non-federal audits required under 2 CFR 200 Subpart F; and
  - (8) Close out under 2 CFR 200.343.
- 3. Cooperative agreement funds may not be used for any of the following properties:
  - a. Facilities listed, or proposed for listing, on the National Priorities List (NPL);
  - b. Facilities subject to unilateral administrative orders, court orders, and administrative orders on consent or judicial consent decree issued to or entered by parties under CERCLA;
  - c. Facilities that are subject to the jurisdiction, custody or control of the United States government except for land held in trust by the United States government for an Indian tribe; or
  - d. A site excluded from the definition of a brownfields site for which EPA has not made a property-specific funding determination.

### **C. Interest -Bearing Accounts and Program Income**

- 1. In accordance with 2 CFR 1500.7, the CAR is authorized to add program income to the funds awarded by the EPA and use the program income under the same terms and conditions of this agreement. Program income for the assessment CAR shall be defined as the gross income received by the recipient, directly generated by the cooperative agreement award or earned during the period of the award. Program income includes, but is not limited to, fees charged for conducting assessment, site characterizations, clean up planning or other activities when the costs for the activity is charged to this agreement.
- 2. The CAR must deposit advances of grant funds and program income (i.e. fees) in an interest bearing account.

- a. For interest earned on advances, CARs are subject to the provisions of 2 CFR 200.305(b)(7)(ii) relating to remitting interest on advances to EPA on a quarterly basis.
- b. Interest earned on program income is considered additional program income.
- c. The CAR must disburse program income (including interest earned on program income) before requesting additional payments from EPA as required by 2 CFR 1500.8.

## **IV. ASSESSMENT ENVIRONMENTAL REQUIREMENTS**

### **A. Authorized Assessment Activities**

1. Prior to conducting or engaging in any on-site activity with the potential to impact historic properties (such as invasive sampling), the CAR shall consult with EPA regarding potential applicability of the National Historic Preservation Act and, if applicable, shall assist EPA in complying with any requirements of the Act and implementing regulations.

### **B. Quality Assurance (QA) Requirements**

1. When environmental data is collected as part of the brownfields assessment, the CAR shall comply with 2 CFR 1500.11 requirements to develop and implement quality assurance practices sufficient to produce data adequate to meet project objectives and to minimize data loss. State law may impose additional QA requirements.
2. In addition, the recipient must comply with the following QA requirements:
  - a. This grant includes the performance of environmental measurements, therefore, a QA Plan, a Sampling and Analysis Plan, or other comparable document covering QA activities, must be prepared before any sampling or cleanup activities at the site may begin. An example of a comparable document is a Sampling Plan approved by the state oversight authority. If the document submitted does not meet EPA's basic information requirements, an addendum or supplemental Sampling and Analysis Plan may be required before sampling work may begin. The recipient should consult with the Region 9 Quality Assurance Office at 415-972-3411 to determine if a QA document is required. The Quality Assurance Manager will determine what type of QA documentation would be most appropriate and what QA guidance should be followed if a document is required. The QA Plan must be approved by the EPA Project Officer, the Region 9 Quality Assurance Manager, and the recipient's Quality Assurance Officer before measurement activities are undertaken. Typically, measurement activities must be described by the type of media (soil, water, air), by the phase of the project (i.e.: sampling backfill material, air monitoring during removal work, confirmation sampling), and by

location.

- b. Emergency measurements may be taken without a QA Plan being prepared if the Region 9 Quality Assurance Manager agrees that the nature of the data collection activity required due to the emergency warrants an exemption and the recipient contacts the Quality Assurance Manager to obtain approval prior to beginning the sampling work. Contact the QA Office at 415-972-3411. In the event an unforeseen site condition arises during the cleanup work, changes or deviations to the type of contaminant sampled, methodology, or sample spacing, the recipient must contact the Quality Assurance Manager to determine if the Sampling and Analysis Plan must be amended before new work is initiated. If the change is such that a site hazard is created by a delay in the work, the recipient shall contact the Quality Assurance Manager to obtain approval prior to formally revising the document. Minor field deviations (i.e: slight location changes) should be noted in the final cleanup report, but do not require EPA approval.
- c. In general, a QAPP or Sampling and Analysis Plan will require approximately two to four weeks for the EPA Quality Assurance Manager to review and return comments. Documents generally require one revision and re-submittal. The re-submittal review time is typically two weeks.

3.

### **C. Completion of Assessment Activities**

1. The CAR shall properly document the completion of all activities described in the EPA approved work plan. This must be done through a final report or letter from a qualified environmental professional, or other documentation provided by a State or Tribe that shows assessments are complete.

### **D. All Appropriate Inquiry**

1. As required by CERCLA § 104(k)(2)(B)(ii) and CERCLA § 101(35)(B), the CAR shall ensure that a Phase I site characterization and assessment carried out under this agreement will be performed in accordance with EPA's standard for all appropriate inquiries. The CAR shall utilize the practices in ASTM standard E1527-13 "Standard Practices for Environmental Site Assessment: Phase I Environmental Site Assessment Process," or EPA's All Appropriate Inquiries Final Rule "All Appropriate Inquiries Rule: Reporting Requirements and Suggestions on Report Content", (Publication Number: EPA 560-F-14-003). This does not preclude the use of grant funds for additional site characterization and assessment activities that may be necessary to characterize the environmental impacts at the site or to comply with applicable State standards.
2. All Appropriate Inquiries (AAI) final reports produced with funding from this agreement must comply with 40 C.F.R. Part 312 and must, at a minimum, include the information below. All AAI reports submitted to EPA Project Officers as deliverables under this agreement must be accompanied by a completed "All Appropriate Inquiries Final Rule: Reporting Requirements Checklist for Assessment Grant Recipients" (Publication

Number: EPA 560-R-10-030) that EPA's Project Officer will provide to the recipient. The checklist also is available to grantees on the EPA website at [www.epa.gov/brownfields](http://www.epa.gov/brownfields).

- a. An ***opinion*** as to whether the inquiry has identified conditions indicative of releases or threatened releases of hazardous substances, and as applicable, pollutants and contaminants, petroleum or petroleum products, or controlled substances, on, at, in, or to the subject property.
  - b. An identification of "***significant***" ***data gaps*** (as defined in 40 C.F.R. 312.10), if any, in the information collected for the inquiry. Significant data gaps include missing or unattainable information that affects the ability of the environmental professional to identify conditions indicative of releases or threatened releases of hazardous substances, and as applicable, pollutants and contaminants, petroleum or petroleum products, or controlled substances, on, at, in, or to the subject property. The documentation of significant data gaps must include information regarding the significance of these data gaps.
  - c. ***Qualifications and signature*** of the environmental professional(s). The environmental professional must place the following statements in the document and sign the document:
    - *"[I, We] declare that, to the best of [my, our] professional knowledge and belief, [I, we] meet the definition of Environmental Professional as defined in §312.10 of this part."*
    - *"[I, We] have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. [I, We] have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312."*

**Note: Please use either "I" or "We."**
  - d. In compliance with §312.31(b), the environmental professional must include in the final report an ***opinion regarding additional appropriate investigation***, if the environmental professional has such an opinion.
3. EPA may review checklists and AAI final reports for compliance with the AAI regulation documentation requirements at 40 CFR part 312 (or comparable requirements for those using ASTM Standard 1527-13). Any deficiencies identified during an EPA review of these documents must be corrected by the recipient within 30 days of notification. Failure to correct any identified deficiencies may result in EPA disallowing the costs for the entire AAI report as authorized by 2 CFR 200.338 through 2 CFR 200.342. If a recipient willfully fails to correct the deficiencies the Agency may consider other available remedies under 2 CFR 200.342.

## **V. CONFLICT OF INTEREST: APPEARANCE OF LACK OF IMPARTIALITY**

### **A. Conflict of Interest**

1. The CAR shall establish and enforce conflict of interest provisions that prevent the award of subawards that create real or apparent personal conflicts of interest, or the CAR's appearance of lack of impartiality. Such situations include, but are not limited to, situations in which an employee, official, consultant, contractor, or other individual associated with the CAR (affected party) approves or administers a grant or subawards to a subrecipient in which the affected party has a financial or other interest. Such a conflict of interest or appearance of lack of impartiality may arise when:

- (i) The affected party,
- (ii) Any member of his immediate family,
- (iii) His or her partner, or
- (iv) An organization which employs, or is about to employ, any of the above, has a financial or other interest in the subrecipient.

Affected employees will neither solicit nor accept gratuities, favors, or anything of monetary value from subrecipients. Recipients may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value. To the extent permitted by State or local law or regulations, such standards of conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by affected parties.

## **VI. PAYMENT AND CLOSEOUT**

### **A. Payment Schedule**

1. The CAR may request payment from EPA pursuant to 2 CFR 200.305.

### **B. Schedule for Closeout**

1. Closeout will be conducted in accordance with 2 CFR 200.343. EPA will close out the award when it determines that all applicable administrative actions and all required work of the grant have been completed.
2. The CAR, within 90 days after the expiration or termination of the grant, must submit all financial, performance, and other reports required as a condition of the grant.
  - a. The CAR must submit the following documentation:
    - (1) The Final Report as described in II.G. of the Assessment Terms and Conditions.
    - (2) A Final Federal Financial Report (FFR - SF425). Submitted to:

US EPA, Las Vegas Finance Center  
4220 S. Maryland Pkwy, Bld C, Rm 503

Las Vegas, NV 89119

Fax: (702) 798-2423

<http://www.epa.gov/ocfo/finservices/payinfo.html>

- (3) A Final MBE/WBE Report (EPA Form 5700-52A). Submitted to the regional office.
  - b. The CAR must ensure that all appropriate data has been entered into ACRES or all Property Profile Forms are submitted to the Region.
  - c. The grantee must immediately refund to the Federal agency any balance of unobligated (unencumbered) cash advanced that is not authorized to be retained for use on other grants.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
ADMINISTRATION  
AND RESOURCES  
MANAGEMENT

December 24, 2014

Dear Assistance Agreement Recipient:

This letter is to inform you of the Environmental Protection Agency's (EPA) implementation of the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (Uniform Grants Guidance or UGG) located at Title 2 of the Code of Federal Regulations [Part 200](#). Published by the Office of Management and Budget last December, the UGG streamlines the federal government's guidance on administrative requirements, cost principles and audits.

In a [joint interim final rule](#) published in the Federal Register on December 19, 2014 (see 79 Fed. Reg. 76050-76054), EPA has adopted the UGG along with EPA-specific provisions mandated by statute, regulation or agency policy. EPA's portion of the interim final rule will be codified at 2 CFR 1500. This is a positive development for EPA assistance agreement recipients, as the new rule will reduce the administrative burden of managing EPA awards.

Effective December 26, 2014, 2 CFR Parts 200 and 1500 supersede the previous administrative regulations at 40 CFR Parts 30 and 31. This means that the governing administrative regulations for new awards will be 2 CFR Parts 200 and 1500. The programmatic regulations that govern your award, including 40 CFR 35, 40, 45, 46 and 47 as applicable, will not be affected.

EPA will apply the regulations of 2 CFR Parts 200 and 1500 as follows:

- If you received an EPA award before December 26, 2014 and no funding is added on or after December 26, 2014, you will use the following regulations:
  - Uniform Administrative Requirements: 40 CFR 30 or 31
    - The [Annual version](#) of the Code of Federal Regulations is available electronically. EPA's uniform administrative guidelines, 40 CFR parts 30 and 31 are located in 40 CFR Subchapter B – Grants and Other Federal Assistance ([Parts 30-49](#)) which was last updated in 2013.
  - [Cost Principles](#) by entity type: A-21, A-87 or A-122
  - Audit Requirements: A-133 \$500,000+ threshold
- If you receive a new EPA award on or after December 26, 2014, you will use the following regulations:
  - Uniform Administrative Requirements: 2 CFR [200](#) and [1500](#)
  - Cost Principles: 2 CFR 200 Subpart E
  - Audit Requirements: 2 CFR 200 Subpart F \$750,000+ threshold (Audit requirements will apply to audits of non-Federal entity fiscal years beginning on or after 12/26/14.)

- If you received an EPA award prior to December 26, 2014, and supplemental or incremental funding is added to the award on or after December 26, 2014, you will use the following regulations for both the supplemental/incremental funding and the unobligated balances remaining from the previous award actions (see [2 CFR 200.98](#) for the definition of unobligated balances):
  - Uniform Administrative Requirements: 2 CFR [200](#) and [1500](#)
  - Cost Principles: 2 CFR 200 Subpart E
  - Audit Requirements: 2 CFR 200 Subpart F \$750,000+ threshold (Audit requirements will apply to audits of non-Federal entity fiscal years beginning on or after 12/26/14.)

EPA looks forward to working with you as we transition to the UGG. Further information on the UGG can be found at <https://cfo.gov/cofar/>. Additionally, if you have any questions about EPA's implementation approach, please contact the EPA Grants Specialist listed on your assistance agreement or amendment.

Sincerely,



Howard F. Corcoran  
Director, Office of Grants and Debarment

## Region 9 Guidance Information for Managing EPA Assistance Agreements

<http://www.epa.gov/region9/funding/information.html>

- Omni-Circular under 2 CFR 200 & EPA Regulations under 2 CFR 1500:

EPA has officially adopted the OMB Omni-Circular effective **December 26, 2014**. Specifically, in a [joint interim final rule](#) published in the Federal Register on December 19, 2014 (see 79 Fed. Reg. 76050-76063), EPA adopted the Omni-Circular. This includes adoption of Omni-Circular requirements located at [2 CFR 200](#) along with EPA-specific provisions mandated by statute, regulation or agency policy now codified under [2 CFR 1500](#). OMB's website at <https://cfo.gov/cofar/> is the location for resources regarding the Omni-Circular, including [OMB's Frequently Asked Questions \(FAQ\)](#).

**NOTE: The 2 CFR 200 and 1500 apply to all EPA funds awarded on or after December 26, 2014. Also, any new funding through an amendment on or after December 26, 2014, and any unobligated balances (defined at 2 CFR 200.98) remaining on the award at the time of the amendment, will be subject to 2 CFR 200 and 1500.**

Federal Register--Joint Interim Rule:

<http://www.gpo.gov/fdsys/pkg/FR-2014-12-19/pdf/2014-28697.pdf>

2 CFR 200:

<http://www.ecfr.gov/cgi-bin/text-idx?SID=4467ef7edf6418328185fed45270f1f&node=pt2.1.200&rqn=div5>

2 CFR 1500:

<http://www.ecfr.gov/cgi-bin/text-idx?SID=ac772c78043ca73b46f5d168dd3f038f&tpl=/ecfrbrowse/Title02/2chapterXV.tpl>

OMB's FAQ:

<https://cfo.gov/wp-content/uploads/2014/11/2014-11-26-Frequently-Asked-Questions.pdf>

- Interim Financial Assistance Conflict of Interest Policy:

In accordance with the Omni-Circular's Conflict of Interest (COI) disclosure requirements under [2 CFR 200.112](#), EPA issued the [Interim Financial Assistance Conflict of Interest Policy](#). Please review this policy carefully to ensure full compliance. This policy applies to all individuals and non-federal entities requesting and receiving EPA financial assistance on or after **December 26, 2014**.

Examples of requirements from the policy include:

- Application: If applicable, applicant must provide a prominently titled conflict of interest disclosure statement attached to the Standard Form (SF) 424.
- Post Award: The recipient must impose COI inquiry requirements onto their subrecipients, and disclose subrecipient COI's to EPA.

Interim COI Policy:

[http://www.epa.gov/ogd/epa\\_interim\\_financial\\_assistance\\_coi\\_policy.htm](http://www.epa.gov/ogd/epa_interim_financial_assistance_coi_policy.htm)

- Submission of Grant Applications via Grants.gov:

Effective **February 17, 2015**, EPA grant applicants must use [Grants.gov](#) to submit their applications. It is highly recommended that EPA applicants complete their registration on Grants.gov now, since the entire process can take up to 30 days to complete. Information located at [Submitting an Application to Grants.gov Apply](#) and [Applicant Resources](#) for Grants.gov will help you get started. Applicants are also encouraged to view a previously recorded [EPA Information Webinar](#) session/ presentation regarding Grants.gov or register for an available session.

Grants.gov support/assistance is available 24 hours a day 7 days a week at 1-800-518-4726 or [Support@grants.gov](mailto:Support@grants.gov). Also, the [Region 9 Application Checklist](#) will help ensure your EPA application submitted through Grants.gov is complete.

Guide on Submitting an Application to Grants.gov:

<http://www.epa.gov/ogd/guide/submitting.htm>

Grants.gov Application Resources:

<http://www.grants.gov/web/grants/applicants/applicant-resources.html>

EPA Information Sessions/Webinars:

[http://www.epa.gov/ogd/training/grants\\_gov\\_information\\_sessions\\_for\\_applicants.htm](http://www.epa.gov/ogd/training/grants_gov_information_sessions_for_applicants.htm)

Region 9 Interim Application Checklist:

<http://www.epa.gov/region9/funding/pdfs/checklist-interim-for-grantsgov.pdf>

- Bundling of Grant Application Certifications (for States & Tribes):

State and Tribal applicants are highly encouraged to submit annually a single set (“bundling”) of application certification forms with a cover letter. The letter must indicate the applicable timeframe (usually a federal or state fiscal year) of the certifications for all EPA grant applications received by Region 9 Grants Management Office (GMO) within that period. GMO accepts Adobe format (.pdf) of the letter with applicable signed certification(s) through the electronic mail box: [grantsregion9@epa.gov](mailto:grantsregion9@epa.gov). Please note that updated forms must be submitted when changes to the responses are required. The following certifications can be bundled:

- ❖ [Standard Form \(SF\) 424B, Assurances for Non-Construction Programs](#)
- ❖ [EPA Form 6600-06, Certification Regarding Lobbying, Certification for Contracts, Grants, Loans and Cooperative Agreements](#)
- ❖ [EPA Form 4700-4, Preaward Compliance Review Report for All Applicants Requesting EPA Financial Assistance](#)

Applicants are highly encouraged to use bundling of their certifications if multiple EPA applications are submitted annually. Bundling can be especially helpful as EPA is transitioning to Grants.gov. Please contact your EPA Grants Specialist for questions regarding bundling.

EPA Application Forms:

<http://www.epa.gov/ogd/forms/forms.htm>

- Changes to the Minority & Women Business Enterprise (M/WBE) Utilization Reporting Requirement:

The EPA issued a revised class deviation from [40 CFR 33.502](#) on **December 4, 2014**, which supersedes the M/WBE reporting requirement specified in the recipient’s Notice of Award. The EPA financial assistance recipients are now required to report annually when the amount budgeted for procurement listed in the financial assistance agreement exceeds \$150,000, and when certain conditions are met. Please review the current information from [EPA’s Small Business Programs](#).

40 CFR 33:

[http://www.ecfr.gov/cgi-bin/text-idx?SID=04eada1fb1292e21ecf2434ad7bf3781&tpl=/ecfrbrowse/Title40/40cfr33\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?SID=04eada1fb1292e21ecf2434ad7bf3781&tpl=/ecfrbrowse/Title40/40cfr33_main_02.tpl)

EPA’s Small Business Programs:

[http://www.epa.gov/osbp/dbe\\_reporting.htm](http://www.epa.gov/osbp/dbe_reporting.htm)

- Grants Management Training Materials for Tribal Organizations:

The EPA’s Office of Grants and Debarment (OGD) worked with the national Partnership for Environmental Technology Education (NPETE) to develop [training materials for Tribal organizations](#). While OGD is no longer able to offer in-person trainings, the training materials, including the training manuals and webinar recordings, are available for download. This general information is available for all recipient types.

Recipient Training:

[http://www.epa.gov/ogd/training/recip\\_train.htm](http://www.epa.gov/ogd/training/recip_train.htm)