



**Gulf Coast Ecosystem Restoration Council  
Recipient Proposal and Award Guide  
for  
Grant Recipients  
and  
Federal Interagency Agreement Servicing Agencies**

Recipient Guidance Manual version 1.01  
(12-21-2015)

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**Part I: Proposal Guide: Council-Selected Restoration Component**

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## RECIPIENT PROPOSAL AND AWARD GUIDE

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## General Information:

### A. History

The Gulf region's ecosystem has endured significant natural catastrophes over the past decade, and other factors have threatened the natural resources of the region. For example, the Gulf Coast region has experienced loss of critical wetland habitats, erosion of barrier islands and other coastal areas, imperiled fisheries, water quality degradation and significant coastal land loss due to natural forces, the alteration of hydrology and other human activities. The explosion of the Deepwater Horizon rig on April 20, 2010, cost 11 men their lives and set into motion one of the largest environmental disasters in our nation's history. For months, thousands of people worked to stop the flow of oil from the wellhead and protect our shorelines, wildlife and coastal communities. At the same time we also looked to the future, understanding that an event of this magnitude would take the collective thinking and cooperation of the entire region to ensure that the Gulf recovered not only from the effects of the spill, but from natural and other catastrophes that threaten the natural resources of the region as well as the people who rely on those resources for their food, fun and livelihoods.

In recognition of both the severity of the spill, as well as the challenges facing the region, on June 15, 2010, President Obama issued a clarion call to the people of the Gulf and the rest of the nation to commit to recovery of the region and address broader ecosystem challenges brought on by storms, development pressures, and other stressors. He called on Ray Mabus, then Secretary of the Navy, to develop a long-term restoration plan for the Gulf Coast, titled: *America's Gulf Coast: A Long Term Recovery Plan after the Deepwater Horizon Oil Spill*. The recommendations from that initial effort laid the groundwork for passing legislation to fund restoration efforts, as well as the development of strategies and plans to guide the region toward a comprehensive approach to restoration that takes into account the environmental, economic, and cultural value of the Gulf Coast region.

### B. Gulf Coast Ecosystem Restoration Task Force

On October 5, 2010, President Barack Obama issued Executive Order 13554, which established the Gulf Coast Ecosystem Restoration Task Force "to coordinate intergovernmental responsibilities, planning, and exchange of information so as to better implement Gulf Coast ecosystem restoration and to facilitate appropriate accountability and support throughout the restoration process."

The primary charge of the Task Force was to create a unified, strategic approach to restore the region's ecosystem. In December 2011, Task Force members published a Gulf of Mexico Regional Ecosystem Restoration Strategy that articulated an overarching vision for restoration. The Task Force developed the strategy with the input of local partners, scientists, tribes, and the public.

The foundation of the strategy document is four ecosystem restoration goals to facilitate long-term restoration:

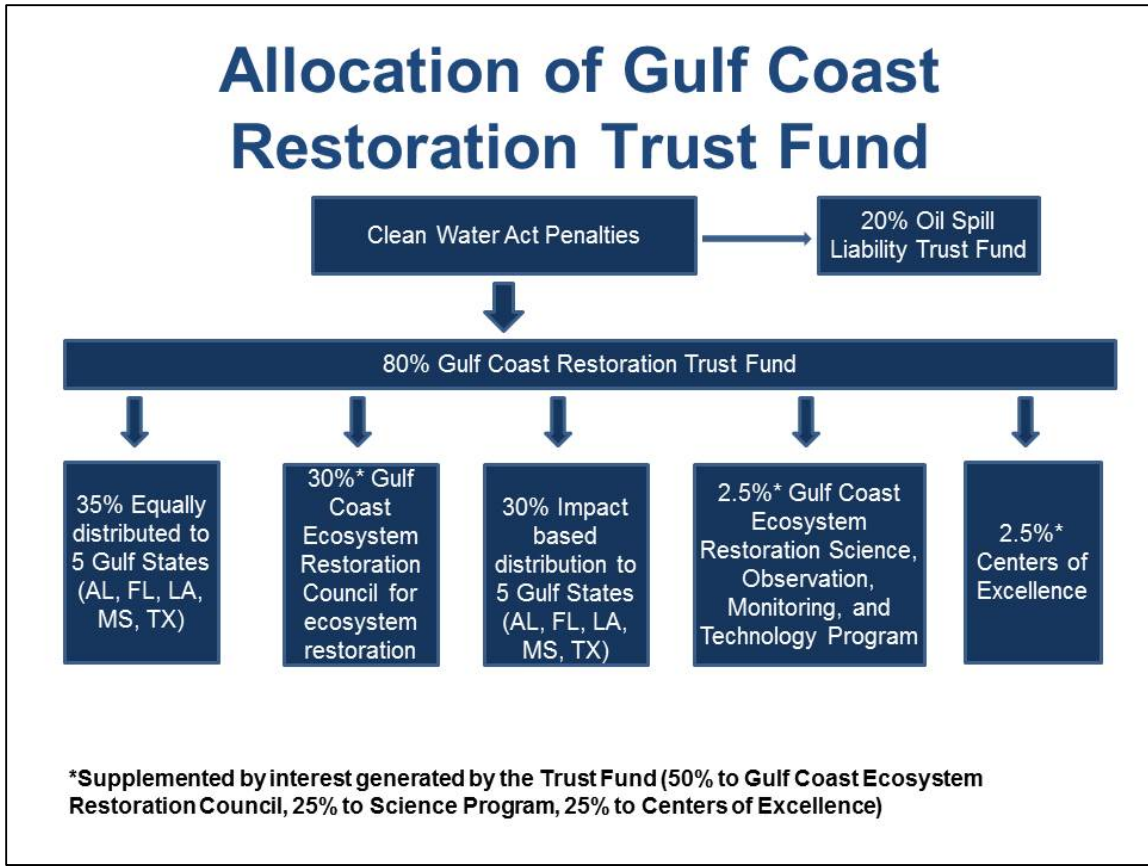
- Restore and conserve habitat
- Restore water quality
- Replenish and protect living marine and coastal resources
- Enhance community resilience

### **C. About the RESTORE Act**

In July 2012, the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act (RESTORE Act), Subtitle F of Public Law 112-141, established the Gulf Coast Ecosystem Restoration Council (Council). The RESTORE Act dedicates 80 percent of all Clean Water Act administrative and civil penalties related to the Deepwater Horizon spill to a Gulf Coast Restoration Trust Fund (Trust Fund) and outlines a structure by which the funds can be utilized to restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, and economy of the Gulf Coast region. The U.S. Department of the Treasury (Treasury) is responsible for issuing compliance and auditing procedures for the entire Act and procedures for two grant programs administered by Treasury.

The RESTORE Act sets forth the following framework for allocation of the Trust Fund:

- 35 percent equally divided among the five States for ecological restoration, economic development, and tourism promotion (administered by Treasury);
- 30 percent plus interest managed by the Council for ecosystem restoration under the Comprehensive Plan, also called the Council-selected Restoration Component of the RESTORE Act;
- 30 percent divided among the States according to a formula to implement State expenditure plans, which require approval of the Council;
- 2.5 percent plus interest for the Gulf Coast Ecosystem Restoration Science, Observation, Monitoring and Technology Program within the Department of Commerce's National Oceanic and Atmospheric Administration (NOAA); and
- 2.5 percent plus interest allocated to the States for Centers of Excellence Research grants, which will each focus on science, technology, and monitoring related to Gulf restoration (administered by Treasury).



#### D. About the Gulf Coast Ecosystem Restoration Council

In July 2012, the RESTORE Act established the Gulf Coast Ecosystem Restoration Council (Council) as an independent federal entity. The Council is comprised of governors from the five affected Gulf Coast States (Alabama, Florida, Louisiana, Mississippi, and Texas), the Secretaries from the U.S. Departments of the Interior, Commerce, Agriculture, Homeland Security, and the Army as well as the Administrator of the U.S. Environmental Protection Agency. The Gulf Coast States recommend and the President appoints one of the federal members to serve as the Chair of the Council. The Chair, Council members and their designees can be found on the Council website ([www.restorethegulf.gov](http://www.restorethegulf.gov)).

Under 33 U.S.C. 1321(t)(2), now called the Council-Selected Restoration Component of the RESTORE Act, one of the Council’s primary responsibilities is to develop a Comprehensive Plan to restore the ecosystem and economy of the Gulf Coast region. The Initial Comprehensive Plan (approved in August 2013) established the Council’s goals for restoring and protecting the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, and economy of the Gulf Coast region. As part of the Comprehensive Plan, the Council develops lists of projects to fund (Funded Priorities List or FPL) and implements the list by making financial assistance awards (e.g., grants) to State members or interagency agreements (IAAs) with Federal members, who may in turn make further financial assistance awards to sub-recipients to achieve the purposes of the

award. In addition, the Council is charged with approving State Expenditure Plans (SEPs) prepared by each Gulf Coast State in accordance with 33 U.S.C. 1321(t)(3), the Oil Spill Restoration Impact Allocation, and administering financial assistance awards made under this component.<sup>1</sup> Overall, the Council has oversight responsibility for 60% of the Gulf Coast Restoration Trust Fund, as shown in the second and third columns from the left, in the chart on the previous page.

## **E. Comprehensive Plan**

In May of 2013, the Council released a Draft Initial Comprehensive Plan, which provided a framework to implement a coordinated, Gulf Coast region-wide restoration effort in a way that restores, protects and revitalizes the Gulf Coast.

The Council unanimously approved the Plan in August 2013. The Plan established the Council's goals for the region and provides a process to fund restoration projects and programs as funds become available. Over the next few years, development and implementation of this Plan will be an iterative process leading to a comprehensive, region-wide, multi-objective restoration plan based on the best available science.

To provide the overarching framework for an integrated and coordinated approach for region-wide Gulf Coast restoration and to help guide the collective actions at the local, state, tribal and federal levels, the Council adopted five goals in the Comprehensive Plan:

- Restore and Conserve Habitat – Restore and conserve the health, diversity, and resilience of key coastal, estuarine, and marine habitats.
- Restore Water Quality – Restore and protect water quality of the Gulf Coast region's fresh, estuarine, and marine waters.
- Replenish and Protect Living Coastal and Marine Resources – Restore and protect healthy, diverse, and sustainable living coastal and marine resources.
- Enhance Community Resilience – Build upon and sustain communities with capacity to adapt to short- and long-term changes.
- Restore and Revitalize the Gulf Economy – Enhance the sustainability and resiliency of the Gulf economy.

The Council will select and fund projects and programs that restore and protect the natural resources, ecosystems, water quality, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region. The Council established seven objectives in the Comprehensive Plan. Projects and programs not within the scope of the Comprehensive Plan goals and objectives for ecosystem restoration will not be funded under the Council-

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<sup>1</sup> Pursuant to 40 C.F.R. Part 1800, the Council may also make financial assistance awards to Gulf Coast States to help draft SEPs.

Selected Restoration Component. The following objectives are not listed in any particular order, and the Council does not anticipate that restoration efforts funded under the Council-Selected Restoration Component will be equally distributed among the objectives. Restoration projects and programs may achieve multiple objectives simultaneously. Projects and programs submitted under the SEPs must also be consistent with these objectives. Example projects and programs provided in the below list are meant to be descriptive rather than limiting.

- Restore, Enhance, and Protect Habitats – Restore, enhance and protect the extent, functionality, resiliency, and sustainability of coastal, freshwater, estuarine, wildlife, and marine habitats.
- Restore, Improve, and Protect Water Resources – Restore, improve, and protect the Gulf Coast region’s fresh, estuarine, and marine water resources by reducing or treating nutrient and pollutant loading; and improving the management of freshwater flows, discharges to and withdrawals from critical systems.
- Protect and Restore Living Coastal and Marine Resources – Restore and protect healthy, diverse, and sustainable living coastal and marine resources including finfish, shellfish, birds, mammals, reptiles, coral, and deep benthic communities.
- Restore and Enhance Natural Processes and Shorelines – Restore and enhance ecosystem resilience, sustainability, and natural defenses through the restoration of natural coastal, estuarine, and riverine processes, and/or the restoration of natural shorelines.
- Promote Community Resilience – Build and sustain Gulf Coast communities’ capacity to adapt to short- and long-term natural and man-made hazards, particularly increased flood risks associated with sea-level rise and environmental stressors. Promote ecosystem restoration that enhances community resilience through the re-establishment of non-structural, natural buffers against storms and flooding.
- Promote Natural Resource Stewardship and Environmental Education – Promote and enhance natural resource stewardship through environmental education efforts that include formal and informal educational opportunities, professional development and training, communication, and actions for all ages.
- Improve Science-Based Decision-Making Processes – Improve science-based decision-making processes used by the Council.

## **F. Purpose of the Recipient Proposal and Award Guide**

The *Recipient Proposal and Award Guide (RPAG)* encompasses documents relating to the Council’s proposal, application, award, and post-award processes for both the Council-Selected Restoration Component and the Spill Impact Component. The term “proposal” is used for the projects, programs and activities submitted for consideration under the Council-Selected Restoration Component and submitted as part of an SEP. The term “application” is used as the formal submission of the project, program or activity for funding as a grant to a Gulf State or an IAA to a Federal Council member.

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*“Recipient” as used in this RPAG includes any entity that receives financial assistance from the RESTORE Council through the Council-selected Restoration Component or the Spill Impact Component. This term includes the State Council members, their administrative agents, and the Gulf Consortium of Florida Counties (grant recipients) as well as the Federal Council members (Federal Interagency Agreement Servicing Agencies). Likewise, the terms “Financial Assistance,” “Financial Award,” “Award” and “Award Agreement” as used in this Guide refer to both grants and Federal Interagency Agreements (IAAs).*

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If the RPAG is silent on a specific area covered by 2 C.F.R. Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, the requirements specified in 2 C.F.R. Part 200 must be followed. Any inconsistency or conflict in terms and conditions specified in the RPAG and 2 C.F.R. Part 200 will be resolved in favor of 2 C.F.R. Part 200.

The RPAG has been designed for use by Council members and their designated personnel, as well as Council staff, and consists of four parts:

Part I, the *Proposal Guide: Council-Selected Restoration Component* (Bucket 2, FPL Program) provides guidance for the preparation and submission of proposals (pre-applications) for the Council-Selected Restoration Component.

Part II, the *Proposal Guide: Spill Impact Component* (Bucket 3, SEP Program) provides guidance for the preparation and submission of the State Expenditure Plan that includes proposals.

Part III, the *Application Guide*, contains guidance on the preparation and submission of the application package for approved projects as identified on final Funded Priorities Lists (grants or interagency agreements), and as identified by the State/eligible entity in the approved State Expenditure Plan (grants).

Part IV, the *Award and Administration Guide*, contains guidance on managing and monitoring the award and administration of awards made by the Council. Coverage includes the Council's award process, issuance of the award agreement, and administration of a Council award through closeout.

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*Note: The Restoration Assistance and Awards Management System (RAAMS) is the Council's electronic awards management system for all stages of the award lifecycle. Instructions for gaining system access and the use of RAAMS are provided in a separate guide. The RAAMS Users' Guide provides information to applicants and recipients concerning the use of RAAMS for proposal/application submissions, and the award and administration of Council grants. The RAAMS site is located at:*

<https://raams.restorethegulf.gov/>

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## **G. Council Staff and Roles**

The Council staff includes several major functional areas: program development and management (Program Office), grants management and compliance (Grants/Compliance Division within the Office of the CFO and Director of Administration), and administration (Administrative Division within the Office of the CFO and Director of Administration). The Program Office includes external affairs, environmental, science, and support staff responsible for program development and management. The Compliance Office consists of grants specialists and officers who conduct grant administration and compliance activities. The Program Office and the Grants/Compliance Division work together to ensure proper stewardship of Federal funds and compliance with Federal laws, regulations, and policies. The Administration Division provides finance, budget, information technology and administrative support services for the Council. The following briefly describes staff roles in each of these functional areas associated with grants and IAAs.

### *1. Program Office Roles.*

Program Officer (Deputy Executive Director and Director of Programs): Supervises program staff to ensure that the priority criteria of the RESTORE Act, and goals, objectives, and commitments in the Initial Comprehensive Plan and FPL, are adhered to and implemented throughout the grant or IAA process.

Director of Environmental Compliance: Reviews and evaluates Council proposals and applications for environmental readiness and identifies applicable special award conditions related to environmental requirements.

Science Officer: Ensures scientific integrity and use of best available science in all Council financial assistance programs. Reviews science evaluations for completeness and

conformity, ensures that an adequate number of reviewers with appropriate expertise are available for FPL proposal review, and assigns applications to individual science reviewers.

Science Reviewers: Qualified third party individuals who complete the science evaluation assessment for FPL proposals submitted to the Council. Science reviewers may be contracted on a volunteer or fee basis.

External Affairs Specialist: Conducts public outreach and information activities for the organization and serves as the point of contact for legislative notifications.

External Reviewers: Qualified third-party individuals who complete Council application reviews for engineering and/or architectural plans and drawings, metrics, observational data and data management plans, and other technical reviews, as necessary. External reviewers may be contracted on a volunteer or fee basis.

Program/Natural Habitat Specialists: Reviews Council proposals and applications to ensure that proposed activities adhere to priority criteria of the RESTORE Act, and the goals, objectives, and commitments in the Initial Comprehensive Plan and FPL. The Program Specialist serves as a point of contact for applicants and recipients, reviews performance reports, and conducts monitoring of grant and IAA activities (in coordination with the Grants Officer).

## *2. Grant/Compliance Division Roles.*

Grants Officer: Responsible for the business management aspects of grants and IAAs, including review, negotiation, award, and administration, and for the interpretation of financial assistance administration policies and provisions. The Grants Officer serves as a point of contact for applicants and recipients, reviews financial reports, and conducts monitoring of grant activities (in coordination with the Program Specialists).

Grants Specialists: Oversees the business and other non-programmatic aspects of one or more grants and/or IAAs. These activities include, but are not limited to, evaluating applications for administrative content and compliance with statutes, regulations, and guidelines; negotiating grants and agreements; providing consultation and technical assistance to recipients; and administering grants and agreements after award.

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*Note: Applicants and recipients are encouraged to contact the grants specialist or the grants officer with any questions pertaining to applications and grants.*

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3. *Administration Division Roles.*

Fiscal Specialists: Identifies, reviews, and approves a wide variety of source documentation relating to specific accounting transactions.

IT Specialist and System Administrator: Serves as a network manager, software developer, and database administrator. This role also provides technical support and training on information technology systems. Defines system users and system groups, defines group privileges and responsibilities, and assigns distinct user privileges and responsibilities.

4. *Other Roles*

Executive Director: The Council Authorized Official with approval authority for the Gulf Coast Ecosystem Restoration Council.

Chief Financial Officer/Director of Administration: Responsible for the development, promulgation, execution and oversight of policies, internal controls, procedures and program responsibilities for budget and fiscal management, management analysis, program planning and evaluation, grant management and compliance, human resources and procurement services, information resources support and all other administrative functions.

General Counsel: Serves as the legal advisor for the Council and conducts legal reviews of grant and IAA applications and awards prior to award finalization.

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*Note: The current listing of Council staff can be found on the Council web site at:*

[www.restorethegulf.gov/](http://www.restorethegulf.gov/)

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## **H. Applicant/Recipient Roles & Council-Recipient Relationship**

### 1. Applicant/Recipient Roles.

- a. An Authorized Organizational Representative (AOR) means the administrative official who, on behalf of the proposing/servicing organization, is empowered to make certifications and assurances and can commit the organization to the conduct of a project that the Council is being asked to support as well as to adhere to various Council policies and award requirements.
- b. A Recipient means the eligible entity that receives a Federal award and assumes legal and financial responsibility and accountability both for the awarded funds and for the performance of the Council-supported activity. The term “Recipient” refers to both a

non-Federal entity that receives a grant and the Federal servicing agency in an Interagency Agreement (IAA).

- c. Principal Investigator (PI), Project Manager (PM) or Project Director (PD) means the individual(s) designated by the proposer, and approved by the Council, who will be responsible for the scientific or technical direction of the project. The PI/PM/PD is the primary individual with whom Council staff should interact with concerning project implementation.

## 2. Council-Recipient Relationship.

Financial assistance awards will be used by the Council to fund projects under the Council-Selected Restoration Component and the Spill Impact Component. A financial assistance award (a grant or, the purposes of the Council-Selected Restoration Component, an interagency agreement) is a legal instrument of financial assistance between the Council and a recipient that, consistent with the Federal Grant Cooperative Agreement Act (31 U.S.C. § 6301 *et seq.*), is used to enter into a relationship, the principal purpose of which is to transfer anything of value from the Council to the recipient in order to carry out a public purpose authorized by a law of the United States (see 31 U.S.C. § 6101(3)); and not to acquire property or services for the Council's direct benefit or use. See 31 U.S.C. §§ 6302, 6304 and 2 C.F.R. § 200.51.

Financial assistance awards establish a relationship between the Council and the recipient in which:

- a. The Council agrees to provide up to a specified amount of financial support for the project to be performed under the conditions and requirements of the award; the Council will also monitor award progress and assure compliance with applicable standards.
- b. The recipient agrees to perform the project as proposed, prudently manage the funds provided, and carry out the supported activities in accordance with the provisions of the award.

### **I. Council Electronic Capabilities Status**

The Council is utilizing an electronic grants management system, the Restoration Assistance and Awards Management System (RAAMS), for all stages of the award lifecycle, including the FPL proposal and application submission, the Spill Impact Component SEP and individual SEP project applications, and post-award administration, monitoring, reporting, and closeout. Applicants and recipients of grants and IAAs are asked to utilize the platform to the extent possible in order to streamline the proposal and application stages, as well as recipient requirements during the post-award stage.

*RESTORE Council Staff Work Product – Subject to Council Review and Approval*

The Restoration Assistance and Awards Management System (RAAMS) site is located at:  
<https://raams.restorethegulf.gov/>

Instructions for gaining system access and using RAAMS are provided in the *RAAMS User Guide*, which is available on the Council website.

Should an applicant or recipient not be able to utilize the web service for a particular submission, the Council staff can arrange for alternate submission via the appropriate digital or hard-copy forms.

## Part I: Proposal Guide: Council-Selected Restoration Component

*Editorial comment: This section is based upon the 2014-2015 Council-Selected Restoration Component proposal submission guidelines. The proposal submission guidelines are subject to review and change. A 360 degree review of the processes used in the development of the Initial Funded Priorities List is planned for calendar year 2016 and may result in significant changes to this section.*

### Chapter I: Pre-submission Information

#### A. Proposal Process

Thirty percent of the money directed to the Trust Fund is to implement ecosystem restoration under the Initial Comprehensive Plan. This component is referred to as the Council-Selected Restoration Component (also known informally as “Bucket 2”). The Council-Selected Restoration Component includes those projects and programs chosen by the Council to advance the goals and objectives of the Initial Comprehensive Plan. This process has been split into two distinct parts: (1) the Funded Priorities List (FPL) proposal and (2) the FPL project application. Part I of this Guide provides information concerning the FPL proposal process.

FPL proposal submissions give the Council a means to evaluate projects and programs with regard to their potential Gulf Coast restoration benefits. This part of the process is similar to a pre-application, with the exception that each proposal contains extensive narrative demonstrating its potential benefits to the Initial Comprehensive Plan goals and objectives, and evaluation criteria. Appendix 3 (Funded Priorities List Key Elements) identifies the current Initial Comprehensive Plan goals and objectives, and evaluation criteria and is provided as a ready reference to be used when preparing proposals. Any conflict between this Guide and a funding opportunity announcement dated later in time should be resolved in favor of the funding opportunity announcement.

Once the Council selects a group of projects and programs that it proposes to fund, it publishes those results in a Draft FPL for public review and comment. After reviewing and incorporating responses to public comments, the Council votes to adopt and publish a Final FPL, a public document that represents an extension of the Initial Comprehensive Plan.

The FPL process is iterative and there will be more than one FPL. Successive FPLs may contain projects and programs submitted under a previous funding opportunity announcement and/or new projects submitted under a new funding opportunity announcement.

#### B. Who May Submit a Proposal

Only Council members or their official designees are eligible to submit proposals and receive awards under the Council-Selected Restoration Component. In order for proposals

developed by other stakeholders to be eligible under this program, those proposals must be sponsored and submitted by a Council member.

In an effort to promote public involvement, Council members may solicit stakeholders within the Gulf Coast region to provide proposals for consideration. In order to better facilitate that process, each of the five Gulf Coast States has established a system by which proposals can be submitted, reviewed, and considered as a possible FPL proposal to be sponsored by the eligible Council member. Federal members may have additional, separate processes for receiving proposal ideas from stakeholders.

Although these processes are outside the Council's purview, it encourages such approaches as they promote the coordinated approach advocated within the Initial Comprehensive Plan. Additional information regarding efforts to promote the solicitation and coordination of proposals among stakeholders can be found on the Council web site.

### C. Eligible Activities

Eligible activities under the Council-Selected Restoration Component include those aimed at restoring and protecting the natural resources, ecosystems, water quality, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region. Activities not within the scope of these restoration objectives are ineligible for funding under the Council-Selected Restoration Component.

Eligible activities include both projects and programs. For the purposes of the Council-Selected Restoration Component, a project is defined as a discrete activity or group of activities with a fully defined scope. Programs, by way of comparison, may not necessarily contain discrete activities, but rather a plan of action to solicit, evaluate, select, and carry out activities that meet the Council's restoration goals. An individual proposal should describe a single discrete activity or group of activities or defined program. Related proposals can be associated with each other but must be submitted as separate proposals.

Projects and programs are eligible to be funded under any or all of the three phases described below. The examples provided below are not intended to be all-inclusive of eligible activities.

#### *1. Planning.*

Proposed activities may include: development of ecosystem restoration projects and programs; cost estimates; the scientific foundation for a proposal; and public engagement. Planning may also include certain technical assistance activities such as feasibility analyses and environmental compliance activities.

## *2. Technical Assistance.*

Proposed activities may include: feasibility analysis; design; environmental review and compliance; evaluation and establishment of monitoring requirements and methods to report outcomes and impacts; and permitting.

## *3. Implementation.*

Proposed activities may include: construction; public outreach and education; and the measurement, evaluation, and reporting of outcomes and impacts of restoration activities.

### D. When to Submit Proposals

Each FPL will be preceded by a funding opportunity announcement which will be posted on the Council website and on Grants.gov. The Council may elect for any given FPL funding opportunity announcement to stress particular focus and emphasis areas in order to promote the creation of FPLs with complimentary activities and goals. The funding opportunity announcement may limit the number of proposal submissions permitted per member. Opportunity announcements will contain additional information regarding any applicable focus and emphasis areas, specific submittal guidelines, as well as the dates during which proposals will be accepted. Detailed instructions regarding the submission of proposals are provided in the RAAMS manual.

## **Chapter II: Proposal Preparation Instructions**

Each proposal for a Council-Selected Restoration Component must contain the following:

- Executive summary;
- Proposal narrative;
- High-level budget narrative;
- Data management plan;
- Reference list of literature cited in the proposal;
- Status of all applicable Federal and state environmental compliance requirements and documentation of fulfilled requirements; and
- Maps depicting all project locations and shapefiles documenting the geospatial attributes of those locations.

Proposals will be entered into RAAMS; however the instructions in the following sections are provided as a guide for preparing each of the required elements of a proposal.

### A. Executive Summary

Each proposal must include an executive summary or abstract. Executive summaries should be limited to no more than two pages in length and provide the following:

- General information about the project or program pursuant to the Initial Comprehensive Plan goals and objectives;
- Implementation information, including a project timeline;
- Brief description of anticipated monitoring activities, as well as measures of success such as metrics and milestones; and
- Any uncertainties and risks associated with the implementation.

## B. Proposal Narrative

The proposal narrative must clearly and effectively address the Initial Comprehensive Plan goals, objectives, priority criteria, and commitments, as well as articulate its use of best available science and any evaluation criteria identified in the funding opportunity announcement. In addition, narratives must articulate the risks and uncertainties associated with the proposal, the short- and long-term sustainability of proposed activities, and any potential implementation impacts. An adaptive management plan should be included if applicable.

In order to demonstrate that best available science has been taken into consideration, proposal narratives must cite all peer-reviewed sources, as well as other publicly available information. If literature cited is not directly related to the Gulf of Mexico, the narrative should demonstrate its applicability to the proposed activities.

Applicants must provide information within each of the following areas that are applicable to the proposed project or program. The page length of proposal narratives may be limited.

### *1. Project Description*

Include a description of project or program goals and objectives and document how the project or program specifically addresses the priorities and commitments of the Initial Comprehensive Plan. The narrative should also include information regarding the project or program's lifespan and effectiveness over time.

### *2. Methodology*

State the proposed method or methods to be used, the justification for the method(s) selected, and a project timeline. Justifications might include benefits such as cost-effectiveness, or concepts such as best-available science.

3. *Monitoring of the project or program*

If applicable, identify the type of monitoring that will be undertaken and identify major project milestones. For construction projects, the narrative must also describe the amount and type of monitoring for each of the following phases: pre-project, pre-construction (planning and design, bid solicitation and contract letting), construction phase, and post-construction.

4. *Metrics and measures of success*

Describe objective metrics that will gauge the success of the project or program. The Council has developed an initial list of restoration metrics, available on the Council website ([www.restorethegulf.gov](http://www.restorethegulf.gov)) that can be useful in proposing metrics. The narrative must provide justification on why specific metrics were selected. Applicants should contact the Council Programs Specialists regarding the selection of appropriate metrics.

5. *Risks and uncertainties of the proposed activities*

Include a discussion of the potential risks (e.g., success, budget growth, etc.) associated with the proposed activities. Discuss, if applicable, uncertainties that could hinder the success of the proposed activities and any unintended impacts that could result from proposal implementation. To the extent that risks exist, a risk mitigation plan may be included. An adaptive management plan, which details the process by which risks and uncertainties might be reduced over time through the systematic evaluation of outcomes, should also be included if available.

6. *Outreach and education opportunities*

If the proposed project or program provides any education or outreach opportunities, these must be identified. For each education or outreach activity, include target audience, methodology to be used, desired outcomes, and benchmarks for measuring impact.

7. *Leveraging of resources and partnerships*

Leveraging generally falls into three categories: co-funding, adjoining and building upon other efforts (See Part III, Chapter II.B.2.e, for further descriptions of the leveraging categories). Include a description of resources (e.g., in-kind or cash matching funds; use of equipment; donation of property, labor, time; etc.) that are leveraged with the project and estimate leveraged amounts. Describe partnerships and collaborations occurring within and as a result of the proposed project or program, as well as identify collaborators and their expertise. The proposal should include letters of support from program partners as needed and if available.



8. *Proposal project/program benefits*

Describe all project or program benefits, whether qualitative or quantitative, and relate those benefits to the goals and objectives of the Initial Comprehensive Plan.

C. High-Level Budget Narrative

The high-level budget narrative must summarize the major categories of effort and include costs associated with those categories. The categories of effort including a description are identified below. There is no page limit for the high-level budget narrative.

- Project Oversight and Grants Management is management of the day-to-day operations of grant and recipient activities including supervision of project or program activities and functions in progress to ensure they are on-course, on-schedule and within budget to meet objectives and performance targets. Recipients are responsible for managing the day-to-day operations of grant and subgrant supported activities to assure compliance with applicable Federal requirements and that performance goals are being achieved.
- Planning is a basic management function involving formulation of one or more detailed strategies to achieve optimum balance of needs or demands with the available resources. The planning process identifies the goals or objectives to be achieved; formulates strategies to achieve them; arranges or creates the means required; and implements, directs, and monitors all steps in their proper sequence. Although generally considered a part of planning, environmental compliance and engineering and design activities are separate areas of effort for the purposes of the high-level budget.
- Environmental Compliance means conforming to environmental laws, regulations, standards, and permit requirements. Environmental compliance activities include environmental investigations, assessment, documentation, and permitting.
- Engineering and Design is the process of utilizing knowledge and principles to design and analyze objects, usually in preparation for construction.
- Implementation – Non-construction is the process of creating activities required to achieve the goals and objectives of a project. Implementation includes new activities as well as a continuation of activities to achieve the project or program objective. Implementation measures that involve construction are included in the construction area of effort for the high-level budget.
- Construction is the initial building or major alterations or renovations of a structure, facility, or project. Construction activities may include clearing, dredging, excavating, grading, and other activities associated with buildings, structures, or other types of real property.

- Land Acquisition is the procurement of land or an interest in land, which may include improvements or appurtenances, by purchase (fee), donation, or exchange. Land acquisition activities may include the search for and selection of properties and due diligence activities prior to the actual acquisition of properties or easements. Pursuant to the RESTORE Act, all acquisitions of land or purchase, exchange or donation of interests in land must be from a willing seller. See Pub. L. 112-141 § 1607, codified at 33 U.S.C. § 1321 note.
- Scientific Monitoring and Metrics is the collection of observational data, including any data collected, compiled, or utilized as part of a RESTORE funded project (such as compliance, engineering and design, baseline, post-implementation assessment data, etc.). This also includes measurements of metrics to assess the performance, efficiency, progress, or quality of the project or program and to demonstrate benefits after the primary project objective is complete. An observational data plan is required when data will be collected or compiled, and the preparation of that plan can be included under this area of effort. Management of any observational data collected is included in the data management area of effort.
- Data Management and Reporting is a comprehensive process involving movement of data and information from projects to the data user. Data that has been acquired or compiled is validated, cataloged, stored, protected, processed, and archived, and data accessibility, reliability, and timeliness is ensured to satisfy the needs of users. A data management plan is required when data will be collected or compiled during a RESTORE project or program, and the preparation of that plan can be included under this area of effort. Collection of observational data is included in the scientific monitoring and metrics area of effort. When developing the budget narrative, the applicant should carefully consider whether adequate funding has been included for data management activities.
- Long-term Operations and Maintenance (O&M) include activities required or undertaken to conserve as nearly and as long as possible the original condition of an asset or resource while compensating for normal wear and tear. O&M includes routine activities, such as inspections, mechanical maintenance, and vegetation, physical stability and erosion control, as well as more intensive items, such as repairing damage after major storm events.
- Adaptive Management is a systematic process for continually improving management policies and practices and may involve modification of a concept, object, or activity to make it applicable in situations different from originally anticipated. When developing the budget narrative, applicants should consider potential corrective actions that might need to be implemented to modify project performance if data indicate the project is not performing as expected.

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*Note: When developing the budget narrative, the applicant should carefully consider whether adequate funding has been included for potential long term:*

- Monitoring of the impacts, benefits, and success of the project or program, and*
  - Operation and maintenance costs, including any costs associated with the deauthorization/decommissioning of the project, if applicable.*
- 

If the high-level budget includes contingency or overhead/indirect costs, specifically describe these costs and provide an estimated amount, as applicable. When summarizing costs, group contingency and overhead/indirect costs within the areas of effort as follows.

- Contingency is an existing situation with an unknown or unpredictable result. Contingency costs are only allowable for construction activities. Within the high-level budget, include these costs in the construction area of effort. Provide an estimated percentage and amount for the contingency costs proposed.
- Overhead/Indirect Costs is an expense incurred in joint usage and, therefore, difficult to assign to or identify with a specific cost object. Indirect costs are usually constant for a wide range of output and are grouped under fixed costs. Include these costs in the project oversight/grants management area of effort within the high-level budget. Provide the amount of overhead/indirect costs anticipated to carry out the proposal.

The budget narrative should differentiate between requested costs and in-kind or leveraged costs. If there are other sources of funding, they should be specifically identified.

#### D. Preliminary Data Management Plan

If data is proposed to be collected or compiled, proposals must include a preliminary data management plan in narrative form that includes the following information:

- Description of the types of observational data that will be collected or compiled and how data will be managed during the course of the project (if applicable);
- Standards to be used for data/metadata format and content;
- Policies addressing data stewardship and preservation (i.e., data storage and maintenance after the proposed activities); and
- Procedures for providing access, sharing, and security (i.e., the mechanisms by which data will be shared with the Council and other Deepwater Horizon restoration programs and with the Gulf Coast community).

Applicants are asked to limit the data management plan narrative to two pages in length. If detailed data schemas are available at the time the proposal is prepared, these can and should be included as a supplementary attachment.

#### E. Reference List

Proposals must include a bibliography of all literature cited in the executive summary, proposal narrative, and data management plan. Citations can be in any standard format but must be consistent, accurate, complete, and clear. There is no page limit for the reference list.

#### F. Environmental Compliance

The Council must comply with all applicable federal environmental laws, regulations, Executive Orders and policies. Applicants and recipients may be required to provide the Council with documentation regarding compliance with applicable laws at various stages in the application and award process. For example, applicants may be required to provide documentation regarding environmental compliance when submitting a proposal for potential funding under the Council-Selected Restoration Component. Once a project or program is approved by the Council for funding under the Council-Selected Restoration Component, the sponsor may be required to provide additional documentation regarding compliance with environmental laws before an award is made. After an award has been made, the sponsor may also be required to submit additional documentation regarding compliance with environmental laws before funds are disbursed (often in conformance with a special award condition). This latter requirement applies to both the Council-Selected Restoration Component and the Spill Impact Component. Information regarding environmental compliance is provided in Part IV, Chapter IV.B.

In addition to federal environmental compliance, various state and/or local requirements may also need to be addressed. The award of a grant or interagency agreement by the Council does not in any way eliminate or alter the recipient's responsibility to comply with any and all applicable state and/or local requirements.

A copy of the environmental compliance checklist for the Council-Selected Restoration Component at the Application stage is provided in Appendix 6. Proposals must ALSO address and demonstrate, at a minimum, compliance with the National Environmental Policy Act, Endangered Species Act, National Historic Preservation Act, Magnuson-Stevens Fishery Conservation and Management Act, and Fish and Wildlife Coordination Act. There is no page limit for environmental compliance.

Detailed instructions regarding the entry and submission of proposals are provided in the RAAMS Manual.

Applicants will be given the opportunity to complete the various proposal elements and upload documents during the online submission process.

#### G. Location Information and Maps

Maps should be provided in PDF form at a scale appropriate to the project. Geospatial data is also required. Sketches, aerial photographs, video links, and other graphics that support the proposal are encouraged. There is no page limit for location information and maps.

The template for shapefiles is provided in RAAMS. Applicants who wish to obtain a copy of the template prior to initiating a proposal are encouraged to contact the Grants Office.

### **Chapter III: Proposal Review and Selection**

#### A. Proposal Review

Once the proposal deadline is reached, Council staff will begin reviewing submissions. Proposals are reviewed in a number of areas, including:

- Completeness
- Eligibility
- Budget
- Use of Best Available Science
- Status of Environmental Compliance

In addition to staff reviews, each proposal will be reviewed by three science reviewers unaffiliated with the Council. Only those proposals determined to be complete and eligible for funding will be provided to the Council for final review and selection. Council staff will complete the reviews and the results of these reviews will be posted to the Council website.

#### B. Draft FPL

All proposals determined eligible for the Council-Selected Restoration Component will be distributed to Council members and made available to the public. The results of the staff

and external reviews will also be made available. After vetting and evaluation is complete, the Council will determine which projects and programs to propose for prioritization. Those selections will be published in the form of a draft Funded Priorities List (FPL) and made available on the Council website for formal public review and comment. Public input will be given careful consideration and appropriate adjustments made to the draft FPL before publication of a final FPL.

### C. Final FPL

Following the solicitation, consideration, and incorporation of public comment, the Council will vote upon and publish a final FPL on the Council website and with appropriate notice in the Federal Register. Category 1 projects and programs listed in the final FPL represent those for which the Council has committed funds. Projects and programs with a Category 2 designation are proposed priorities for potential future funding for which the Council has made no present commitment other than further review and consideration.

Following publication of the final FPL, applicants will be notified that they can begin the formal application process for those projects and/or programs with funds committed (*e.g.*, Category 1 projects and programs). Instructions for completing the application process are provided in Part III, Chapter II.

## Part II: Proposal Guide: Spill Impact Component

*Editorial comment: This section is based upon the Oil Spill Impact Component: State Expenditure Plan Guidelines. Those Guidelines are subject to review and change.*

### Chapter I: Pre-submission Information

The Council administers the Spill Impact Component of the RESTORE Act (also known as the Oil Spill Restoration Impact Allocation Component or Bucket 3), under which 30 percent of funds in the Trust Fund are disbursed to the five Gulf Coast States based on an allocation formula established by the Council by regulation based on criteria in the RESTORE Act (40 CFR Part 1800, 80 FR 77580).

In order to receive this funding, the RESTORE Act requires each State to develop a State Expenditure Plan (SEP) and submit it to the Council Chairperson for approval. The following guidance describes the required elements of an SEP, the process for submitting an SEP, and the standards by which the Chairperson will evaluate an SEP. The guidance also describes the requirements for a second type of State Expenditure Plan, a “Planning State Expenditure Plan (Planning SEP),” authorized by the RESTORE Act Spill Impact Component Planning Allocation Final Rule (80 FR 1584). The SEP Submittal Guidelines document is available on the Council’s website.

The SEP identifies the projects, programs, and activities to be undertaken that will contribute to the overall economic and ecological recovery of the Gulf and economy. Each activity in the SEP must be consistent with the goals and objectives of the Council’s Initial Comprehensive Plan.

Under the Spill Impact Component, States may:

- Submit a Planning SEP to fund planning activities to develop a full State Expenditure Plan prior to the submission of a full SEP;
- Submit an SEP describing the projects, programs and activities the State will implement for approval by the Council Chairperson;
- Request funding to implement projects, programs or activities identified in an approved SEP;
- Submit an SEP that includes subgrants to other State or local agencies, universities, or other entities for projects, programs or activities identified in a SEP; and
- Combine allocations to fund mutually-beneficial projects (shared projects). In this case, each State must include in their respective SEP a description of the specific portion of the project with clearly identified objectives and deliverables for the portion for which they are requesting funding. If approved, each State will receive a separate award for their respective portion.

A. Who May Develop a Planning (PSEP) or Full SEP

Under the Spill Impact Component, funds are available only to the five Gulf Coast States, their administrative agents, and the Gulf Consortium of Florida Counties. The entities responsible for development of a Planning SEP or Full SEP are:

- For Alabama, the Gulf Coast Recovery Council;
- For Florida, the Gulf Consortium, a consortia of local political subdivisions that includes a minimum of one representative of each county affected by the Deepwater Horizon oil spill;
- For Louisiana, the Coastal Protection and Restoration Authority of Louisiana;
- For Mississippi, the Office of the Governor or a designated appointee of the Office of the Governor; and
- For Texas, the Office of the Governor or a designated appointee of the Office of the Governor.

B. When to Submit

The Council will post on Grants.gov a Request for Applications (RFA) to notify the states that they may submit their PSEP or SEP, and after approval of the PSEP or SEP, their submission of the appropriate administrative grant application(s). Detailed instructions regarding the submission of a Planning SEP and a Full SEP are provided in the Restoration Assistance and Awards Management System (RAAMS) users' manual.

Planning SEPs and Full SEPs are addressed separately below.

**Chapter II: Planning State Expenditure Plan**

The development and submission of a Planning SEP is optional. The purpose of a Planning SEP was to provide funds for planning activities to develop a Full SEP in advance of the issuance of the Spill Impact Component Final Rule. The eligible entities may apply to the Council to use the minimum allocation available under the Restore Act (5%) for planning purposes. The funds will be awarded as a grant.

The eligible activities, submission instructions, and review process for the Planning SEP are described in this chapter.



A. Eligible Activities—Planning SEP

Eligible activities for a Planning SEP are limited to the development of a comprehensive (or “Full”) SEP, including conceptual design and feasibility studies related to specific projects in the Full SEP. It cannot include:

- Engineering and environmental studies related to specific projects, or
- Any pre-award costs incurred prior to publication of the RESTORE Council’s RESTORE Act Spill Impact Component Planning Allocation Interim Final Rule (79 FR 49690) on August 22, 2014.

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*Note:* Pre-award costs incurred after the date of publication will be evaluated pursuant to 2 C.F.R. Part 200. The Council will make a final determination whether to approve any pre-award costs as part of the approval process.

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B. Planning SEP Processes

There is a two-step process for States electing to submit a Planning SEP. The first step is the submission of a Planning SEP, which must be approved by the Council Chairperson. A Planning SEP must describe the proposed activities necessary to develop a Full SEP. Once a Planning SEP is approved, applicants may proceed with the submission of all administrative grant materials to execute the activities of the Planning SEP. The following describes the requirements for the Planning SEP, the review criteria, and the award process.

*1. Step I: Planning SEP Requirements.*

Planning SEPs must include the following:

- Executive Summary:
  - Entity name and name of Gulf Coast State;
  - Contact information for the authorizing official – include the name, title, organization, address, telephone number, fax number, and email address; and
  - If applicable, contact information for additional points of contact – include the name, title, organization, address, telephone number, fax number, and email address.

- Narrative addressing the following items:
  - The approach to be taken in developing the Full SEP including a description of planning activities, responsible parties, public involvement in the Full SEP development process, and a high-level budget;
  - That the planning activities included in the Planning SEP are limited to those related to the development of a Full SEP, including conceptual design and feasibility studies related to specific projects.
  - Planning activities are eligible for funding under the RESTORE Act (33 U.S.C. § 1321(t)(1)(B)(i)(III)) and are deemed to contribute to the overall economic and ecological recovery of the Gulf Coast;
  - How the Planning SEP takes into consideration and is consistent with the goals and objectives of the Comprehensive Plan (See Appendix 3: Funded Priorities List Key Elements.);
  - That the Planning SEP does not include costs for infrastructure or engineering and environmental studies related to specific projects;
  - A high-level budget estimate of how funds will be spent under the Planning SEP. This high-level budget estimate will represent the maximum amount that can be requested in the administrative grant application (see Step II below), but does not bind the applicant as to specific budget estimates contained therein. The applicant may modify everything other than the total amount approved in the Planning SEP in the Budget Narrative and SF-424A associated with the grant application itself;
  - The financial controls and other financial integrity mechanisms that the applicant will use to assure the public, the Council and Congress that funds are managed appropriately to further the purposes of the RESTORE Act; and
  - The processes that the applicant used to prevent conflicts of interest in the development of the Planning SEP.
- The State should formally submit the Planning SEP to the Council.<sup>2</sup> Submission is required electronically through RAAMS with a hard copy sent to the Council Chairperson at:

Gulf Coast Ecosystem Restoration Council  
500 Poydras Street, Suite 1117  
New Orleans, LA 70113

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<sup>2</sup> Any Planning SEP drafted by the Gulf Consortium of Florida counties must be formally submitted to the Council by the State of Florida.

*2. Step II: Planning SEP Administrative Grant Application.*

Once the Chairperson approves the Planning SEP (see II.C below), the State is required to submit the following information and documents using RAAMS. Administrative grant materials should be submitted within 30 days following the Chairperson’s written approval. If additional time is needed to prepare the materials, a request should be submitted in writing to the Executive Director of the Council.

- **Project Narrative:** Include a concise project narrative that identifies and describes the activities to develop a Full SEP.
  
- **Budget Narrative:** Include a detailed narrative of how the Federal funds will be spent. Any leveraging opportunities should be identified. If co-funding is proposed and is required in order to complete the full planning process, then a separate budget and detailed narrative must also be included that identifies the source of the co-funding. Any pre-award costs should be identified and justifications provided. The budget narrative categories should match the line item budget categories on the SF-424A, “Budget Information—Non-Construction Programs,” listed directly below:
  - **Personnel**—this refers to salaries and wages paid to employees of the eligible entity who are directly involved in grant implementation. This line item does not include personnel hired by a subrecipient; those costs are included in the “Contractual” line item;
  
  - **Fringe Benefits**—this refers to the allowances and services provided by employers to their employees as compensation in addition to regular salaries and wages. Fringe benefits include, but are not limited to, the costs of leave (vacation, family-related, sick or military), employee insurance, pensions, and unemployment benefit plans;
  
  - **Travel**—this refers to the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the applicant. Such costs may be charged on an actual cost basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not selected days of the trip, and results in charges consistent with those normally allowed in like circumstances in the applicant’s non-federally funded activities and in accordance with the applicant’s written travel reimbursement policies. This line item does not include travel expenses to be incurred by a subrecipient; those costs are included in the “Contractual” line item;
  
  - **Equipment**—this refers to tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the applicant for financial statement purposes, or \$5,000;

- Supplies—this refers to all tangible personal property other than those classified as “Equipment.” A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the applicant for financial statement purposes or \$5,000, regardless of the length of its useful life;
- Contractual—this refers to purchases of property or services needed to carry out the project or program under a Federal award. It is not specific to the legal instrument being used, so it may include both subawards and subcontracts. Details must be provided regarding each contract and/or subaward anticipated;
- Construction—not applicable for the Planning SEP;
- Other—this refers to direct costs that do not fit any of the other line item categories, such as rent for buildings used to conduct grant activities, utilities and/or leased equipment, transportation expenses, tuition for training, etc.; and
- Indirect costs—this refers to costs incurred for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved.

Limitation: The total allowable indirect costs are subject to the three percent (3%) cap on administrative costs stated in 33 U.S.C. § 1321(t)(1)(iii). As a result of reconciling the administrative cap requirement of the RESTORE Act with federally approved negotiated indirect cost rate agreements (NICRAs), the cap may reduce the amount of funds allowable for indirect costs for a project. Instructions for calculation of allowable direct costs are available on the Council website at [www.restorethegulf.gov](http://www.restorethegulf.gov).

- An organizational self-assessment addressing the five factors below. If an applicant does not have information related to any of the following, the applicant should explain why such information is lacking (*e.g.*, no previous grants, etc.).
  - The applicant has a financial management system in place meeting the standards prescribed in 2 C.F.R. Part 200 that tracks and records program expenditures;
  - The applicant has an accounting system that identifies the receipts and expenditures of program funds separately for each award;
  - The applicant’s history of performance in managing Federal awards (*e.g.*, timeliness of compliance with reporting, conformance with terms and conditions);
  - The results of applicant’s previous audits; and
  - The applicant’s ability to effectively implement statutory, regulatory, or other requirements imposed on non-Federal entities.

- The Council is using RAAMS to capture the information that would otherwise be submitted through the standard Federal application forms. Therefore, the applicant must complete information online pertaining to the following forms using RAAMS:
  - Form SF-424, “Application for Federal Assistance;”
  - Form SF-424A, “Budget Information—Non-Construction Programs;”
  - RESTORE Council Applicant Certifications (including the RESTORE Act; Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions; Lobbying; and Drug-Free Workplace);
  - Form SF-424B, “Assurances—Non-Construction Programs;” and
  - Form SF-LLL, “Disclosure of Lobbying Activities,” if applicable.

#### C. Planning SEP Review and Approval

Once the Planning SEP is submitted to the Council, the Council Chairperson will review and provide an approval/disapproval decision.

##### *1. Council Staff Review of the Planning SEP.*

The Council staff will review the Planning SEP to ensure that it is complete and:

- The activities proposed are limited to the development of a Full SEP, including conceptual design and feasibility studies related to specific projects;
- The activities contribute to the overall economic and ecological recovery of the Gulf Coast (it is presumed that a Planning SEP will meet this criterion if the Planning SEP describes activities related to drafting a Full SEP);
- The activities proposed take into consideration and are consistent with the goals and objectives of the Comprehensive Plan (it is presumed that a Planning SEP will meet this criterion if the Planning SEP describes activities related to drafting a Full SEP); and
- The activities proposed do not include costs for infrastructure or engineering and environmental studies related to specific projects.

Based on the above, the Council staff will provide a recommendation to the Council Chairperson whether the Planning SEP is complete and adequately addresses the criteria.

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*Note: Council staff does not approve or disapprove Planning SEPs. Reviews are for the purpose of ensuring compliance with statutory, regulatory and program guidance as well as 2 C.F.R. Part 200 requirements.*

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## *2. Council Chairperson Approval/Disapproval.*

After reviewing the Planning SEP and taking into consideration the Council staff recommendations, the Chairperson will approve or disapprove the Planning SEP within 60 days of the submission of the Planning SEP. The following are possible outcomes and actions required:

- If the Planning SEP is approved, the eligible applicant will submit materials required under Step II (see Chapter II.B.2 above), and the review process for Step II (see Chapter II.C.3 below) will take place; or
- In the event that a Planning SEP is disapproved or action is not taken within 60 days,
  - The Council will provide the reason(s) for disapproval in writing and consult with the State to address any deficiencies with the application;
  - The State may submit a revised Planning SEP for review and approval; or
  - The State may obtain expedited judicial review within 90 days in a United States district court, of appropriate jurisdiction and venue, located within the State seeking review.

## *3. Step III: Administrative Review Process of the Planning SEP Grant Application.*

Upon receipt of the administrative grant materials, the Council will conduct the Step II review process by reviewing the technical and financial components of the application to ensure compliance with Council program requirements and 2 C.F.R Part 200. The technical reviews include evaluating the adequacy of the information submitted, including, but not limited to the following:

- The clear applicability to the authorized uses;
- Clear, concise goals; and
- Objectives with measurable planning outcome.

The Council staff will review the budget forms and narrative information to ensure compliance with Council policy and Federal grant regulations. A risk assessment will also be conducted as described in Part III, Chapter I.B.

In addition, Council staff will review the application for completeness (all required forms, certifications, and application elements—see Chapter II.B.2); ensure compliance with environmental requirements, if applicable; and conformity to grant policies and regulations.

Once the review is completed and the administrative materials are determined to be complete and compliant with required statutory, regulatory, program guidance, and administrative requirements, the Council will issue a grant award for the Planning SEP funding. Part IV of this manual describes the grant award process in more detail.

### **Chapter III: Full SEP**

This chapter describes the eligible activities, submission instructions, and review process for a Full SEP.

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*Note: For clarification purposes in this Guide, the term “Full SEP” describes the submission of the State Expenditure Plan described in 33 U.S.C. § 1321(t)(3)(B)(i) (not the Planning State Expenditure Plan).*

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The RESTORE Act and published regulations identify the requirements for each Full SEP. Each Full SEP must demonstrate that it:

- Contains only projects, programs or activities that meet one or more of the eligible activities under § 1321(t)(1)(B) or (ii);
- Contains only projects, programs or activities that contribute to the overall economic and ecological recovery of the Gulf Coast;
- Takes into consideration the Initial Comprehensive Plan and is consistent with the goals and objectives of the Initial Comprehensive Plan (see General Information, Section B, of this document for further information);
- Was developed by an eligible entity and submitted by the State under the Spill Impact Component; and
- Does not use more than 25 percent of the funding made available for infrastructure projects benefitting the economy or ecological resources, including port infrastructure, and activities for coastal flood protection and related infrastructure (i.e., eligible

activities under subclauses (VI) and (VII) of 33 U.S.C. § 1321(t)(3)(B)(i)), unless an exemption has been met. Exemptions require the State authorized representative to certify that:

- The ecosystem restoration needs in the state will be addressed by the projects proposed in the SEP; and
- Additional investment in infrastructure is required to mitigate the impacts of the Deepwater Horizon Oil Spill to the ecosystem or economy.

#### A. Eligible Activities--Full SEP

Eligible applications can include in a Full SEP projects and programs for the following activities to be carried out in the Gulf Coast region:

- Restoration and protection of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region;
- Mitigation of damage to fish, wildlife, and natural resources;
- Implementation of a federally approved marine, coastal, or comprehensive conservation management plan, including fisheries monitoring;
- Workforce development and job creation;
- Improvements to or on State parks located in coastal areas affected by the Deepwater Horizon oil spill;
- Infrastructure projects benefiting the economy or ecological resources, including port infrastructure;
- Coastal flood protection and related infrastructure;
- Planning assistance;
- Administrative costs of complying with the Restore Act;
- Promotion of tourism in the Gulf Coast region, including recreational fishing; and
- Promotion of the consumption of seafood harvested from the Gulf Coast region.

#### B. Full SEP Preparation Instructions

The submission of a Full SEP requires a three step process:



- Step I: Preparation of the Full SEP
- Step II: Public Participation and Review
- Step III: Submission of the Full SEP

State Expenditure Plans should be submitted using RAAMS. The system will require basic information for the SEP as a whole and provide users with a template for individual project, program, or activity information. Detailed instructions are provided in the RAAMS manual.

Eligible entities may include more projects and programs (proposals) in a Full SEP than there is funding available. It is within the discretion of the eligible entity to determine which of the projects included in the Full SEP to fund via submission of a grant application. The selection of projects to fund will be signaled by submitting a grant application for a particular project (See Part II, Chapter I.A.). The eligible entity may at a later time withdraw a grant application or cancel a grant award, and replace the project with any other unfunded project from the approved Full SEP. A request to fund a project (*e.g.*, a grant application) that is not listed in the approved Full SEP will be disapproved until the Full SEP is modified or amended consistent with Council requirements.

Only the five Gulf Coast States or their administrative agents may submit the Full SEP.<sup>3</sup> Full SEPs must include the following information, documents, and certifications:

- A cover letter signed by the authorized representative for the State transmitting the Full SEP. A point of contact for the designated agency and their contact information must be provided.
- The Full SEP Narrative describing the processes used to evaluate and select activities included in the plan. In addition, the Full SEP narrative must include the following:
  - Public Participation. The Full SEP must include a statement describing the process used to ensure appropriate public and tribal participation and transparency in the project, program, and activity selection process. Resolution of comments should also be addressed.
  - Certification of RESTORE Act Compliance. The Full SEP must include a certification from the State Council member that all projects, programs, and activities included in the Full SEP meet the requirements regarding eligible

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<sup>3</sup> Due to the requirement that the State Council member submit a certification of RESTORE Act compliance, any Full SEP drafted by the Gulf Consortium of Florida Counties must be formally submitted to the Council by the State of Florida.

activities and use of funds (see Section A above of this Chapter), contribute to the ecological and economic recovery of the Gulf Coast, conform to the Initial Comprehensive Plan, and are consistent with the goals and objectives of the Initial Comprehensive Plan. The certification should describe the process used to verify that the projects, programs, and activities meet these requirements. A statement should be included in the certification that addresses the Full SEP's benefit to the greater Gulf Coast region to ensure a comprehensive, collaborative ecological and economic recovery.

- Certification for Exemption of the 25 Percent Limitation for Infrastructure, if applicable. For exemptions to the 25 percent limitation, the SEP must include a certification that both of the following are true:
  - The ecosystem restoration needs in the State will be addressed by the projects proposed in the Full SEP; and
  - Additional investment in infrastructure is required to mitigate the impacts of the Deepwater Horizon Oil Spill to the ecosystem or economy.
- Financial Integrity. The Full SEP must include a description of the financial controls and other financial integrity mechanisms that it will use to assure the public and Congress that funds have been managed appropriately to further the purposes of the RESTORE Act. Procedures to assess the capability of proposed subrecipients that may implement activities included in the Full SEP must also be described.
- Conflicts of Interest. The Full SEP must also describe the processes used to prevent conflicts of interest in the development and implementation of its Full SEP.
- A listing of all projects/programs/activities that are included in the submitted Full SEP. The listing should provide the title or identifier for the project, program, and/or activity.
- Project and Program Information. To facilitate Council review of the Full SEP, it must identify a standard set of attributes common to all projects, programs, and activities included within the Full SEP. The information submitted in the grant application for each individual project/program/activity must be consistent with the information provided for that project/program/activity within the approved Full SEP. The following information is required for each project or program listed within a Full SEP:
  - The title/identifier of the project, program, or activity;
  - A description of the project, program, or activity that includes the need for and the purpose and objective of each project, program, or activity;

*RESTORE Council Staff Work Product – Subject to Council Review and Approval*

- A description of how the project, program, or activity is eligible for funding and meets statutory requirements;
- Location(s) within the Gulf Coast region;
- The estimated cost and high-level budget of each project, program, or activity. This total, which must be provided for all projects, programs and activities, will represent the maximum amount that can be requested in the administrative grant application (see Part III, Chapter II below), but does not bind the applicant as to specific budget estimates contained therein. The applicant may modify costs other than the total amount approved in the Full SEP for the project, program or activity when completing the Budget Narrative and SF-424A information associated with the grant application.;
- Identification of whether the project, program, or activity is infrastructure benefiting the economy or ecological resources, including port infrastructure, or coastal flood protection and related infrastructure;
- Major milestones (planning or implementation), and the estimated length of time required to meet those milestones;
- Projected start and completion dates;
- A description of the mechanisms (metrics) that will be used to monitor and evaluate the outcomes of the project, program, or activity;
- A description of the best available science, as applicable, that informed the State's selection of the project, program, or activity; and
- A description of the following items, if applicable, to the extent known at the time of the Full SEP submission:
  - Any certain or prospective collaborations or partnerships to be used or created through the project, program, or activity, or selection process.
  - Any additional resources that will be leveraged to meet the goals of the Full SEP, including those related to specific projects, programs, or activities.
  - Funding requested from other sources, including the funding source(s), requested amount(s), and current status of the request(s).
  - Whether the funding requested will be used as non-Federal match for another program, and if to be used as match, the identity of the agency and the program.

C. Public Participation Requirement

In accordance with 31 C.F.R. § 34.503(g), the Full SEP must be made available for public review and comment for a minimum of 45 days before submission to the Council, in a manner calculated to obtain broad-based participation. Projects, program, and activities may only be included in the Full SEP after consideration of all meaningful input from the public.

D. Submission of the Full SEP

Upon completion of the public review and comment period and the resolution of any comments, the State should formally submit the Full SEP to the Council. Submission is required electronically through RAAMS with a hard copy sent to the Council Chairperson at:

Gulf Coast Ecosystem Restoration Council  
500 Poydras Street, Suite 1117  
New Orleans, LA 70113

E. Full SEP Review and Approval

Pursuant to the RESTORE Act funding under the Spill Impact Component is non-competitive and must conform to Congressionally required authorized uses and an established funding formula. The Full SEP must however be reviewed and approved by the RESTORE Council prior to receiving funding. The RESTORE Council may:

- Review and approve the Full SEP;
- Work with the eligible entity to revise the Full SEP for resubmission by the State; or
- Review and disapprove the Full SEP.

Within 60 days of the submission of a Full SEP, the Chairperson must approve or disapprove the Full SEP.

*1. Council Staff Review of the Full SEP.*

Council staff will review Full SEPs to ensure that it is complete and the following four criteria are met:

Criterion 1: Meets one or more of the eligible activities under the RESTORE Act.

In determining whether the Full SEP includes only eligible activities, the Council staff will determine whether every project, program or activity included in the Full SEP is properly categorized as an eligible activity.

Criterion 2: Contributes to the overall economic and ecological recovery of the Gulf Coast.

In determining whether the Full SEP contributes to the overall economic and ecological recovery of the Gulf Coast, the Council staff will consider two things. First, whether the projects, programs and activities are carried out in the Gulf Coast region based on the standard established in the Act and the Treasury regulations. This determination is made when, in the reasonable judgment of the Council staff, each severable part of the project/program/activity is primarily designed to restore or protect that geographic area. Second, the Council staff will consider the compatibility of each Full SEP with other States' Full SEPs. This determination involves evaluating issues that cross Gulf State boundaries to ensure that a comprehensive, collaborative ecological and economic recovery is furthered by each Full SEP.

Criterion 3: Is consistent with the goals and objectives of the Initial Comprehensive Plan.

The Council staff will evaluate whether the Full SEP is consistent with the goals and objectives of the Initial Comprehensive Plan. The Council staff will evaluate whether each project/program/activity contained in the Full SEP will further one or more of the Initial Comprehensive Plan goals and will look to see if the projects will be implemented in a manner that does not have a negative impact, direct or indirect, on the Gulf Coast ecosystem restoration projects and programs selected for implementation under the Council-Selected Restoration Component.

Criterion 4: Infrastructure limitation of 25 percent.

In determining whether the Full SEP meets the 25 percent infrastructure limitation, the Council staff will compare the projects, programs and activities as described by the eligible entity to the infrastructure definition in the Department of Treasury's regulations implementing the RESTORE Act (31 C.F.R. § 34.2) and ensure the total amount of all infrastructure projects either meets the limitation requirements or exemption requirements (see Chapter III Introduction above).

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*Note: During the Council staff review of the Full SEP's completeness and conformity to the four criteria above, any project, program or activity needing revisions may be returned (electronically through RAAMS) to the State for revisions or withdrawal. Whether any revisions to or withdrawal of the project/program/activity will require the Full SEP to undergo an additional 45-day public comment period is a determination the State should make, taking into consideration how substantive the revisions or the withdrawals are when compared to the original Full SEP provided for public comment and any comments previously submitted related to the project and the Full SEP as a whole.*

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Based on the above, the Council staff will provide a recommendation to the Council Chairperson whether the Full SEP is complete and adequately addresses the four criteria.

The recommendation will detail the Council staff's evaluation and reasons for the recommendation, including whether the Full SEP meets all requirements set forth in these Council Guidelines, the applicable Treasury regulations, and the RESTORE Act.

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*Note: Council staff does not approve or disapprove Full SEPs. Reviews are for the purpose of ensuring compliance with statutory, regulatory and program guidance as well as 2 C.F.R. Part 200 requirements.*

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*2. Voluntary Withdrawal of an SEP.*

At any point before a final decision by the Chairperson to approve or disapprove a Full SEP, the eligible entity may voluntarily withdraw the submitted Full SEP for any reason. The submission of a revised Full SEP after the voluntary withdrawal is subject to the same review and approval process described in this section and resets the 60-day Council review window. Whether the revised Full SEP must go through an additional 45-day public comment period is a determination the State should make depending on how substantive the revisions are when compared with the withdrawn Full SEP that was originally provided to the public for comment.

*3. Public Availability of Full SEPs.*

Council staff will make proposed Full SEPs and revisions available to the public for review by posting the Full SEP on the Council's web site. Council staff will alert Council members immediately upon receipt of a proposed Full SEP.

The Council staff will make all Full SEPs approved by the Chairperson available to the public by posting the approved Full SEP on the Council's web site after the Chairperson has decided.

*4. Comment from Council Members.*

In the first 20 days of the Chairperson's 60-day review window, a Council member may submit comments to the Chairperson for consideration in the Chairperson's review. Such comments are limited to the completeness of a submitted Full SEP and the four criteria described above.

*5. Chairperson's Notification of Full SEP Decision.*

The Chairperson, after review of the staff recommendation, will approve or disapprove the Full SEP. The Chairperson's decision to approve or disapprove will be based solely on the completeness of the Full SEP and on the four criteria described above. The Chairperson will provide the State with a letter informing it of the Chairperson's decision.

*6. Disapproval of Full SEP by Chairperson.*

If the Chairperson does not approve a Full SEP, the Chairperson will provide detailed, written comments to the eligible entity that are intended to assist in developing an approvable Full SEP. This guidance will, at a minimum, include a list of incomplete or missing information in the proposed Full SEP.

The failure of the Chairperson to act on a submitted Full SEP within 60 days is considered a disapproval.

*7. Re-submission and Review of Revised Full SEPs.*

If the Chairperson disapproves a Full SEP, the eligible entity may revise the Full SEP for re-submission by the State. The revised Full SEP should include a list of all changes made from the original Full SEP and indicate text changes (e.g., in tracked changes). Following its review, Council staff will inform the eligible entity whether the revised Full SEP addresses all of the Full SEP review comments sufficiently and make a recommendation to the Chairperson for approval or disapproval.

Within 60 days of re-submission, the Chairperson will determine whether the revised Full SEP is approved.

A State's decision to re-submit a Full SEP in the event the Chairperson disapproved a previously submitted Full SEP will not preclude it from exercising its right to judicial review (see following paragraph).

*8. Judicial Review.*

If the Chairperson disapproves or fails to take action on the submission of a Full SEP or a Full SEP revision within 60 days of submission, the State may obtain expedited judicial review within 90 days of that decision in a United States district court, of appropriate jurisdiction and venue, located within the State seeking review (33 U.S.C. § 1321(t)(3)(E)).

**F. Post Full SEP Approval Actions**

*1. Administrative Grant Applications and Project Funding Approval.*

The Chairperson's approval of a Full SEP does not constitute final funding approval of the individual projects, programs, and activities in that Full SEP. The eligible entity will identify individual projects/programs/activities for funding by submitting a grant application in RAAMS. Individual projects, programs, and activities will be given final funding approval through the grant award process established by the Council in RAAMS.

The Council staff will review grant applications for compliance with statutory, regulatory, program guidance and grant administrative requirements. Eligible entities must adhere to the appropriate administrative requirements and cost principles prior to receipt of a grant

award and throughout the grant period. Part III of this manual describes the grant application process in more detail.

*2. Modifications and Amendments to Full SEPs.*

Once a Full SEP is approved by the Chairperson, it is the eligible entity's responsibility to track any changes to the projects/programs/activities within the approved document. Changes to an approved Full SEP fall into three categories.

- Changes to a project/program/activity for which a grant has been issued must be addressed through a grant amendment request. The process for requesting grant amendments is covered in greater detail in Part IV, Chapter II.H of this Guide. The information required for an amendment will be dependent on the nature of the change. Grant amendments are requested in RAAMS and must be approved by the Council Grants Office before the recipient organization can proceed with the change. If unanticipated events necessitate an immediate change beyond the recipient's control, the Grants Office must be consulted at the earliest opportunity and be advised of the situation. As discussed below, certain changes in activities may result in the need for both a grant amendment and a modification or amendment to the Full SEP.
- If a proposed change to a Full SEP results in a change of scope or involves a funding increase for a new or significantly expanded project/program/activity, the eligible entity may either submit a new Full SEP or a Full SEP Amendment. Full SEP Amendments can focus on the change only, but must be submitted, reviewed, and approved through the same process as the Full SEP itself.

For SEP amendments, the eligible entity will notify the Grants Office to request initiation of the Amendment process in RAAMS.

- An eligible entity may modify an approved Full SEP without the formal Chairperson's review process if the change does not affect the overall scope or objective of the Full SEP or unfunded program(s)/activity(ies)/project(s) contained therein, and does not seek to increase funding for the Full SEP or unfunded projects contained therein. Although these modifications do not require approval and review by the Chairperson, they must be included in the updated Administrative Plan provided to the Council on an annual basis.

For Full SEP modifications, the eligible entity must consult with the Grants Office to confirm that the change is a modification only and does not require a Full SEP Amendment.



*3. Administrative Copies of Full SEPs.*

On an annual basis, each State must submit to the Council a copy of the Full SEP that incorporates all changes made to the Full SEP changes, including all modifications, all approved project changes and all approved Full SEP Amendments, since the last annual submission.

This annual submission is due on the anniversary date when the Full SEP was approved by the Chairperson. The annual submission should be made using RAAMS. Detailed information regarding updating and submitting the annual Administrative Plan is available in the RAAMS manual.

## **Part III: Application Guide**

The Council will make awards only to eligible recipients both in terms of organizations allowed under the RESTORE Act and organizations that possess financial and administrative capabilities to successfully implement the project and minimize potential risks of waste, fraud, and abuse. The Council is also required by 2 C.F.R § 200.205 to conduct administrative and financial reviews prior to making a Federal award. This review is at the organizational level and is discussed further in Chapter I of this part.

Prior to the issuance of an award, applicants must submit a formal application for funding. The requirements for application submission are addressed in Chapter II of this part. The Council will conduct a project-level review of the application in order to complete the award process and ensure the recipient is eligible, the application is complete (all required forms and certifications submitted, and program requirements met), and the appropriate special award conditions are included.

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*“Applicants” for Council-administered RESTORE Act funding include eligible Gulf States, their administrative agents, and the Gulf Consortium of Florida Counties, as well as Federal Interagency Agreement Servicing Agencies. The process described in this Part is used for the submission of both grants and IAA applications.*

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### **Chapter I: Organizational Documentation and Review**

At the organizational level, the Council will conduct risk assessments of first-time recipients in order to effectively implement the statutory, regulatory, administrative, and program requirements of a potential Federal award. Once an initial assessment has been made, it will be reviewed on an annual basis. Since the Council-Selected Restoration Component and the Spill Impact Component are new Federal programs, all non-Federal recipients will be treated as first-time recipients for the initial Council award.

As recipients of a Council award, organizations must submit basic organization and management information and certifications. This same information will be requested from and must be submitted by all recipients on a yearly basis as part of an annual organizational risk review. As part of its annual review, the Council will reevaluate the need for any high-risk recipient designation and/or special award conditions.

#### **A. Organizational Self-Assessment**

In order to conduct an organizational review, recipients are required to complete and certify the Organizational Self-Assessment which can be found on the Council website. It is the responsibility of the recipient to ensure that all supporting documentation associated with the Organizational Self-Assessment is submitted and presents a fair and accurate representation of the administrative and financial position of the organization.

The Organizational Self-Assessment covers the following areas:

1. Financial management;
2. Audit information;
3. Operations and general management;
4. Procurement;
5. Property management; and
6. Subrecipient management and monitoring.

A completed Organizational Self-Assessment must be submitted to the Council Grants Office no later than the date that the first application is submitted by the eligible entity in RAAMS. If the Self-Assessment has not been submitted, the initial grant application will not be considered complete.

In addition, the following written documentation should be prepared and maintained by the recipient throughout the life of any Council award. Copies of these documents may be requested as part of the Organizational Self-Assessment or at any other time by the Council, the Treasury Office of the Inspector General, or the Government Accountability Office.

- Grant or Agreement Management Manual used by the organization to administer Federal grants or agreements, or an equivalent document;
- Procedure documents related to the accounting and categorization of Federal grant or agreement funding, including source documentation and budget controls;
- Policies and procedure documents related to internal controls and code of conduct;
- Policies and procedure documents related to the security of the internal accounting or financial systems used by the organization to manage Federal grants or agreements (not including Grant Solutions or ASAP financial systems);
- Policies and procedure documents for the management of Federal cash used by the organization to manage Federal grants or agreement (if not included in the organization's grant or agreement management manual);
- Procedure documents for processes related to the review of internal and external audits performed on the organization;
- Organizational chart of all departments involved (i.e., programmatically or financially) with the RESTORE Act program;
- Policies and procedure documents related to the procurement process performed by the organization;

- Policies and procedure documents related to the management of property and equipment acquired or improved using Federal grant funding (if not included in the organization’s grant or agreement management manual);
- Policies and procedure documents related to the record retention processes, as it relates to Federal grants (if not included in the organization’s grant or agreement management manual);
- Procedure documents related to developing and submitting the Financial and Performance Reports to the Federal awarding agencies (if not included in the organization’s grant or agreement management manual);
- Policies and procedure documents related to the managing, monitoring, and awarding of grant funds to subrecipients (if not included in the organization’s grant or agreement management manual); and
- Policy and procedure documents related to legal and regulatory processes performed by the organization that relate to Federal grants (if not included in the organization’s grant or agreement management manual).

#### B. Pre-award Organizational Review

The Council staff will review the Organizational Self-Assessment and the supporting documentation to determine the degree of risk associated with the recipient’s ability to manage the Federal award and successfully implement the project. The Council’s framework for evaluating the risks posed by an organization are based on the criteria below:

- A review of the documentation provided by the recipient organization (see Chapter I.A above);
- A review of information contained in government-wide repositories such as: the Federal Awardee Performance and Integrity Information System (FAPIIS); Dun and Bradstreet, “Do Not Pay;” and the System for Award Management (SAM), which includes debarred and suspended parties;
- A review of the organization’s record in managing previous Federal awards (prior recipient), including timeliness of compliance with applicable reporting requirements and conformance to the terms and conditions of those Federal awards; and
- Completing a risk assessment of the organization.

The Council uses a risk rating of high, moderate, and low. The rating will determine whether an award can be issued; if the recipient will be designated a high-risk recipient; and whether certain special award conditions will be issued. The following identifies possible award actions based on the rating level.

- Low ratings indicate there is confidence in the organization to effectively and successfully implement the requirements for the Federal award. No special conditions based on risk are anticipated.
- Moderate ratings indicate there are some minor deficiencies and/or area(s) of concern regarding the effective implementation of the Federal award. The Council may require the deficiencies and areas of concern be corrected prior to award or may impose special award conditions.
- High ratings indicate there are serious deficiencies and/or area(s) of concern regarding the organization’s ability to effectively implement the Federal award. The Council may require the deficiencies and areas of concern be corrected prior to award, may designate the organization as a high-risk recipient, and may impose special award conditions.

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*Note: Under no circumstances will the Council issue an award to an organization that is debarred, suspended, or otherwise ineligible for participation in Federal programs.*

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Risk assessments are also used to determine an appropriate compliance monitoring protocol for Council awards. The Council monitoring protocol includes various monitoring activities—such as desk reviews, site visits, and program report reviews—which produce data about recipient performance and progress that will be used to inform and direct the provision of technical assistance and appropriate corrective action and enforcement measures as warranted. The Council monitoring protocol is discussed in Part IV, Chapter V.

## **Chapter II: Application Processes**

Applications are submitted to the Council using RAAMS. If an applicant is unable to use RAAMS, the applicant should contact the Grants Office for alternative instructions.

### **A. Who May Submit an FPL or SEP Project Application**

#### *1. Eligible Entities*

Although application documentation (including data entered in RAAMS) may be prepared by the eligible entity’s staff, only the Council member or designee may officially submit an application on behalf of the eligible entity to the Council for funding. In order for other users to submit an application, the Council member or their designee must first provide signed, written authorizations for those users.

2. *DUNS Number and SAM Registration Requirements.*

All applicant organizations must have a DUN and Bradstreet (D&B) Data Universal Numbering System (DUNS) number as the Universal Identifier when applying for Federal awards. The DUNS number is a nine-digit number assigned by Dun and Bradstreet Information Services. If the organization does not have a DUNS number, an authorized organizational representative should complete the D&B D-U-N-S Number Request Form through the online DUNS Request Portal (<http://fedgov.dnb.com/webform>) or contact Dun and Bradstreet by telephone directly at 1-866-705-5711 (toll-free) to obtain one.

Additionally, all applicant organizations must register in the System for Award Management (SAM) (formerly the Central Contractor Registry [CCR]) and maintain the registration with current information at all times during which it has an application under consideration for funding by the Council and, if an award is made, until a final financial report is submitted or the final payment is received, whichever is later. SAM is the primary registrant database for the Federal government and is the repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the SAM website at <https://www.sam.gov/portal/public/SAM>.

If an award is granted, the recipient organization must notify potential subrecipients that no organization may receive a subaward unless the organization has provided its DUNS number to the recipient organization.

B. *Application Requirements*

The formal application consists of required forms, project information, supporting documentation, and certifications/assurances.

1. *Forms.*

The Council is using RAAMS to capture the information required in the standard Federal application forms. The applicant must complete information in RAAMS corresponding to the information required on the following forms:

- a. SF-424 and
- b. SF-424A (Budget Information for Non-construction Programs) and SF-424C (Budget Information for Construction Programs), if applicable.

In addition, the following forms will need to be signed by the applicant's Authorized Representative. These forms are available for download from within the *Application Task* in RAAMS and on the Council website. The forms should be scanned and uploaded to the application once signed and prior to application submission.

- a. SF-424B (Assurances for Non-construction Programs) or SF-424D (Assurances for Construction Programs);
- b. Certifications Regarding the RESTORE Act; Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions; Lobbying; and Drug-Free Workplace; and
- c. SF-LLL, “Disclosure of Lobbying Activities,” if applicable.

Additional information regarding this process is available in the RAAMS Users’ Manual.

## *2. Project Information.*

A completed application must include the following sections, either entered directly into RAAMS or submitted as an attachment.

- a. Executive Summary. Each proposal must include an executive summary or abstract. Executive summaries should be limited to two pages and provide general information regarding the project/program activities, goals, and objectives.
- b. Project/Program Narrative. Applicants must provide a detailed project/program narrative that fully describes the project- or program-specific goals, objectives, outcomes, and benefits, the method(s) or approach(es) to achieve the outcome(s), and roles and responsibilities of project staff. At a minimum, the project/program narrative should provide detailed information and justifications in the following areas: metrics, milestones, risks and mitigation strategies, methods/approaches, leveraged resources, and applicant and subrecipient/contractor roles and responsibilities. All stages of a project should be fully defined and a detailed plan of execution apparent.
- c. Metrics. The application must include objective and quantifiable metrics that will gauge the success of the project or program and a description of the methodology for quantifying results for each metric. A justification of why those metrics were selected must be included in the project/program narrative. Metrics for each project or program will be finalized with the Council program staff prior to submitting the application.
- d. Milestones. Describe the project/program milestones/activities to be carried out, any deliverables to be produced, and the time frame for completing the activity/deliverable (start and end dates). For each milestone/activity and/or deliverable, the description must also identify the areas of effort (Project Oversight/Grants Management, Planning, Environmental Compliance, Engineering and Design, Implementation - Non-construction, Construction, Land Acquisition, Scientific Monitoring/Metrics, Data Management & Reporting, Long Term Operations & Maintenance, and Adaptive Management), and the estimated cost for that specific activity or for producing the deliverable. Include any indirect or contingency costs in the area of effort to which they are applicable. An example of milestone information is provided in table II.B.2.d-1

below. Detailed narrative regarding each project/program milestone should be submitted as part of the project/program narrative.

Table II.B.2.d-1. Example of milestones for a simple construction project.

Milestone/ Activity	Milestone Type	Start Date	Completion Date	Deliverable (Y/N)	Anticipated Cost (\$)
Design structure; produce E&D plan for construction (deliverable)	Engineering and Design	8/2/2016	12/30/2016	Yes	\$20,000
Construction of structure (deliverable)	Construction	1/2/2017	6/30/2017	Yes	\$250,000
Water Quality Monitoring; quarterly data (deliverable)	Scientific Monitoring/ Metrics	1/2/2017	12/30/2022	Yes	\$80,000
Operations and Maintenance	Long-term Operations and Maintenance	7/1/2017	6/30/2022	No	\$25,000

- e. **Leveraged Resources.** The project/program narrative must include a description of any resources (e.g., in-kind or cash matching funds, use of equipment, donation of property, use of labor or time, etc.) that are leveraged with the project/program. It must also describe partnerships and collaborations occurring within, and as a result of, the proposed project or program, as well as identify collaborators and their expertise. It should include letters of support from project/program partners. Leveraging of other funding under the RESTORE Act must be described if applicable. Leveraged funds should be grouped within the following three categories: co-funding, adjoining, or building upon other investments. A detailed budget is required for co-funding and is described in the budget section below.

**Leveraging Categories:**

**Co-Funding** – Costs will be shared across funding from two or more sources to complete the project or program. The leveraged funding from all sources is required in order to achieve the project or program objective. *Co-funding example – the estimated cost of a single project to backfill a canal in order to restore hydrology to 50 acres of marsh is \$1 million; the State proposes to provide \$200,000 in available GOMESA funding and is requesting \$800,000 in RESTORE funding to complete the project.*

**Adjoining** - Activities are proposed in a location that adjoins another existing or proposed project to leverage ecosystem benefits. Geographic proximity is key to this type of leveraging. *Adjoining example – NFWF funding has been used to purchase a number of easements along a coastal river to protect water quality; the applicant proposes to acquire several properties immediately downstream of the NFWF easements with RESTORE funds.*



**Building upon prior or other investments** – Proposed activities do not fall under the other two leveraging types, but nonetheless will leverage ecosystem benefits and/or other restoration investments that have been made in the past or present or will be made in the future. *Building upon prior investments example: A partner organization has produced a conceptual design and feasibility study for a coastal restoration project (prior investment) and agreed to provide long-term monitoring of the site (future investment); the Federal agency proposes to use RESTORE funding to complete the final engineering and design and construction phases of the restoration.*

- f. Observational Data Plan. Observational data is any data collected, compiled, or utilized as part of a RESTORE funded project, including (but not limited to) compliance, engineering and design, baseline, post-implementation assessment data, etc. The observational data plan describes and guides the collection of this data. Guidance on developing the observational data plan can be found on the Council website.
- g. Preliminary Data Management Plan. Data management is a comprehensive end-to-end process including the acquisition, quality control, metadata cataloging, validation, reprocessing, storage, retrieval, dissemination, and archiving of data, as well as movement of data and information from the project or program to the data user. Data management plans capture this process for projects or programs and, in some cases, for specific observation systems. Guidance on the developing the data management plan can be found on the Council website.
- h. Reference List. Applications must include a bibliography of all literature cited in the executive summary, proposal narrative, observational data plan, and data management plan. Citations can be in any standard format but must be consistent, accurate, complete, and clear.
- i. Environmental Compliance and Permitting Information. The Council has identified a number of environmental compliance obligations potentially applicable to Council awards. Prior to award, applicants must provide documentation that these obligations have been met, or provide documentation as to why a particular requirement is not applicable. A discussion of the various requirements is included in Part IV, Chapter IV.B.

During the application submission process, applicants will be required to upload all supporting documentation that was not already submitted as part of the original proposal and complete a checklist of environmental requirements in RAAMS. Supporting documentation might include, but is not limited to: permits or permit applications, environmental assessments, findings of no significant impact, environmental impact statements, consultation correspondence, memorandums of agreement, memorandums of understanding, and mitigation plans. The Environmental Compliance Officer may request additional documentation during the application review process.

In addition to federally mandated environmental compliance, various state requirements may also need to be met. Applicants for funding are responsible for identifying all state environmental compliance regulations applicable to the project or program and documenting their status.

- j. Location information and maps. A description of the area in which the project or program will be implemented must be submitted. At least one project/program location map must be provided in PDF form at a scale appropriate to the project/program. Geospatial data is also required (see below discussion of GIS shapefiles). For construction and other ground-disturbing projects, please also provide the following:
- A map of the area in which the construction project will be located, with the boundaries of the project site clearly delineated. Only PDF file formats will be accepted for maps. USGS maps are available in PDF format at <http://www.usgs.gov/pubprod/maps.html>; and
  - A Federal Emergency Management Agency (FEMA) floodplain map of the area in which the construction project will be located with the boundaries of the site clearly delineated. FEMA floodplain maps, in PDF format, may be accessed at: FEMA Map Service Center, <https://msc.fema.gov/portal>.
- k. GIS shapefiles. The template for shapefiles can be found on the Council website.

### *3. Budget Information.*

Applicants must submit information on the budget using the SF-424A data fields in RAAMS and must also upload a budget narrative and justification in RAAMS.

The budget narrative must include a clear budget justification for each function or activity that identifies how funds will be utilized to support the proposed project or program. Where co-funding is required to achieve the project or program objectives, applicants must include information that clearly indicates what project or program elements the co-funding will support. Any non-Federal share, whether in cash or in-kind, is expected to be paid out at the same general rate as the Federal share; however, if the applicant's budget proposes otherwise, the applicant must also include a description of how this distribution rate will affect project or program progress.

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*Note: Budget tools available on the Council website and in RAAMS include budget templates and instructions for calculating allowable indirect costs.*

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Sufficient information must be provided to make a determination that all costs described are allowable, allocable and reasonable. See Part IV of this Guide and 2 C.F.R. Part 200 for more information on allowable and unallowable costs.

- a. Non-construction and Construction projects. Applicants are required to complete a budget narrative describing the following and complete the budget information contained in the SF-424A, which includes:
- Budget costs by object class categories (line items) for the Council funds requested. For each function/activity, provide the applicable budget costs categories and justification for each category--see paragraph 3.b below for a description and requirements for each line item.
  - Budget costs by object class from other resources (co-funding) required to complete the project or program. Identify each source of co-funding and whether the source of funding is State, other federal, or other sources such as local government, private foundation, etc.
- b. Object Class Categories. The following provides information for the completion of the detailed budget justification for each object class category/line item.
- (1) *Personnel*—this refers to salaries and wages paid to employees of the eligible entity who are directly involved in award implementation. This line item does not include contractors or personnel hired by a subrecipient; those costs are included in the “Contractual” line item. Requirements are:
- List each position to be supported under the proposed award by title or function;
  - Briefly specify the duties of the staff to be compensated under the project/program;
  - State the amounts of time, such as hours or percentage of time, to be expended by each position under the project/program;
  - State the amount of compensation to be paid each employee, student or assistant under the project/program; and
  - State whether the proposed compensation is consistent with that paid to other personnel engaged in similar work both within and outside your organization.
- (2) *Fringe Benefits*—this refers to the allowances and services provided by employers to their employees as compensation in addition to regular salaries and wages. Fringe benefits include, but are not limited to, the costs of leave (vacation, family-related, sick or military), employee insurance, pensions, and unemployment benefit plans. Requirements are:
- Identify the applicant organization’s fringe benefit rate and explain the basis for the calculation for each personnel position identified in the “Personnel” line item (above); or

- If a fringe benefit rate is not used, itemize how the fringe benefit amount is computed.
- (3) *Travel*—this refers to the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the applicant. Such costs may be charged on an actual cost basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not selected days of the trip, and results in charges consistent with those normally allowed in like circumstances in the applicant’s non-federally funded activities and in accordance with applicant’s written travel reimbursement policies. This line item does not include travel expenses of a contractor or subrecipient; those costs are included in the “Contractual” line item. Requirements are:
- Indicate the estimated number of trips, points of origin and destination, and purpose of travel;
  - Provide a justification indicating how each trip (or type of trip) is needed to achieve the goals and objectives of the project or program;
  - For each trip, itemize the estimate of transportation and/or subsistence costs; and
  - Specify the basis for computation of each type of travel expense (e.g., current airline ticket quotes, past trips of a similar nature, Federal government or organization travel policy, etc.).
- (4) *Equipment*—this refers to tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the applicant for financial statement purposes, or \$5,000. This line item does not include maintenance or rental fees for equipment; those costs are included in the “Other” line item. Requirements are:
- Briefly describe each item or type of item;
  - Indicate the estimated unit cost for each item to be purchased;
  - Provide the basis for cost estimates; and
  - Briefly justify the need for items of equipment to be purchased and relate it to specific project/program activities.
- (5) *Supplies*—this refers to all tangible personal property other than those classified as equipment. A computing device is a supply if the acquisition cost is less than the

lesser of the capitalization level established by the applicant for financial statement purposes or \$5,000, regardless of the length of its useful life.

- Itemize material and supply estimates by the nature of the expense;
- Provide the basis for cost estimates or computations (e.g., vendor quotes, prior purchase of similar or like items, etc.); and
- Provide a justification for the use of each item or type of item and relate it to specific project/program activities.

(6) *Contractual/Subaward*—this refers to purchases of property or services needed to carry out the project or program under a Federal award. It is not specific to the legal instrument being used, so it may include subawards and contracts ”

- Consultant Fees. For each consultant, enter the name, if known, service to be provided, hourly or daily fee (8-hour day), and estimated time on the project/program. List all expenses to be paid from the award to the individual consultants in addition to their fees (e.g., travel, meals, lodging, etc.).
- Contracts/Subawards. For each contract or subaward, provide the following information:
  - *Name of Contractor/Subrecipient*. Identify the name of the proposed contractor, if known, and whether this entity is a contractor or a subrecipient (see Part IV, Chapter II.H.1 for determining contractors vs subrecipients);
  - *Method of Selection*. Identify the method of selection for the contract or the subaward. If a contract or subaward is sole source, include a detailed justification as to why this organization is the only one able to perform the services or how this selection is otherwise in conformance with applicable contracting rules related to non-competitive awards (see Part IV, Chapter III.C.4);
  - *Period of Performance*. Specify the beginning and ending dates of the contract/subaward;
  - *Scope of Work*. Describe the specific services/tasks to be performed by the contractor/subrecipient and relate them to the accomplishment of project or program objectives. Deliverables should be clearly defined;
  - *Method of Accountability*. Describe how the progress and performance of the contractor/subrecipient will be monitored during and on close of the period of performance. Identify who will be responsible for supervising the contract or monitoring the subaward; and

- *Itemized Budget and Justification.* Provide an itemized budget with appropriate justification.
  - For contractors, the level of detail required will vary with the complexity of the contract and services to be provided; in general, provide the same level of detail as provided in the contract.
  - For subrecipients, prepare a detailed budget using object class categories from the SF-424A and/or SF-424C as appropriate. If applicable, include any indirect costs paid under the subaward and the indirect cost rate used, and attach the subaward organization's negotiated indirect cost rate agreement to the application. Detailed subrecipient budgets must be uploaded into RAAMS.

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*Note: If the subrecipient is not known at time of the application, the information above must be submitted to the Council for concurrence prior to entering into an agreement with the subrecipient (see Part IV, Chapter II.H for additional information concerning the approval of subrecipients). This requirement may be included as a Special Award Condition.*

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(7) *Construction or Land Acquisition.* If the project or program includes construction, engineering and design, or land acquisition, then the information contained on the SF-424C must be completed. The requirements for completing this form are described in paragraph 3.c below.

(8) *Other*—this refers to direct costs that do not fit any of the other line item categories, such as rent for buildings used to conduct award activities, utilities and/or leased equipment, transportation expenses, tuition for training, etc. Requirements are:

- List and describe items (e.g., rent, reproduction, telephone, janitorial or security services, equipment maintenance, etc.) by major type; and
- Provide the basis for cost estimates or computations. For example, for rent, provide the square footage and the cost per square foot or a monthly rental cost and how many months of rent are proposed.

- (9) *Allowable Indirect Charges*—this refers to costs incurred for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. Administrative costs for Council financial assistance are capped.

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*Note: Instructions for calculating allowable indirect charges subject to the 3% administrative cost limitation can be found on the Council’s web site at:*

[www.restorethegulf.gov](http://www.restorethegulf.gov).

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Requirements are:

- Identify the rate and explain the basis on which the costs were calculated; attach the negotiated indirect cost rate agreement.
  - If using an indirect cost rate proposed to a Federal agency for negotiation but not yet finalized, specify the date of the proposal and the identity of the agency to which the proposal was submitted, and describe the plan, including the proposed cost rate.
- c. Construction and Land Acquisition Projects. In addition to the completion of paragraphs 3.a and 3.b above, identification of costs for construction and land acquisition projects (SF-424C, “Budget Information – Construction Programs”) must be included. As defined in this guidance, “construction” includes any project that involves or requires engineering and design. Requirements are:
- (1) A breakdown of the costs for the “Construction” object class category (paragraph b.(7) above) must be presented using the following budget categories as applicable:
- *Administration and Legal Expenses*—estimated amounts needed to cover administrative expenses (e.g., costs generally associated with the purchase of land and certain services in support of construction of the project);
  - *Land, structures, rights-of-way, appraisals, etc.*—this includes costs associated with purchase, lease, and/or easements;
  - *Relocation expenses and payments*—costs related to relocation advisory assistance, replacement housing, relocation payments to displaced persons and businesses, etc.;
  - *Architectural and engineering fees*—estimated basic engineering fees related to construction, including start-up services and preparation of project performance work plan;

- *Other architectural and engineering fees*—estimated engineering costs, such as surveys, tests, soil boring, etc.;
  - *Project inspection fees*—estimated engineering inspection costs;
  - *Site work*—costs of site preparation and restoration not included in the basic construction contract;
  - *Demolition and removal*—costs associated with demolition and removal of buildings, structures, soil, etc. not included in the basic construction contract or site work;
  - *Construction*—estimated cost of the construction contract;
  - *Equipment*—estimated cost of office, shop, laboratory, safety equipment, etc. to be used at the facility, if such costs are not included in the construction contract; and
  - *Miscellaneous*—any other costs not included in the specific categories above.
- (2) The applicant must use only those contracting methods that will: ensure that all qualified contractors are given an opportunity to bid or propose and to have their bids/proposals fairly considered; and ensure that the contract(s) will result in the completion of a construction activity that conforms to approved design and specifications.
- (3) The applicant must include with the application a legal opinion describing the interest the applicant has in the performance site and a title opinion showing ownership of the property where construction will occur and any deed restrictions. The legal opinion should also describe any mortgages or other foreclosable liens on the property, including the principal amount of the mortgage (and rate of interest); the dates of the mortgage; the terms and conditions of repayment; the appraised value of the property; and any provisions designed to protect the Federal interest in the property.

#### *4. Program Income*

Program income is gross income earned by the recipient that is directly generated by a supported activity or earned as a result of the award. Program income excludes interest earned on advances and includes, but is not limited to, income from service fees, conference fees, sale of commodities, usage or rental fees, and royalties on patents and copyrights. 2 C.F.R. Part 200 provides less flexibility regarding program income if this income is identified after the award has been finalized. It is recommended that applicants carefully consider whether any program income may be generated or earned during the award period and disclose any such anticipated income in the application.



Applicants should describe any anticipated program income and include the following:

- Type/source of program income (e.g., rental fees, usage fees, sale of equipment, etc.);
- Estimated amount that will be generated; and
- How program income will be tracked and monitored (i.e., receipt, obligation, and expended).

#### *5. Cash Forecasting*

As part of the application process, the applicant must forecast cash requirements/draws throughout the life of the award in semi-annual increments. This information is entered into RAAMS. The total cash forecast must equal the total request for funds in the application budget.

#### *6. Pre-award Costs.*

This section is applicable to grant applicants only.

Pre-award costs are those incurred prior to the effective date of the grant directly pursuant to the negotiation and in anticipation of the grant where such costs are necessary for efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred after the grant award date and only with the written approval of the Grants Officer.

All costs incurred before the Council awards the grant are at the recipient's risk (see also 2 C.F.R. § 200.458). Requests for pre-award costs should be kept to a minimum. Generally, the period for such costs should not exceed 90 days prior to the start of the award period.

If claiming pre-award costs in the budget, the grant applicant must provide a separate document during the application process that includes the following information:

- The amount requested as pre-award costs;
- The date initial costs were incurred;
- A budget breakdown by object class category including a budget narrative and justification for each item;
- A justification for incurring the costs prior to award; and
- A description of any impact for the project if the pre-award costs are not approved.

The Grants Officer will make a final determination whether or not to approve any pre-award costs as part of the approval process.

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*Pre-award costs incurred prior to publication of the Council’s RESTORE Act Spill Impact Component Planning Allocation Interim Final Rule (79 FR 49690) on August 22, 2014, are not allowable under the Spill Impact Component. Pre-award costs incurred after the date of publication will be evaluated pursuant to 2 C.F.R. Part 200 and this Guidance.*

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*7. Procedures for Obtaining an Indirect Cost Rate.*

The following provides information regarding obtaining an indirect cost rate:

- If indirect costs are permitted and the recipient would like to include indirect costs in its budget, but the recipient has not previously established an indirect cost rate with a Federal agency, the requirements for determining the relevant cognizant agency and developing and submitting indirect (F&A) cost rate proposals and cost allocation plans are contained in the Appendices III through VII to 2 C.F.R. Part 200 as follows:
  - Appendix III – Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHEs);
  - Appendix IV – Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Nonprofit Organizations;
  - Appendix V – State/Local Government and Indian Tribe-wide Central Service Cost Allocation Plans;
  - Appendix VI – Public Assistance Cost Allocation Plans; and
  - Appendix VII – States and Local Government and Indian Tribe Indirect Cost Proposals.

The cognizant agency for States, local or tribal governmental units or agencies not specifically identified by OMB will be determined based on the Federal agency providing the largest amount of Federal funds.

- When the Council is not the oversight or cognizant Federal agency, the recipient must provide the Grants Officer with a copy of a negotiated rate agreement or a copy of the transmittal letter submitted to the cognizant or oversight Federal agency requesting a negotiated rate agreement.
- For those organizations for which the Council is cognizant or has oversight, the Council or its designee will either negotiate a fixed rate with carry-forward provisions for the recipient or, in some instances, will limit its review to evaluating the procedures described in the recipient’s cost allocation plan.

- Within 90 days of the award start date, the recipient must submit to the address listed below documentation (indirect cost proposal, cost allocation plan, etc.) necessary to perform the review.

Gulf Coast Ecosystem Restoration Council Office  
Attn: Senior Grants Management Officer  
500 Poydras Street, Suite 1117  
New Orleans, LA 70130

- The recipient can use the fixed rate proposed in the indirect cost plan until such time as the Council provides a response to the submitted plan.
- If the recipient fails to submit the required documentation to the Council within 90 days of the award start date, the Grants Officer may amend the award to preclude the recovery of any indirect costs under the award. If the Council, oversight or cognizant Federal agency determines there is a finding of good and sufficient cause to excuse the recipient's delay in submitting the documentation, an extension of the 90-day due date may be approved by the Grants Officer.
- Actual indirect costs must be calculated annually and adjustments made through the carry-forward provision used in calculating next year's rate. This calculation of actual indirect costs and the carry forward provision is subject to audit. Indirect cost rate proposals must be submitted annually. Therefore, recipients that have previously established indirect cost rates must submit a new indirect cost proposal to the cognizant federal agency within six months after the close of the recipient's fiscal year.
- Federal agency signatories to an interagency agreement under the Council-selected Restoration Component are not entitled to an indirect cost rate.

#### *8. Federal Employee Expenses.*

A federal agency is generally barred from accepting funds from a recipient to pay transportation, travel, or any other expenses for any Federal employee. Use of award funds (federal or non-federal) or the recipient's provision of in-kind goods or services for the purposes of transportation, travel, or any other expenses for any Federal employee may raise appropriation augmentation issues. In addition, Council policy prohibits the acceptance of gifts, including travel payments for Federal employees, from recipients or applicants regardless of the source.

Employees of the Federal government (other than the Council) may be utilized as trainers or staff members on a project/program and may receive compensation and/or expenses if they obtain prior approval from their agencies to participate, and if services to the project/program are performed outside their regular work hours or while they are on leave status from official duties. Under no circumstances may Council employees receive compensation from a Council-supported project/program. If a Federal employee is

anticipated to work on a project/program, the recipient must first consult with the Grants Officer and receive written authorization.

*9. Other Information.*

If any additional documentation is required in order to make the award, the applicant will be notified via e-mail. Documentation should be submitted electronically via RAAMS. Alternate methods of transmission are available if an applicant needs to submit large files (in excess of 10 MB). Contact the Grants Office for additional details concerning alternate submission methods.

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*Note: Applicants who receive notice of outstanding documentation are encouraged to provide the materials as quickly as possible. If delays in providing these materials are anticipated, the applicant should notify the Grants Office as soon as possible.*

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C. Pre-award Application/Project Review.

Prior to making an award, the Program Office and the Grants Office will review the application for completeness. Once it has been determined that the application is complete, the staff will review the funding opportunity announcement, the application, the System for Award Management, and any other information available to determine the following:

- Whether the recipient and any subrecipients are eligible for funding;
- Whether the project or program as described in the application is compliant with the proposal contained in the FPL or the Full SEP, whichever is applicable;
- Whether award activities are allowable, achievable and attainable;
- Whether staff time is appropriate to perform proposed tasks;
- Whether best available science is applied;
- Whether the recipient has established a suitable monitoring plan;
- Whether milestones and metrics are feasible, measurable and achievable;
- Whether observational data and management plans are adequate (if applicable);
- Whether environmental compliance requirements have been met;

- Whether budget line items are allowable, allocable, and reasonable;
- Whether budget line items are accurately calculated;
- Whether pre-award costs are requested, and if so, the documentation is sufficient;
- Whether the period of performance requires an adjustment; and
- Whether any special award conditions are needed.

D. Pre-award Negotiations.

By the end of negotiations, the parties will have agreed upon all required administrative and program tasks outlined in the approved application, all costs outlined in the approved budget, the period of performance, and any special award conditions.

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*Note: The Council anticipates completing most award agreements within 60 days of the notification of application selection. Applicants will be notified via e-mail when an award is ready for their acceptance in RAAMS.*

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E. Acceptance of Award Agreements

RAAMS will be used for application and award management, including for the distribution of all award agreements and for applicant acceptance of award agreements. Applicants are encouraged to review the details of their award agreements carefully as they constitute a legal binding document. In particular, applicants should pay close attention to details within the award agreement itself, the Council Standard Terms and Conditions, and any accompanying special award conditions. Once the grant or agreement is electronically signed by the applicant's designated Authorized Official, applicants become formal recipients. Any subsequent modifications may require a formal amendment.

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*Note: All of an applicant's award information will be consolidated in RAAMS. In particular, applicants will be able to review and download award agreements that are pending applicant acceptance, as well as check on the status of their award agreement(s) currently being prepared by the Grants Office. Any formal amendment to an award will also be available at this location.*

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## **Part IV: Award and Administration Guide**

This Part provides information on the award agreement and post-award administrative actions and requirements.

### **Chapter I: Award Agreement and Period of Performance**

#### **A. Award Agreements**

The Award Agreement contains basic information about the Council award.

Grants. For grant awards, specific items are mandated by 2 C.F.R. § 200.210 “Information contained in a Federal award” and include the following:

- Recipient name
- Recipient's unique entity identifier
- Unique Federal Award Identification Number (FAIN)
- Federal Award Date
- Performance Start and End Date
- Amount of Federal Funds Obligated by this action
- Total Amount of Federal Funds Obligated
- Total Amount of the Federal Award
- Budget Approved by the Council
- Total Approved Cost Sharing or Matching (if applicable)
- Federal award project description
- Contact information for the Council's awarding official,
- CFDA Number and Name
- Identification of whether the award is Research and Development
- Indirect cost rate for the award

IAAs. Interagency agreements will be documented on Forms 7600A and 7600B and will include additional supporting information.

Applicants are encouraged to pay particular attention to the performance period start and end dates and the approved budget. Any subsequent changes to the performance period end date will require a formal amendment and may require a modification to the Full SEP, if applicable. Requests for budget increases, even when reasonable, may not always be possible due to the availability of funds. Should changes to the Award Agreement be necessary after its acceptance, recipients should refer to Part IV of this guide for instructions on submitting revisions and amendments.

## B. Standard Terms and Conditions

The Council's Standard Terms and Conditions (STCs) contain many of the requirements for which recipients will be held accountable during the duration of their awards. In addition to providing an overview of federally mandated requirements (2 C.F.R. Part 200), the Council STCs add a number of requirements specific to Council administered projects and programs. Requirements addressed within the STCs include:

- Statutory and National Policy Requirements
- Programmatic Requirements
- Financial Requirements
- Internal Controls
- Property Standards
- Procurement Standards
- Non-discrimination Requirements
- Records Retention
- Audits
- Debts
- Government-wide Debarment and Suspension
- Lobbying Restrictions
- Remedies for Noncompliance
- Codes of Conduct and Subaward Contract and Subcontract Provisions
- Amendments and Closeout
- Environmental Compliance
- Miscellaneous Requirements
- Certifications

## C. Special Award Conditions

Any recipient requirements or obligations not covered by the Award Agreement or by the Council's Standard Terms and Conditions will typically be included as special award conditions. Regulations pertaining to these conditions are codified at 2 C.F.R. § 200.207.

Special award conditions may also include requirements that are specific to a given activity or type of activity or a response to certain risk factors. Recipients deemed high-risk (see 2 C.F.R. § 200.205) may have a number of special award conditions that affect the duration of their reporting periods, the method of requesting payments, and details for financial reporting. Recipients are required to adhere to all special award conditions and face suspension and debarment if found to be noncompliant (see 2 C.F.R. § 200.212). More specific details regarding the Council's remedies for noncompliance can be found in the Council's Standard Terms and Conditions.

The Council reserves the right to amend awards by adding additional special award conditions when such action is deemed appropriate. The Council will notify the recipient will be notified in writing should such action occur.

## D. Award Periods

An award period is the total time for which Council support of a project or program has been programmatically and financially approved as shown in the Award Agreement. Most projects or programs will be fully committed at the onset, however funding may be

released incrementally pending the completion of milestones or phases associated with the project, such as the completion of an environmental compliance requirement.

The length of the award period is determined by the Council on the basis of the following:

- Any statutory, regulatory, or administrative requirements;
- The length of time requested by the applicant; and
- Any limitation on the length of the award period recommended by the reviewers or the Council.

E. No-cost Extension

The recipient is responsible for compliance with the project/program implementation time schedule. As soon as the recipient becomes aware that it will not be possible to meet the time schedule, the recipient should immediately contact the Grants Officer to request a time extension. A formal request for a no-cost extension to the award period must be submitted through RAAMS no later than 30 days prior to the award expiration date.

Recipients should provide the following items with the extension request:

- A justification of why the extension is needed and a certification that no additional funds are needed.
- An estimate of the unobligated funds remaining.
- A revised scope of work which includes revised timeframes for task/milestone completion or new/additional tasks to ensure project completion.
- A revised budget, if the extension will result in modifications to budget line items in the project budget that are more than 10 percent of the total budget.

If additional time beyond the established end date is approved (*i.e.*, a no-cost extension is approved), an Award Amendment will be issued for the extension.

The Council reserves the right to deny requests for extensions if:

- Requests are made less than 30 days before the award expiration.
- The request fails to provide adequate justification for why an extension is necessary.



- Requests are made solely to expend the balance of unobligated funds.

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*Note: If additional funds are needed, the recipient must first contact the Grants Officer to determine what, if any, actions are to be taken.*

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## **Chapter II: Award Administration**

### **A. DUNS Number and SAM Registration Requirements**

All recipient organizations must have a DUN and Bradstreet (D&B) Data Universal Numbering System (DUNS) number as the Universal Identifier when applying for Federal awards. The DUNS number is a nine-digit number assigned by Dun and Bradstreet Information Services. If the organization does not have a DUNS number, an authorized organizational representative should complete the D&B D-U-N-S Number Request Form through the online DUNS Request Portal (<http://fedgov.dnb.com/webform>) or contact Dun and Bradstreet by telephone directly at 1-866-705-5711 (toll-free) to obtain one.

Additionally, all recipient organizations must register in the System for Award Management (SAM) (formerly the Central Contractor Registry [CCR]) and maintain the registration with current information at all times during which it has an award until a final financial report is submitted or the final payment is received, whichever is later. SAM is the primary registrant database for the Federal government and is the repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the SAM internet site at <https://www.sam.gov/portal/public/SAM>.

If an award is granted, the recipient organization must notify potential subrecipients that no organization may receive a subaward unless the organization has provided its DUNS number to the recipient organization.

### **B. Payments**

#### *1. Method of Payment.*

The Grants Officer determines the appropriate method of payment.

- The reimbursement method of payment will generally be used for Council awards unless otherwise specified in a special award condition.
- When expressly allowed through a special award condition, the recipient may request advance payments.

- Advanced funds are limited to the minimum amounts necessary to meet immediate disbursement needs, but in no case should advances exceed the amount of cash required for a 30-day period.
- Recipients must submit the request no more frequently than monthly.
- Advanced funds not disbursed in a timely manner and any applicable interest must be promptly returned to the Council.
- The Grants Officer may periodically request documentation that the time elapsing between the transfer of funds and disbursement has been minimized. If a recipient demonstrates an unwillingness or inability to establish procedures that will minimize the time elapsing between the transfer of funds and disbursement, or if the recipient otherwise fails to continue to qualify for the advance method of payment, the Grants Officer may change the method of payment to reimbursement only.
- Payments for Council grants will generally be made using the Department of Treasury’s Automated Standard Application for Payment (ASAP) system.
- Funding disbursements under IAAs will be handled according to Federal procedures for interagency transfers of funds and will be done through the Federal IPAC system.

*2. Disbursement of Funds.*

Payments are made through electronic funds transfers directly to the recipient’s bank account and in accordance with the requirements of the Debt Collection Improvement Act of 1996 (31 U.S.C. § 3701 *et seq.*) and the Cash Management Improvement Act (31 U.S.C. § 6501 *et seq.*).

- Consistent with 2 C.F.R. § 200.305(a), for States, payments are governed by Treasury-State Cash Management Improvement Act (CMIA) agreements and default procedures codified at 31 C.F.R. Part 205, “Rules and Procedures for Efficient Federal-State Funds Transfers,” and Treasury Financial Manual Volume I, 4A-2000, “Overall Disbursing Rules for All Federal Agencies.”
- Consistent with 2 C.F.R. § 200.305(b), for non-Federal recipients other than States, payment methods must minimize the amount of time elapsing between the transfer of funds from the U.S. Treasury and the disbursement by the recipient.

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*Note: The Council Award Number must be included on all payment-related correspondence, information, and forms.*

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3. *Automated Standard Application for Payments (ASAP)*

- General information for grant recipients.
  - Under the ASAP system, payments are made to grant recipients through preauthorized electronic funds transfers, in accordance with the requirements of the Debt Collection Improvement Act of 1996.
  - Awards will contain a special award condition, clause, or provision describing enrollment requirements and any controls or withdrawal limits set in the ASAP system.
  - Grant recipients are required to enroll with the Department of Treasury, Financial Management Service, Regional Financial Centers, which allows them to use the on-line and Voice Response System method of withdrawing funds from their ASAP established accounts.
  - The following information will be required to make withdrawals under ASAP: the ASAP account number – the Federal award number found on the cover sheet of the award; the Council’s Agency Location Code (ALC); and the Council’s Region Code.
  - Recipients enrolled in the ASAP system do not need to submit a “Request for Advance or Reimbursement” (Form SF-270 or successor form), in order to receive payments relating to their award.
- Pre-approval requirements. For those recipients who are determined by the Council to be in a high-risk category or noncompliant (see 2 C.F.R. § 200.205, “Federal awarding agency review of risk posed by applicants,” and see Chapter II.L, “Remedies for Noncompliance”), the Council may require pre-approval of drawdown requests. If the Council requires pre-approval of drawdown requests, the Grants Office will provide the recipient with instructions on what to submit. The recipient will submit the pre-approval request using RAAMS.

4. *Alternative to the ASAP System for Grant Recipients.*

A specific award term and condition may require a recipient to submit requests for funds directly to the Grants Officer. When this alternative is used, the following forms will be required:

- Form SF-3881, “ACH Vendor/Miscellaneous Payment Enrollment Form.”
- Form SF-270, “Request for Advance or Reimbursement.”

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*Note: The Council reserves the right to restrict or withhold payment and/or future awards if the recipient/subrecipient does not comply with the award terms and conditions.*

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### C. Co-Funding

Cash and in-kind contributions that are included in the budget of the award as co-funding must be valued in accordance with 2 C.F.R. § 200.306.

- All awards that include co-funding incorporate a budget consisting of shared allowable costs. If actual allowable costs are less than the total approved budget, the co-funding must be adjusted proportionally. If actual allowable costs are greater than the total approved budget, the Council share must not exceed the total Council dollar amount authorized by the award.
- The co-funding, whether in cash or in-kind, is to be paid out at the same general rate as the Council share. Exceptions to this requirement may be granted by the Grants Officer based on sufficient documentation demonstrating previously determined plans for, or later commitment of, cash or in-kind contributions. In any case, the recipient must meet its co-funding commitment over the life of the award. The recipient must create and maintain sufficient records justifying all non-Federal sharing and co-funding requirements to facilitate questions and audits. (See 2 C.F.R. § 200.306 for additional requirements regarding cost sharing.)

### D. Program Income

Program income means gross income earned by a recipient, subrecipient, or a contractor under an award that is directly generated by a supported activity or earned as a result of the Federal award during the period of performance.

Unless otherwise specified in the Award Agreement, program income received or accruing to the recipient during the period of performance is to be retained by the recipient, and deducted from the funds committed to the project by the Council (see 2 C.F.R. § 200.307). Program income may be used only for allowable costs in accordance with the cost principles of 2 C.F.R. Part 200 Subpart E, and the terms and conditions of the Award Agreement. Subawards and contracts under the award are subject to the terms of the subaward or contract with regard to any income generated, but the terms specified by the recipient must be consistent with the requirements of the Federal award.

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*Note: For IAAs, if the Servicing Agency is authorized to receive income related to agreement activities, the Council and Servicing Agency will mutually agree whether any such income will be deducted from total amount transferred.*

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The recipient must maintain detailed records sufficient to account for the receipt, obligation, and expenditure of award funds including the tracking of program income. Program income must be included in the recipient's approved budget and tracked in accordance with the requirements in 31 C.F.R. § 34.803(b).

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*Note: Recipients should spend program income prior to requesting drawdowns of award funds and return to the Council any unused program income generated during the performance period.*

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Income generated by the recipient outside of the period of performance will be retained by the recipient. The Council encourages recipients to use generated funds to support Gulf Coast restoration purposes consistent with the RESTORE Act.

#### E. Allowable Costs

Federal award funds are governed by the cost principles of the Office of Management and Budget (OMB). Allowable costs are those costs identified in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Administrative Requirements), 2 C.F.R. Part 200, and in the RESTORE Act. The Council codified the Uniform Administrative Requirements at 2 C.F.R. Part 5900.

To be allowable under Council awards, costs must be reasonable, allocable, and necessary to the project or program, and they must also comply with RESTORE Act requirements. In this section, certain elements of allowable costs are highlighted. For more information about specific factors that affect whether costs are allowable, refer to 2 C.F.R. Part 200 Subpart E.

##### *1. Direct Costs.*

Costs that are directly related and can be traced to the cost of the project or program being supported and that are within approved budget categories may be charged to the award. For example, if the budget provides costs only for Personnel, Fringe Benefits, Supplies, Equipment, and Travel, the recipient is not allowed to charge to the award costs for Contracting without the prior written approval of the Grants Officer.

Typical costs charged directly to a Federal award are the compensation of employees who work on that award, their related fringe benefit costs, the costs of materials and other items of expense incurred for the project or program. For restoration and enhancement activities, direct costs may include materials such as water control structures, pipe, trees, or plants; contracts needed for planning, design, and construction; and personnel time and travel costs associated with project oversight and implementation. Also, a direct cost may be the acquisition price of a piece of real property, as well as the appraisal, survey, personnel time, travel, and closing costs associated with the purchase of that property.

2. *Indirect/Facilities and Administrative Costs.*

- a. General. The Council will accept approved indirect cost rates unless otherwise authorized by a Federal statute or regulation, or when approved by a Federal awarding agency head or delegate (see 2 C.F.R. § 200.414).

Excess indirect costs may not be used to offset unallowable direct costs.

- b. Limitation. The total allowable indirect costs for recipients is subject to the three percent (3%) cap on administrative costs stated in 33 U.S.C. § 1321(t)(1)(B)(iii) and 31 C.F.R. § 34.204. The three percent cap on administrative costs applies only to recipients and does not flow down to subrecipients.

As a result of reconciling the administrative cap requirement of the RESTORE Act with federally approved negotiated indirect cost rate agreements (NICRAs), the cap may reduce the amount of funds allowable for indirect costs for a project.

Pursuant to 31 C.F.R. § 34.2, administrative costs are defined as those indirect costs for administration incurred by the Gulf Coast States, coastal political subdivisions, and coastal zone parishes that are allocable to activities authorized under the Act. Administrative costs do not include indirect costs that are identified specifically with, or readily assignable to, facilities as defined in 2 CFR 200.414.

Allowable administrative costs can be calculated by: calculating the indirect costs based on the NICRA or approved alternative method where a NICRA is not available; adding the previously calculated indirect costs and the direct costs from the budget to determine the total funding requested; and multiplying the total funding requested amount by three percent (0.03). If the result (“the cap”) is greater than the indirect costs claimed, then all indirect costs are allowable. If the result is less than the indirect costs claimed, then the indirect costs claimed must be reduced to equal or less than the calculated “cap” (a new total funding requested amount will be generated).

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*Note: Instructions and a tool for calculating allowable indirect costs can be found on the Council’s web site at: [www.restorethegulf.gov](http://www.restorethegulf.gov).*

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- c. Indirect costs for subrecipients will not be allowable charges against an award unless specifically included in the recipient’s approved budget and consistent with 2 C.F.R. § 200.414, “Indirect (F&A) Costs,” and Subpart E, “Cost Principles.”

Indirect costs charged by subrecipients must be consistent with the approved indirect cost rate agreement negotiated between the subrecipient and its cognizant Federal agency; or if no such rate exists either:

- A rate negotiated between the recipient and the subrecipient, or
- A *de minimis* indirect cost rate of 10% of modified total direct costs in accordance with 2 C.F.R. § 200.414(f).

- d. Indirect Costs for Recipients. Recipients can claim indirect costs subject to the limitation cited above. Indirect cost claims are based upon the Federal share of the total indirect costs allocable to the award as determined by the indirect cost rate approved by a cognizant or oversight Federal Agency for indirect costs and applicable to the period in which the cost was incurred, provided that the rate is approved on or before the award end date.

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*Note: 2 C.F.R. Part 200 provides additional information concerning allowable costs.*

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#### F. Unallowable Costs.

Unallowable costs will not be reimbursed under Council awards. The Cost Principles in Subpart E of 2 C.F.R. Part 200 apply to the use of Federal funds and funds expended by the recipient to satisfy a co-funding, matching or, cost sharing requirement. Recipients and subrecipients should note that any cost generally considered allowable may be determined to be unallowable if it is not necessary for implementation of the project, is not reasonable or allocable, or is not an allowable cost for the program/program as identified in the funding opportunity announcement. Below are some costs that are generally unallowable.

- *Administrative Costs for Recipients*. Administrative costs, as defined in the Treasury regulations, exceeding the statutory cap of three percent (3%) for recipients are unallowable.
- *Entertainment*. Cost of entertainment, amusement, diversion, and social activities and any cost directly associated with such costs (such as tickets to shows or sporting events, meals, lodging, rentals, transportation, and gratuities) are unallowable. Travel, meal, and hotel expenses of recipient employees who are not on travel status are

unallowable. Costs of employees on travel status are limited to those allowed under 2 C.F.R. Part 200.

- *Alcoholic Beverages.* No Federal funds may be spent on alcoholic beverages.
- *Fund Raising and Investment Management Costs.*
  - Costs of organized fund raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions are unallowable.
  - Costs of investment counsel and staff and similar expenses incurred solely to enhance income from investments are unallowable.

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*Note: 2 C.F.R. Part 200 provides additional information concerning unallowable costs.*

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## G. Reporting

The Council requires recipients to submit both financial and program/technical reports. These reports describe the status of the funds and the project/program, compare actual accomplishments to objectives, and provide other pertinent information. The specific requirements, reporting periods, and submission deadlines are identified below. The Award Agreement or special award conditions may also include information regarding other reporting requirements specific to a particular award.

### *1. Financial Reporting.*

Recipients are required to submit information equivalent to a “Federal Financial Report” (FFR) (Form SF-425 or any successor form, or another format as required by the Council) on a semi-annual basis (2 C.F.R. § 200.327) unless otherwise specified in a special award condition. The FFR should show the actual funds spent (expenditures) and any bills to be paid (unliquidated obligations incurred) at the recipient/subrecipient level, both for the reporting period and cumulatively, for each award. A copy of the SF-425 FFR is available in RAAMS and on the Council’s website.

- Reporting Periods: Semi-annual reporting periods will be specified in the award for either the periods ending:
  - March 31 and September 30, or any portion thereof, or
  - June 30 and December 31, or any portion thereof.



- Due Dates: Semi-annual FFRs are due no later than 30 days following the end of each reporting period. A final FFR is due within 90 days after the expiration of the award period.
- Submission: Recipients will submit financial reports electronically to the Grants Officer via RAAMS, unless the recipient makes an arrangement with the Grants Officer for submission in hard copy (no more than an original and two copies). Recipients should complete the SF-425 form and scan the signed form for uploading into RAAMS
- FFR Reporting Elements: FFR reporting summarizes information on expenditures, unliquidated obligations incurred, the money from co-funding, program income, and indirect costs for each semi-annual reporting period. Recipients must also provide detailed expenditure data in RAAMS for each line item on the budget, including line items for co-funding. Recipients will also indicate if they are using a cash- or accrual-based accounting system for reporting.
- Cash Forecast Reporting: The recipient must forecast cash requirements/draws throughout the life of the award in semi-annual increments, unless otherwise specified in a special award condition. Forecasted cash requirements must be updated with the submission of each FFR.
- Certification: In addition to completing the FFR and the Cash Forecast, recipients must provide an electronic signature. This signature states and certifies the following:
  - Funds were used only for purposes identified in the award agreement;
  - The recipient maintains written documentation sufficient to demonstrate the accuracy of these statements; and
  - The foregoing elements are reported accurately and that the certification is made from personal knowledge and belief after reasonable and diligent inquiry.

Financial reporting data is submitted as part of the *Progress Report Task* in RAAMS. The system will create and assign this task following the last day of each reporting period. The *Progress Report Task* also includes programmatic reporting data elements.

- Council Acceptance: Once the financial report is completed and certified by the recipient, the Grants Officer will review the financial information submitted. The Grants Officer will either accept the report or will contact the recipient for additional information, clarification, or resolution of any issues/concerns.

2. *Programmatic Reporting.*

Recipients are required to submit performance/technical reports on a semi-annual basis unless otherwise specified in a special award condition. Reports must contain information equivalent to that required for Form SF-PPR “Performance Progress Report” or any successor form. Reports are submitted to the Council through RAAMS.

- Reporting Periods: Semi-annual reporting periods will be specified in the award for either the periods ending:
  - March 31 and September 30, or any portion thereof; or
  - June 30 and December 31, or any portion thereof.
- Due Dates: Semi-annual performance reports are due no later than 30 days following the end of each reporting period. A final performance report is due within 90 days after the expiration of the award period.
- Submission: Recipients will submit performance reports electronically to the Grants Officer via RAAMS, unless the recipient makes an arrangement with the Grants Officer for submission in hard copy (no more than an original and two copies).
- Reporting Elements: The recipient must describe the following elements from the “performance narrative” section (item 10 on the SF-PPR). A template available on the Council webpage and in RAAMS can be used to record this information.

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*Note: If events occur between scheduled performance reporting dates that have significant impact upon the activity, project or program, the recipient must notify the Grants Officer as soon as practicable. See 2 C.F.R. § 200.328(d).*

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- *Activities and Accomplishments*:
  - Summarize activities undertaken during the reporting period;
  - Summarize any key accomplishments, including milestones and metrics completed for the period;
  - List any contracts awarded during the reporting period, along with the name of the contractor and its principal, the DUNS number of the contractor, the value of the contract, the date of award, a brief description of the services to be provided, and whether local preference was used in the selection of the contractor; and

- If the recipient is authorized to make subawards, list any subawards executed during the reporting period, along with the name of the entity and its principal, the DUNS number of the entity, the value of the agreement, the date of award, and a brief description of the scope of work.
- *Adaptive Management:*
  - Indicate if any operational, legal, regulatory, budgetary, and/or ecological risks, as well as public controversies, have materialized. If so, indicate what mitigation strategies have been undertaken to attenuate these risks or controversies; and
  - Summarize any challenges that have impeded the recipient’s ability to accomplish the approved scope of work on schedule and on budget.
- *Findings/Events:* Summarize any significant findings or events, if applicable.
- *Dissemination Activities:* Describe any activities to disseminate or publicize results of the activity, project, or program, if applicable.
- *Monitoring:*
  - Describe all efforts taken to monitor contractor and/or subrecipient performance, including site visits, during the reporting period. For subawards, indicate whether the subrecipient submitted an audit (to the recipient), and if so, whether the recipient issued a management decision on any findings; and
  - Describe any other activities or relevant information not already provided.
- *Planned Activities:* Summarize the activities planned for the next reporting period.
- *Attachments:* List and attach any deliverables completed during the performance period or other materials to be submitted with the report.

Performance reporting data is submitted as part of the *Progress Report Task* in RAAMS. The system will create and assign this task following the last day of each reporting period. In addition to the performance narrative, which can be uploaded as part of the task, recipients will be prompted to update the status of milestones and metrics via system fields.

- Additional Reporting Elements: The recipient will also be required to submit a short progress summary and update milestones and metrics in RAAMS as part of the submission process.

- Council Acceptance. Once the performance report is completed by the recipient, the Program Specialist will review the information submitted. The Program Specialist will either accept the report or will contact the recipient for additional information, clarification or resolution of any issues/concerns.

*3. Data Collection, Management and Reporting.*

To evaluate project implementation quality and effectiveness, meet reporting requirements, and learn from the project(s) and/or program(s), the recipient will be required to submit an Observational Data Plan (ODP) (data collection) and Preliminary Observation Data Management Plan (DMP) (data management and delivery) prior to the award of any Council funds. The recipient will execute appropriate project data collection and management of data according to the ODP and DMP. As part of the ODP, the recipient will identify data collection elements such as parameters, methods, sampling duration and frequency, and post-implementation targets, and collaborate with Council staff and the Council Monitoring and Assessment Workgroup when applicable.

As part of the DMP, the recipient will develop a data/information management plan and submit appropriate data and information with progress reports on a yearly basis. The Council's involvement will also include ongoing coordination on data management, analyses, and dissemination of results. Templates for the data/information management plan and other monitoring-related guidance are provided in the appendices of the ODP and DMP Interim Guidance documents located on the Council website.

Data and information collected and/or created under Council grants and IAAs will be digital, made visible, accessible and independently understandable to RESTORE Council staff for review and approval on a yearly basis (typically no later than two (2) years after the data are collected or created). Failing to share data and information in accordance with the submitted DMP may lead to disallowed costs and be considered by the RESTORE Council when making future award decisions.

The ODP and DMP aid the Council in meeting several applicable Federal laws and policies including: GPRA Modernization Act (P.L. 111-352), OMB Memorandum "Open Data Policy – Managing Information as an Asset" (May 9, 2013); White House Office of Science and Technology Policy Memorandum "Increasing Access to the Results of Federally Funded Scientific Research" (February 22, 2013); Section 1603(t)(2)(C)(vii)(VII)(dd) of the RESTORE Act; and 2 C.F.R. § 200.328 on monitoring and reporting program performance of Federal grants.

The ODP and DMP (and any subsequent revisions or updates) will be made publicly available on the Council website at time of award. All data will be utilized for reporting purposes and be made public.

## H. Subrecipient Monitoring and Management

### *1. Post-award Approval of Subrecipients.*

The Council requires all recipients to specifically identify subrecipients (including those with which the recipient has a “contractual” agreement but the substance of the relationships meets the definition of a subrecipient<sup>4</sup>) and obtain Council approval prior to awarding the subaward. This requirement may be met in the application phase if the specific subrecipient was identified and the award was issued by the Council. Sometimes the subrecipient may not be known at the time of the application submission. In those cases, it is imperative that the recipient provide the Council with proposed subrecipient identification and subaward details (see Part III, Chapter II.B.3.b.(6) for specific requirements).

The Council is required to publish a notice in the Federal Register if a subaward with a nongovernmental entity equals or exceeds ten percent (10%) of the total award amount (see 31 C.F.R. § 34.401(b)).

### *2. Pass-through Entity Responsibilities for Subrecipients.*

This section focuses on the requirements related to the area of pass-through entity responsibilities for its subrecipients. Whenever Council funds awarded to a recipient are passed through to subrecipients, the Council retains a direct relationship only with a direct recipient, and relies on the pass-through entity to oversee the subaward with the subrecipients.

A pass-through entity is a non-Federal organization that receives Federal dollars and passes those dollars or other support along to subrecipients (subawards). Under 2 C.F.R. § 200.93, a subrecipient is defined as a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program, but does not include an individual that is a beneficiary of such program. A pass-through entity doesn't necessarily have to receive direct Federal funding; even an entity receiving Federal funding from another pass-through entity could itself be a pass-through entity.

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*Note: Subrecipient monitoring and management is addressed in 2 C.F.R Part 200 Subpart D (see §§ 200.330-200.332).*

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Subawards are generally cost reimbursement. However, a fixed price subaward may be appropriate when meeting specific requirements of the Council award and the amount is based on performance and results. Prior written approval from the Council is required for fixed price subawards, which cannot exceed the Simplified Acquisition Threshold of \$150,000 (as of August 15, 2015).

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<sup>4</sup> See 2 C.F.R. §§ 200.22, 200.92 and 200.330

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*Note: Fixed amount subawards must meet the requirements identified in 2 C.F.R § 200.201.*

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3. *Determining Subrecipient or Contractor Relationship.*

When the recipient is a pass-through entity, it has significant responsibilities to ensure subrecipient compliance with applicable Federal and award requirements. So, the first step is to determine whether the organization receiving the pass-through funding is a subrecipient or a contractor.

How do recipients know if the organization they are providing Council funding to is a subrecipient? As defined by 2 C.F.R. § 200.330, a subrecipient relationship exists when funding from a pass-through entity is provided to perform a portion of the scope of work or objectives of the pass-through entity's award agreement with the awarding agency (Council). The following chart identifies characteristics that define a subrecipient versus an entity that is hired to perform services or provide goods (a vendor or a contractor).

<b>Subrecipient</b>	<b>Contractor</b>
Programmatic decision-making responsibilities	Provides goods & services as part of normal business
Performance is measured against program objectives	Goods & services are ancillary to programmatic activities
Responsible for Federal compliance requirements	Operates in a competitive environment
Mechanism = Subaward	Mechanism = Contract/Purchase Order

Not all of the characteristics need to be or will be present to determine whether the organization is cast as a subrecipient or a contractor; judgment should be used in each case. When subcontracting or subgranting, recipients must determine if the relationship is one of a subrecipient or a contractor; the substance of the relationship is more important than the form of the agreement. For example: If a recipient uses a contract or purchase order to secure services to conduct part of the scope of work of a Council award and the determination is that an assistance relationship exists, then the “contractor” is a subrecipient and the requirements of 2 C.F.R. §§ 200.330-200.332 will apply to the contract/purchase order.

*4. Pre-award Responsibilities Related to Subrecipients.*

If the determination is that the organization is a subrecipient, the recipient must:

- Ensure the subrecipient is not suspended or debarred by the Federal government.
- Ensure the award is clearly identified to the subrecipient as a subaward.
- Ensure the agreement with the subrecipient includes the following specific data elements:
  - Subrecipient name (must match registered name in DUNS);
  - Subrecipient's DUNS number;
  - Federal Award Identification Number (FAIN);
  - Federal Award Date;
  - Subaward Period of Performance Start and End Date;
  - Amount of Federal Funds obligated by this action;
  - Total Amount of Federal Funds obligated to the subrecipient;
  - Total Amount of the Federal award;
  - Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA);
  - Federal award agency, pass-through entity, and contact information for awarding official;
  - CFDA number and name;
  - Identification of whether the award is Research & Development; and
  - Indirect cost rate for the Federal award (including the 10% de minimis rate for subrecipients without a Federally negotiated rate)

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*Note: At the time of the subaward, if any of these data elements change, the changes must be included in the subsequent subaward modification. If any of this information is not available, the pass-through entity must provide the best information available to describe the Federal award and subaward (see 2 C.F.R. § 200.331).*

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*5. Post-award Responsibilities Related to Subrecipients.*

It is the recipient's responsibility to monitor the programmatic and financial activities of its subrecipients in order to ensure: proper stewardship of Council funds; achievement of performance goals (scope of work or specific aims); and compliance with the terms and conditions of the subrecipient agreement.

- a. General. If the determination is made that the organization is a subrecipient, the recipient must:

- Ensure the inclusion of all requirements for the pass-through entity so that the subaward is used in accordance with Federal statutes, regulations and the award terms and conditions.
- If applicable to the agreement, ensure the subrecipient has a federally recognized indirect cost rate, or if no such rate exists, either a rate negotiated between the pass-through entity and the subrecipient or a de minimis indirect cost rate is used.
- Ensure the subaward permits the pass-through entity and auditor's access to records and financial statements.
- Ensure terms and conditions regarding closeout are included.
- Impose any specific award terms and conditions as needed.
- Evaluate each subrecipient's risk of noncompliance with Federal statutes, regulations and terms and conditions of the award. (See risk assessment section below.)
- Conduct appropriate and ongoing monitoring of the subrecipient's activities to ensure compliance. (See paragraph 3.c below.)

b. Risk Assessment of Subrecipients.

As required under 2 C.F.R. § 200.331(b), the pass-through entity must perform a risk assessment related to its subrecipients. The results of this risk assessment should drive the extent of the monitoring activities performed by a pass-through entity on its subrecipients.

The pass-through entity may want to consider the following items when performing risk assessments of its subrecipients:

- Prior experience with the same or similar subawards;
- Results of previous audits;
- New personnel or new or substantially changed financial systems;
- Extent and results of other Council or Federal awarding agency monitoring;
- Complexity of the scope of work being performed; and
- Assessment of financial stability.

The results of the risk assessment process will provide the basis for developing a work plan and individual subrecipient monitoring strategies. This includes identifying the



frequency of monitoring, the method of monitoring (on-site or remote), programs and areas to be monitored, type of monitoring (in-depth or limited), areas of technical assistance and training needed, and resources needed.

c. Monitoring of Subrecipients.

The pass-through entity (recipient) must monitor the costs and activities of the subrecipient as appropriate, to confirm that Council funding provided to the subrecipient is used for purposes authorized by the executed Council Award Agreement and that the performance goals (scope of work or specific aims) are achieved. Pass-through entities monitoring of the subrecipient must include:

- Reviewing financial and programmatic reports required by the pass-through entity;
- Verifying subrecipients have audits, as required under 2 C.F.R. Part 200 Subpart F;
- Issuing a management decision for audit findings of the subrecipient;
- Considering whether the results of the subrecipient’s audits, on-site reviews, or other monitoring require adjustments to the subrecipient agreement or to the pass-through entity’s records; and
- Considering how to address subrecipient noncompliance (i.e., enforcement actions).

6. *Federal Financial Accountability and Transparency Act (FFATA)*

- a. General. Grant recipients receiving direct awards from the Council who pass through a portion of that funding to subrecipients are subject to the reporting requirements under FFATA. All Council recipient awards with subawards of \$25,000 or more are required to report under FFATA.

As organizations consider whether these requirements apply to them, there are a few nuances to this reporting requirement that are important to understand. These are:

- The FFATA reporting requirement is only applicable for recipients that receive funding directly from the Federal government (*i.e.*, the Council);
- Subrecipients of Federal funding are not subject to the FFATA reporting requirements; and
- Awards that fall below the \$25,000 threshold do not have to be reported.

b. Reporting Requirements.

- Reports are due 30 days following the month in which the subrecipient was awarded the funds.
- The data elements required to be reported include the following:
  - Name of entity receiving award;
  - DBA or “doing business as” name (Grants);
  - Amount of award;
  - Subcontract/Subaward Number;
  - Funding agency;
  - CFDA Number (Grants);
  - Award title;
  - Location of the entity;
  - Place of performance; and
  - DUNS numbers.
- In addition to the above, some organizations are required to report executive compensation and the names of key top executives. However, this requirement is limited to organizations who meet the following two requirements:
  - The organization received 80% or more of its annual gross revenues in Federal awards and those revenues are greater than \$25 million annually; AND
  - The public does not otherwise have access to information about the compensation of the executives.

I. Adjustments to Awards: Changes, Revisions and Amendments

Recipients are required to report deviations from the project/program budget or the project/program scope or objective. In particular, recipients must immediately notify the Council of developments that have a significant impact on the award-supported activities. Notification must also be given in the case of problems, delays, or adverse conditions which materially impair the recipient’s ability to meet the objectives of the award. This notification shall include a statement of the action taken or contemplated, and any assistance needed to resolve the situation.

Some changes to a Council award may be made at the recipient’s discretion as long as they are within the limits established by the Council. In other cases, Council prior written approval may be required before a recipient makes certain budget modifications or undertakes particular activities. The latter changes are called, “Prior Approval Requirements,” (see 2 C.F.R. § 200.308).

**If Council approval is required, it must be requested and obtained, in writing, from the Grants Officer in advance of the change or obligation of funds. Recipients will use RAAMS for initiating the request and for obtaining final action regarding the request.**

To initiate a request for an adjustment to an award, the recipient will log into RAAMS, select the appropriate award, and select *Amendment Request* or *No-Cost Extension*, as applicable, from the award file. Data necessary to process the request will be collected in RAAMS and reviewed by the Grants Office.

Recipients are encouraged to contact the Grants Officer if they are considering making a request for an adjustment.

The following provides information on situations when prior approval is required.

*1. Prior approvals based on the type of project awarded.*

• Construction Projects:

- Changes in the scope or the objective of the project or program prompt a revision;
- The need arises for additional Federal funds to complete the project/program; and/or
- A revision is desired which involves specific costs for which prior written approval requirements may be imposed consistent with applicable OMB cost principles listed in 2 C.F.R. Part 200, Subpart E—Cost Principles.

• Non-construction Projects:

- Change in the scope or the objective of the project or program (even if there is no associated budget revision requiring prior written approval);
- Change in a key person specified in the application or the Federal award;
- The disengagement from the project for more than three months, or a 25 percent reduction in time devoted to the project, by the approved project director or principal investigator;
- The inclusion, unless waived by the Council, of costs that require prior approval in accordance with 2 C.F.R. Part 200 Subpart E—Cost Principles or 45 C.F.R. Part 74 Appendix E, “Principles for Determining Costs Applicable to Research and

Development under Awards and Contracts with Hospitals,” or 48 C.F.R. Part 31, “Contract Cost Principles and Procedures,” as applicable;

- The transfer of funds budgeted for participant support costs as defined in 2 C.F.R. § 200.75, “Participant support costs to other categories of expense;”
- Unless described in the application and funded in the approved Federal award, the subawarding, transferring or contracting out of any work under a Federal award. This provision does not apply to the acquisition of supplies, material, equipment or general support services; and/or
- Changes in the amount of approved co-funding (cost-sharing or matching) provided by the recipient. No other prior approval requirements for specific items may be imposed unless a deviation has been approved by OMB. See also 2 C.F.R. §§ 200.102, “Exceptions,” and 200.407, “Prior written approval.”
- Combination of Construction and Non-construction Projects: If a single award provides support for construction and non-construction work, the recipient must request prior written approval from the Grants Officer for the actions noted in the applicable sections above, and before making any fund or budget transfers between the two types of work supported.

*2. Prior approvals based on the transfer of funds.*

- For awards in which the Federal share of the project exceeds the Simplified Acquisition Threshold (\$150,000 as of August 15, 2015):
  - The transfer of funds among direct cost categories when the cumulative amount of such direct cost transfers exceeds 10 percent of the total budget as last approved by the Grants Officer; and/or
  - The transfer of funds to a budget category not previously funded within an approved budget;
- The transfer of funds budgeted for direct costs to the indirect costs line item or vice versa (applies to all Federal awards regardless of the amount of the Federal share); and/or
- The transfer of funds is for an item of cost that requires prior approval under the applicable cost principles of 2 C.F.R. Part 200 Subpart E, or under the administrative requirements of 2 C.F.R. Part 200.

*3. Council Review and Response.*

Normally, the Council will provide a decision within 30 calendar days from the date of receipt of the recipient’s request for revision or modification. If the revision is still under

consideration at the end of 30 calendar days, or if a decision is made that an administrative amendment to the award is required, the Council will inform the recipient in writing of the date when the recipient may expect the decision.

J. Retention Requirements for Records

*1. General Retention Requirements.*

Unless otherwise specified in the Award Agreement, the recipient must retain all records for a period of three years from the date of submission of the accepted final expenditure report (see 2 C.F.R. § 200.333). While electronic storage of records (backed up as appropriate) is preferable, the recipient has the option to store records in hardcopy (paper) format. For the purposes of this section, the term “records” includes but is not limited to:

- Copies of all contracts and all documents related to a contract, including the Request for Proposal (RFP), all proposals/bids received, all meeting minutes or other documentation of the evaluation and selection of contractors, any disclosed conflicts of interest regarding a contract, all signed conflict of interest forms (if applicable), all conflict of interest and other procurement rules governing a particular contract, and any bid protests;
- Copies of all subawards, including the funding opportunity announcement or equivalent, all applications received, all meeting minutes or other documentation of the evaluation and selection of subrecipients, any disclosed conflicts of interest regarding a subaward, and all signed conflict of interest forms (if applicable);
- All documentation of site visits, reports, audits, and other monitoring of contractors (vendors) and subrecipients (if applicable);
- All financial and accounting records, including records of disbursements to contractors (vendors) and subrecipients, and documentation of the allowability of administrative costs charged to this award;
- All supporting documentation for the performance outcome and other information reported on the recipient’s Financial Reports and Performance (Technical) Reports; and
- Any reports, publications, and data sets from any research conducted under this award.

*2. Exception to the Three-Year Retention Period.*

If any legal claim, negotiation, audit, or other action involving the records has started before the expiration of the three-year period, the records must be retained until completion of the action and resolution of all issues which arise from it or until the end of the regular three-year period, whichever is later.

K. Access to Records

The Council, the U.S. Department of Treasury Office of the Inspector General, the Comptroller General of the United States, or any of their authorized representatives must have access to any documents, papers, or other records of recipients which are pertinent to the Federal award in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to the recipient's personnel for the purpose of interview and discussion related to such documents. (Refer to 2 C.F.R. § 200.336 for additional information concerning access to records.)

L. Remedies for Noncompliance

*1. Overview.*

The Grants Officer, in consultation with the Program Office and legal counsel, is authorized to take appropriate actions if recipients fail to meet their obligations under awards. Every Award Agreement contains a provision for suspension and/or termination of the award for deficient project performance, poor financial management, non-payment of accounts receivable, and/or other non-compliance or deficiency problems. Suspension or termination of an individual award is not an action covered by the provisions of 2 C.F.R. Part 1326, “Nonprocurement Debarment and Suspension.”

*2. Specific RESTORE Act Ineligible Activities Determination and Remedy.*

In addition to the noncompliance remedies identified in 2 C.F.R. Part 200, the Council and the U.S Department of the Treasury (Treasury) have statutory authority to take the following actions:

- If the Council determines that the recipient has expended funds to cover the cost of any ineligible activities, the Council, in coordination with the Treasury, will make no additional payments to the recipient from the RESTORE Trust Fund, including no payments from the RESTORE Trust Fund for activities, projects, or programs under any other RESTORE Act Component until the recipient has either:
  - Deposited an amount equal to the amount expended for the ineligible activities in the RESTORE Trust Fund; or
  - Expended an equal amount from their own funds for an activity authorized by the Council that meets the requirements of the RESTORE Act. (See 33 U.S.C. § 1321(t)(1)(G) and (H), and see 31 C.F.R. § 34.804 “Noncompliance.”);
- If the Council determines the recipient has materially violated the terms of the Award Agreement, the Council, in coordination with Treasury, will make no additional funds available to the recipient from any part of the RESTORE Trust Fund until the recipient corrects the violation; and/or

- In extraordinary circumstances, the Council may require that any of the above remedies take effect immediately upon notice in writing to the recipient. In such cases, the recipient may contest the Council’s determination or suggest an alternative remedy in writing to the Council, and the Council will issue a final determination.

3. *Other Remedies for Noncompliance.*

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*Note: The actions identified in this paragraph and paragraphs 4-6 are available for use by the Council and available for use by the pass-through entity (recipient).*

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If a recipient fails to comply with Federal statutes, regulations or the terms and conditions of a Federal award, the Council may impose additional conditions, as described in 2 C.F.R. § 200.207 “Specific conditions” (e.g., requiring additional reporting or more frequent submission of the Financial or Performance (Technical) Reports; requiring additional activity, project, or program monitoring; requiring the recipient or one or more of its subrecipients to obtain technical or management assistance; or establishing additional actions that require prior approval).

If the Council determines that noncompliance cannot be remedied by imposing additional conditions, pursuant to 2 C.F.R. § 200.338, the Council or pass-through entity may take one or more of the following actions, as appropriate in the circumstances:

- Temporarily withhold cash payments pending correction of the deficiency by the recipient or more severe enforcement action by the Council or pass-through entity;
- Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance;
- Wholly or partly suspend or terminate the Federal award;
- Initiate suspension or debarment proceedings as authorized under 2 C.F.R. Part 180 and Council regulations (or in the case of a pass-through entity, recommend such a proceeding be initiated by the Council);
- Withhold further Federal awards for the project or program; and/or
- Take other remedies that may be legally available.

4. *Termination.*

In accordance with 2 C.F.R. § 200.339, when a Federal award is terminated or partially terminated, both the Council and the recipient remain responsible for compliance with the

requirements in 2 C.F.R. §§ 200.343, “Closeout,” and 200.344, “Post-closeout adjustments and continuing responsibilities.”

The Council award may be terminated in whole or in part as follows:

- By the Council, if a recipient fails to comply with the terms and conditions of a Federal award;
- By the Council for cause;
- By the Council with the consent of the recipient, in which case the two parties must agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated; or
- By the recipient upon sending to the Council written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if the Council determines in the case of partial termination that the reduced or modified portion of the Federal award or subaward will not accomplish the purposes for which the Federal award was made, the Council may terminate the Federal award in its entirety.

*5. Referral to the Treasury OIG.*

Instead of, or in addition to, the remedies listed above, the Council may refer the noncompliance to the Treasury OIG for investigation or audit, pursuant to 31 C.F.R. § 34.805. The Council will refer all allegations of fraud, waste, or abuse to the Treasury OIG.

*6. Noncompliance and Termination Procedures.*

- Noncompliance procedures. The Council will notify the recipient in writing of the Council’s proposed determination that an instance of noncompliance has occurred, provide details regarding the instance of noncompliance, and indicate the remedy that the Council proposes to pursue. The recipient will then have 30 calendar days to respond and provide information and documentation contesting the Council’s proposed determination or suggesting an alternative remedy. The Council will consider information provided by the recipient and issue a final determination in writing, which will state the Council’s final findings regarding noncompliance and the remedy to be imposed.
- Termination procedures. The Council is required to provide a notice of termination to the recipient, pursuant to 2 C.F.R. § 200.340:
  - If the Federal award is terminated for the recipient’s failure to comply with the Federal statutes, regulations, or terms and conditions of the Federal award, the



notification must state that the termination decision may be considered in evaluating future applications received from the recipient; and

- Upon termination of a Federal award, the Council will provide the information required under FFATA to the Federal web site established to fulfill the requirements of FFATA, and update or notify any other relevant government-wide systems or entities of any indications of poor performance as required by 41 U.S.C. § 417b and 31 U.S.C. § 3321 and implementing guidance at 2 C.F.R. Part 77. See also 2 C.F.R. Part 180 for the requirements for Suspension and Debarment.

#### M. Closeout and Post-Closeout Adjustments

The Council will close out an award as soon as possible after the award period end date unless the project is extended. If an award is terminated the grant should be closed out as soon as possible regardless of the award period end date. Closeout includes ensuring timely submission of all required reports and adjustments for amounts due to the recipient or to the Council. Typically, the recipient will initiate the closeout process using RAAMS.

##### *1. Due Dates and Extensions.*

All final performance and financial reports, and other reports as required by the terms and conditions are due 90 days after the award period end date. Recipients will receive a reminder of the award period end date 90 days before that date is reached. If an extension of the due date is anticipated, the recipient should contact the Grants Officer at the earliest opportunity in order that an extension, if warranted, can be completed before the reports become past-due.

##### *2. Final Performance Reporting.*

The final performance report will describe the data elements similar to those in the semi-annual reporting (see Chapter II.G for description of the reporting elements). The reporting elements include: Activities and Accomplishments, Adaptive Management, Findings/Events, Dissemination Activities, Monitoring, and Attachments. Recipients should also identify any outcomes/achievements or deliverables resulting from the project.

Recipients will submit the final performance report via RAAMS.

The final performance report is submitted as part of the *Final Progress Report Task* in RAAMS. The system will create and assign this task following the last day of the award period. Financial data is also collected as part of this task.

From within RAAMS, the recipient will be able to compare the approved project milestones to an aggregate list of milestones met over the life of the project. It is expected that all milestones will be reached before final performance reports are submitted.

3. *Final Financial Reporting.*

The final financial report requires reporting of all allowable costs incurred, both at the recipient and subrecipient level. The final financial report must provide detailed financial information for the entire project including cash receipts and disbursements, the Council share of project costs, the recipient's or other's share of project costs (co-funding), and program income, if any. Final financial reports must have no unliquidated obligations and must indicate the exact balance of unobligated funds. A full reporting of any and all program income must also be included.

If at the completion of an award period, the recipient has an unobligated balance of funds on hand, those funds must be returned to the Council immediately. If the funds are not returned by the recipient in a timely manner, an account receivable may be established and billed to the recipient. Interest, penalties, and administrative charges will be assessed, as appropriate. Recipients with outstanding accounts receivable established (e.g., to collect unobligated funds) will be referred to the U.S. Department of the Treasury for collection, as provided by Federal laws.

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*Note: The Council should complete all closeout actions no later than one year after receipt and acceptance of all required final reports (2 C.F.R. § 200.343(g)).*

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Recipients will submit the final financial report via RAAMS.

The final financial report is submitted as part of the *Final Progress Report Task* in RAAMS. The system will create and assign this task following the last day of the award period. Performance data is also collected as part of this task.

Recipients must account for all expenditures by budget cost category and line item in order to successfully complete the *Final Progress Report Task*.

In addition to the financial worksheet, the recipient Authorized Representative must certify and sign to the following:

- Funds were used only for purposes identified in the Award Agreement;
- The recipient maintains written documentation sufficient to demonstrate the accuracy of these statements; and
- The foregoing elements are reported accurately and the certification is made from personal knowledge and belief after reasonable and diligent inquiry.

*4. Other Reports.*

Additional reports may be required to be submitted, if applicable. These are generally identified in the terms and conditions of the Award Agreement. Some possible areas involve:

- Real property purchased with Federal funds;
- Any equipment and/or supplies loaned to the recipient by the Council;
- Any equipment and/or supplies purchased with Council funds with a fair market value of \$5,000 or more at the end of the project;
- A Final Invention Statement and Certification; and/or
- Final observation data and associated reports.

*5. Closeout Process.*

Once all final reports have been received, the Grants Officer and the Project Officer will begin a thorough review of the submitted materials and resolve any discrepancies with the recipient.

The Grants Officer will issue a final adjustment (upward or downward) to the Federal share of costs once final reports are received and accepted.

At the end of the closeout process, a final closeout letter will be provided to the recipient. The letter will identify requirements to which recipients must adhere post-closeout.

*6. Post-Closeout Adjustments and Responsibilities.*

Closeout of a project does not automatically cancel any continuing requirements for property accountability, record retention, or financial accountability.

Following closeout, the recipient remains obligated to return funds due as a result of later refunds, corrections, or other transactions, and the Council may recover amounts based on the results of an audit covering any part of the period of support.

**N. Single Audits**

*1. Single Audit Threshold.*

Recipients and subrecipients that expend \$750,000 or more in Federal funds (from all sources including pass-through subawards) during their fiscal year (12-month reporting

period), are required to arrange for a single organization-wide or a program-specific audit conducted in accordance with the provisions of 2 C.F.R. 200 Subpart F.

Recipients and subrecipients that expend less than \$750,000 a year in Federal awards, are exempt from Federal audit requirements for that year. However, recipients and subrecipients must keep records that are available for review or audit by appropriate officials including the Council, the pass-through entity, the U.S. Department of Treasury, and the U.S. Government Accountability Office (GAO).

## *2. Audit Objectives.*

Awards are subject to conditions of fiscal, program, and general administration to which the recipient expressly agrees upon acceptance of the award.

The audit objective is to review the recipient's accountability of funds and required non-Federal contributions to determine whether the recipient has done all of the following:

- Established an accounting system with adequate internal controls that provide full accountability for revenues, expenditures, assets, and liabilities;
- Prepared financial statements which are presented fairly and in accordance with generally accepted accounting principles;
- Submitted financial reports (including Federal Financial Reports [SF-425s] or cash reports, and claims for advances and reimbursements) that contain accurate and reliable financial data and are presented in accordance with the terms of applicable agreements; and
- Expended Federal funds in accordance with the terms of Award Agreements and those provisions of Federal law or regulations that could have a material effect on the financial statements or on the awards tested.

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*Note: 2 C.F.R. § 200.510 provides guidance concerning financial statements and provides specifics for the development of the schedule of expenditures of Federal awards.*

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## *3. Audit Reporting Requirements*

Independent auditors should follow the audit requirements prescribed by the Office of Management and Budget (OMB) in 2 C.F.R. 200 Subpart F.

Listed below are some specific areas of concern encountered during the conduct of an audit:

- The recipient's accounting records must support all amounts reported to the Council;
- The recipient's financial activity reported to the Council should reconcile to the amounts reported on the recipient's audited financial statements;
- If there are any differences between the recipient's audited financial statements and the financial activity reported to the Council, the recipient must be able to explain the differences;
- If the auditor becomes aware of illegal acts or other irregularities, he or she must give prompt notice to the recipient's management officials above the level of involvement; and
- The recipient, in turn, must promptly notify the Federal cognizant agency and/or the Council of the illegal acts or irregularities and of proposed and actual actions, if any.

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*Note: All Council staff are responsible for informing the appropriate individual or groups (e.g., the Treasury Office of Inspector General) of any known violations.*

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#### *4. Audit Submission Requirements*

The audit must be completed and submitted to the Federal Audit Clearinghouse (FAC) within nine months after the end of the audit period (recipient's fiscal year) or within 30 calendar days after receipt of the auditor's report(s), whichever is earlier.

The FAC requires all award recipients to use the Internet Data Entry System (IDES) to submit Standard Form-Single Audit Component (SF-SAC) and the Single Audit Reporting package online. Recipients will use IDES to:

- Enter SF-SAC data online;
- Check SF-SAC data for errors using the "Check Data" feature;
- Upload a PDF copy of the Single Audit Reporting package;
- Certify SF-SAC electronically using a signature code provided by the IDES; and
- Submit their complete certified SF-FAC and Single Audit Reporting package to the FAC electronically.

To review the submission requirements and create an online report ID, visit FAC's web site at <http://harvester.census.gov/fac/collect/ddeindex.html>.

### *5. Resolution of Audit Reports*

For an audit to be effective, it is important for a recipient to have policies and procedures in place to ensure timely action on audit recommendations. Recipients are responsible for follow-up and corrective action on all audit findings. As part of this responsibility, the recipient must prepare a summary schedule of prior audit findings; see 2 C.F.R. § 200.511 for specific requirements. The recipient must also prepare a corrective action plan for current year audit findings that address each audit finding. The corrective action plan must identify: the person responsible for the corrective action, the corrective action planned, and the anticipated completion date.

Recipients are responsible for ensuring that subrecipients take timely action on audit findings and recommendations as well. Recipients should request and review each subrecipient's audit report annually and ensure that any recommendations and corrective actions that may be applicable to the subaward are addressed in a timely fashion. This includes following up with subrecipients who fail to submit Single Audits to the FAC on time.

The Federal cognizant audit agency will coordinate with other agencies to review recipient audit findings and corrective action plans. Depending on the nature of the audit findings, Federal agencies may take enforcement actions, or include additional special award conditions.

## **Chapter III: Recipient Standards**

2 C.F.R. Part 200 Subpart D prescribes three separate sets of standards related to the financial and program management of Federal awards, each governing a different area: financial management (2 C.F.R. §§ 200.300-309), property management (2 C.F.R. §§ 200.310-316), and procurement management (2 C.F.R. §§ 200.317-326).

### **A. Standards for Financial Management.**

#### *1. General Requirements for Accounting Systems*

All recipients and subrecipients are required to establish and maintain adequate accounting systems and financial records and to accurately account for funds awarded to them.

Recipients must have a financial management system in place that is able to record and report on the receipt, obligation, and expenditure of award funds. Recipients should keep detailed accounting records and documentation to track all of the following information:

- Federal funds awarded;

- Federal funds drawn down;
- Matching funds of State, local, and private organizations, when applicable;
- Program income;
- Subawards (amount, purpose, award conditions, and current status);
- Contracts expensed against the award; and
- Expenditures.

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*Note: 2 C.F.R. § 200.302 provides the requirements for financial management systems. The adequacy of the financial management system may be reviewed as part of the application process or at any time subsequent to the award.*

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## *2. What is an Adequate Accounting System?*

- An adequate accounting system can be used to generate reports required by award and Federal regulations. The system must support all of the following:
  - Financial reporting that is accurate, current, complete, and compliant with all financial reporting requirements of the award or subaward.
  - Recipients must establish procedures to ensure the receipt of reports on subrecipients' cash balances and cash disbursements in sufficient time to enable them to prepare complete and accurate cash transactions reports to the awarding agencies.
  - Accounting systems should be able to account for award funds separately (no commingling of funds).
- An adequate accounting system provides for the maintenance of documentation to support all receipts and expenditures and obligations of Federal funds.
- An adequate accounting system collects and reports financial data for planning, controlling, measuring, and evaluating direct and indirect costs. The system should help capture all relevant expenses to ensure approval from the cognizant Federal agency for all indirect costs.
- The system should have all of the following capabilities:

- **Internal controls.** The system should allow the recipient to exercise effective control and accountability for all award and subgrant cash, real and personal property, and other assets. Recipients and subrecipients must adequately safeguard all such property and assure that it is used solely for authorized purposes.
- **Budget control.** The system should allow the recipient to compare actual expenditures or outlays with budgeted amounts for each award and subaward. It also must relate financial information to performance or productivity data, including the development of unit cost information whenever appropriate or specifically required in the award or subaward agreement.
- **Allowable cost.** The system should support the recipient in making sure that the applicable Office of Management and Budget cost principles, agency program regulations, and the terms of award and subgrant agreements are followed in determining the reasonableness, allowability, and allocability of costs.
- **Source documentation.** The system should require the recipient to support accounting records with source documentation (e.g., cancelled checks, paid bills, payrolls, time and attendance records, and contract and subgrant award documents).
- **Cash management.** An adequate system will require the recipient to follow procedures for minimizing the time between the transfer of funds from the U.S. Department of the Treasury and disbursement by recipients and subrecipients. Also, recipients should make drawdowns as close as possible to the time of making disbursements.
- **Subrecipient monitoring support.** The system should involve monitoring of cash drawdowns by subrecipients to assure that they conform substantially to the same standards of timing and amount as apply to the direct recipient.
- An adequate accounting system for a recipient must be able to accommodate a fund and account structure to separately track receipts, expenditures, assets, and liabilities for awards, programs, and subrecipients.

### *3. Council Awards*

To properly account for Council awards, all recipients should establish and maintain program accounts which will separately identify and account for:

- Receipt and disposition of all funds (including program income);
- Funds applied to each budget category included within the approved award;
- Expenditures governed by any special and general provisions; and



- Co-funding or matching contribution, if required.

## B. Property Standards

*The recipient must comply with the property standards as specified in 2 C.F.R. §§ 200.310 through 200.316.*

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*Note: Before purchasing property with Federal funds, the recipient must use good judgment in determining the necessity of the property for activities supported by the Federal award, and property is not otherwise reasonably available or accessible. Recipients must establish and maintain an effective property management system to avoid disallowances of costs associated with the acquisition of the property.*

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### 1. General.

- Title to Federally owned property: Title to Federally owned property remains vested in the Federal government. Upon completion of the Federal award or when the property is no longer needed, the recipients must report the property to the Council for further Council utilization. The Council will address disposition requirements, if any, at that time.
- Title to other than federally owned property: Unless specifically noted otherwise in the Federal award, title to real property acquired or improved under a Federal award vests upon acquisition in the recipient. Title for the property is conditional as noted under “use” in paragraphs 2-5 below.

For Federal agencies, if the agency possesses appropriate legal authority, interest in property will vest with the agency in accordance with 2 C.F.R. Part 200. In all other circumstances, disposition of property will be handled in accordance with government-wide regulations

- Property trust relationship: Real property, equipment, and intangible property, acquired or improved with the Federal award will be held in trust by the recipient as trustee for the beneficiaries of the project or program. The Council may require the recipient to record liens or other appropriate notices of record to indicate that the property has been acquired or improved by the Federal award and that use and disposition conditions apply.
- Insurance coverage: Recipients must provide the equivalent insurance coverage for real property and equipment acquired under the Federal award as provided to property owned by the recipient.

### 2. Real Property.

- Willing Sellers. Land or interest in land may only be acquired by purchase, exchange or donation from a willing seller in accordance with the requirements in 31 C.F.R. § 34.803(f).
- Federal Acquisitions. Funds may not be used to acquire land in fee title by the Federal Government unless the exceptions in 31 C.F.R. § 34.803(g) are met.
- Use: The recipient must use the real property for the originally authorized purpose and must not dispose of or restrict its title or other interests, except as otherwise provided by Federal statutes or by the Council.
- Disposition: The recipient must obtain disposition instructions from the Council or pass-through entity when the real property is no longer needed for the originally authorized purpose. The instructions must provide for one of the following alternatives: retain title after compensating the Council; sell the property and compensate the Council; or transfer title to the Council or to a third party approved by the Council.

3. *Equipment.*

- General. Recipients must use equipment for the original purpose, and must not encumber the property without approval of the Council.
- Recipients that are States. States must use, manage and dispose of equipment acquired under a Federal award in accordance with state laws and procedures.
- Other recipients. The following provides the uses, management, and disposition of equipment acquired under a Federal award.
  - Use (2 C.F.R. § 200.313(c)): Equipment must be used by the recipient in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by the Federal award. Other use conditions are:
    - When no longer needed for the original project, the equipment may be used in other activities supported by the Council in the following priority order:
      - Activities under another Council award; then
      - Activities under a Federal award from another Federal agency.
    - The equipment must be shared on other projects or programs currently or previously supported by the Federal government as long as the other use will not interfere with the work on the project for which the equipment was originally acquired;

- When acquiring replacement equipment, the recipient may use the equipment as trade-in or sell the property and use the proceeds to offset the cost of the replacement; and/or
  - Recipients must not use equipment acquired with Federal funds to provide services to non-Federal outside organizations for a fee that is less than private companies charge for equivalent services, unless specifically authorized by statute, for as long as the Council retains an interest in the equipment.
- Property Management Standards (2 C.F.R. § 200.313(d)): Procedures must be established where, at a minimum, the recipient:
- Maintains property records that include a description of the property, a serial number or other identification number, the source of funding for the property, who holds title, the acquisition date, the cost of the property, the percentage of Federal participation in the project costs, the location, use and condition of the property, and any ultimate disposition data (date of disposal and sale price of the property);
  - Conducts a physical inventory of the property and the results reconciled with the property records at least once every two years;
  - Has a control system to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft must be investigated and documented;
  - Establishes and uses adequate maintenance procedures to keep the property in good condition; and
  - Establishes proper sales procedures to ensure the highest possible return, if authorized or required to sell the property.
- Disposition (2 C.F.R. § 200.313(e)): When equipment is no longer needed for the original project or program or for other activities currently or previously supported by the Council, the recipient must adhere to the following rules in equipment disposition:
- *If the current fair market value of the equipment is greater than \$5,000 per unit*, the recipient must seek disposition instructions from the Grants Officer. The recipient must submit a completed “Tangible Personal Property Report” (SF-428 or any successor form) and the “Disposition Request/Report” (SF-428-C or any successor form);

- *If the current fair market value of the equipment is less than \$5,000 per unit, the recipient may retain, sell or otherwise disposed of the property with no further obligation to the Council; or*
- *Transfer title to the equipment to the Federal Government or to an eligible third party provided that the recipient is compensated for its attributable percentage of the current fair market value of the equipment.*

#### 4. *Supplies.*

- Use: Supplies are general purpose consumable items which are used during implementation of the project or program. As long as the Council retains an interest in the supplies, the recipient must not use supplies acquired under the award to provide services to other organizations for a fee that is less than private companies charge for equivalent services.
- Disposition: No formal disposition request of unused supplies is required to be submitted by the recipient. It is the responsibility of the recipient to dispose of unused supplies at the end of the project based on the aggregate fair market value of all remaining supplies.
  - If the residual inventory of unused supplies is worth less than \$5000, these items belong to the recipient who may choose how to dispose of them.
  - If the residual inventory of unused supplies which in aggregate is worth \$5,000 or more, the recipient may use the supplies for other Federal projects or program. If not needed for any other Federal project or program, the recipient may either retain the supplies or sell them, but in either case must compensate the Council for its share.

#### 5. *Intangible Property.*

- Use:
  - *General*. Recipients must use intangible property for the original purpose, and must not encumber the property without approval of the Council.
  - *Copyright*. Recipients may copyright any work that is subject to copyright and was developed (or for which ownership was acquired) under an award. The Council reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes, and to authorize others to do so.
  - *Patents and Inventions*. Recipients are subject to applicable regulations governing patents and inventions, including government-wide regulations issued by the Department of Commerce at 37 C.F.R. Part 401, “Rights to Inventions Made by

Nonprofit Organizations and Small Business Firms Under Government Awards, Contracts and Cooperative Agreements.”

- *Data*. The Federal Government has the right to obtain, reproduce, publish, or otherwise use the data produced under the Council award; and authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes. Observational data plans and data management plans will be made publicly available on the Council website at time of award. All data collected under Council awards will be utilized for reporting purposes and be made public.
- Disposition. When intangible property is no longer needed for the original project or program, or for other activities currently or previously supported by a Federal agency, the recipient must adhere to the following rules:
  - *If the current fair market value of the property is greater than \$5,000 per unit*, the recipient must seek disposition instructions from the Grants Officer; or
  - *If the current fair market value of the property is less than \$5,000 per unit*, the recipient may retain, sell or otherwise disposed of the property with no further obligation to the Council; and/or
  - *Transfer title to the property to the Federal Government* or to an eligible third party provided that the recipient is compensated for its attributable percentage of the current fair market value of the property.
- Freedom of Information Act (FOIA). In response to a FOIA request for research data relating to published research findings produced under a Council award that were used by the Federal Government in developing an agency action that has the force and effect of law, the Council must request, and the recipient must provide, within a reasonable time, the research data so that they can be made available to the public through the procedures established under the FOIA. See 2 C.F.R. § 200.315 for additional information and requirements.

## C. Procurement Standards

### 1. *General Procurement Procedures.*

Non-State recipients must use their own documented procurement procedures which reflect applicable state and local laws and regulations, provided that the standards also conform to applicable Federal laws and standards.

State recipients should follow the same policies and procedures used for procurement with non-Federal funds. The State must ensure that every purchase order or other contract utilizing Federal funding includes any clauses required by Federal statutes, executive orders, and related implementing regulations. Also, State agencies or agencies of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste

Disposal Act, as amended by the Resource Conservation and Recovery Act regarding the procurement of recovered materials (2 C.F.R. § 200.322).

Federal recipients must follow the Federal Acquisition Regulations.

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*Note: 2 C.F.R. §§ 200.317-326 describe the applicable procurement standards and the methods of procurements that are allowed. 2 C.F.R. Part 200, Appendix II lists specific contract provisions that must be included in contracts under Federal awards.*

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## *2. Standards.*

The following procurement standards apply to recipients that are not States. These recipients:

- Must maintain oversight to ensure contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders;
- Must avoid acquisition of unnecessary or duplicative items;
- Are encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services;
- Are encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs;
- Are encouraged to use value engineering clauses in contracts for construction projects;
- Must award contracts only to responsible contractors;
- Must take all necessary affirmative steps (2 C.F.R. § 200.321) to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible; and
- Are responsible for the settlement of all contractual and administrative issues arising out of procurements.

3. *Required Conflict of Interest Policies.*

In general, 2 C.F.R. § 200.318(c) identifies two types of conflict of interest policies that must be maintained by the recipient:

- Employee Conflict of Interest. The recipient must maintain written standards of conduct covering conflicts of interest and governing the performance of its employees engaged in the selection, award, and administration of contracts. The following provisions must be included:
  - No employee, officer, or agent must participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract;
  - The officers, employees, and agents of the recipient must neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, recipients may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value; and
  - The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the recipient.
- Organizational Conflict of Interest: If the recipient has a parent, affiliate, or subsidiary organization that is not a state government, local government, or Indian tribe, the recipient must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the recipient is unable or appears to be unable to be impartial in conducting a procurement action involving the related organization.

4. *Competition.*

All procurement transactions must be conducted in a manner providing full and open competition and ensure that all prequalified lists of persons, firms, or products are current and include enough qualified sources. Recipients must have written procedures for procurement transactions ensuring that all solicitations:

- Incorporate a clear and accurate description of the technical requirements;
- Identify all requirements the offerors must fulfill; and

- Identify factors to be used in evaluating bids/proposals.

5. *What are the Allowable Procurement Methods?*

Five procurement methods outlined in 2 C.F.R. § 200.320 are:

- Procurement by micro-purchases: Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed \$3,000 (or \$2,000 in the case of acquisitions for construction subject to the Davis-Bacon Act). Micro-purchases may be awarded without soliciting competitive quotations if the recipient considers the price to be reasonable.
- Procurement by small purchase procedures: Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold (currently \$150,000). If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources. The standards do not define how many quotations constitute an "adequate number;" this will be a matter of judgment.
- Procurement by sealed bids (formal advertising): Bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price.
- Procurement by competitive proposals: The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. A new requirement under this method is that the recipient must have a written method for conducting technical evaluations of the proposals received and for selecting recipients.
- Procurement by noncompetitive proposals: Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source. 2 C.F.R. Part 200 clarified that this may be used only when one or more of the following circumstances apply:
  - The item is available only from a single source;
  - The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
  - The Council or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the recipient; or
  - After solicitation of a number of sources, competition is determined inadequate.



*6. Procurement Documentation.*

A recipient must maintain records to sufficiently detail the history of procurement as outlined in 2 C.F.R. § 200.318(i). At a minimum, this includes:

- The rationale for the method of procurement;
- Selection of the contract type;
- Contractor selection or rejection; and
- Basis for the contract price.

*7. Required Contract Provisions.*

In addition to other provisions required by the Council, contracts must contain provisions listed in Appendix II to 2 C.F.R. Part 200.

*8. Contracts Requiring Prior Approval.*

The recipient must submit proposed contracts and related procurement documents prior to awarding or modifying the contract if:

- The procurement is expected to exceed the simplified acquisition threshold (currently \$150,000), and the contract is to be awarded without competition after one bid or offer is received in response to a solicitation;
- The proposed award is more than the simplified acquisition threshold and is to be awarded to other than the low bidder under a sealed bid procurement;
- The proposed contract modification changes the scope of the contract or increases the contract amount by more than the simplified acquisition threshold; or
- The procurement, which is expected to exceed the simplified acquisition threshold, specifies a “name brand.”

## **Chapter IV: Other Post Award Requirements and Considerations**

### **A. Public Policy Laws and Regulations: Non-Discrimination Statutes**

#### *1. General.*

This section addresses public policy requirements, and objectives, applicable to Council awards. The term “public policy” indicates that the requirement is based on social, economic, or other objectives or considerations that may be attached to the expenditure of Federal funds by recipients, subrecipients, and contractors, in general.

There are several Federal statutes, regulations, Executive Orders, and policies relating to nondiscrimination. No person in the United States shall, on the ground of race, color, national origin, handicap, religion, age, or sex, be excluded from participation in, denied the benefits of, or subject to discrimination under any program or activity receiving Federal financial assistance. These include but are not limited to the requirements identified in the following paragraphs.

#### *2. Title VI of the Civil Rights Act of 1964.*

Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*) prohibits discrimination on the grounds of race, color, or national origin under programs or activities receiving Federal financial assistance.

#### *3. Section 504 of the Rehabilitation Act of 1973, as amended.*

Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794) prohibits discrimination on the basis of handicap under any program or activity receiving or benefiting from Federal assistance, including revised Americans with Disabilities Act (ADA) Standards for Accessible Design for Construction Awards at 28 C.F.R. Parts 35 and 36. The revised regulations adopted new enforceable accessibility standards called the “2010 ADA Standards for Accessible Design” (2010 Standards), which are an acceptable alternative to the Uniform Federal Accessibility Standards (UFAS). The Council deems compliance with the 2010 Standards to be an acceptable means of complying with the Section 504 accessibility requirements for new construction and alteration projects.

#### *4. Title IX of the Education Amendments of 1972 (Sex Discrimination).*

Title IX of the Education Amendments of 1972 (Sex Discrimination) (20 U.S.C. § 1681 *et seq.*) prohibits discrimination on the basis of sex under federally assisted education programs or activities.

5. *Age Discrimination Act of 1975, as amended.*

Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 *et seq.*), prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance.

6. *The American with Disabilities Act of 1990.*

The American with Disabilities Act of 1990 (42 U.S.C. § 12101 *et seq.*) prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by State and local governments or instrumentalities or agencies thereto, as well as public or private entities that provide public transportation.

7. *Equal Employment Opportunity under E.O. 11246.*

Parts II “Nondiscrimination in Employment by Government Contractors and Subcontractors” and III “Nondiscrimination Provisions in Federally Assisted Construction Contracts” of Executive Order 11246 “Equal Employment Opportunity” (September 24, 1965) as amended by Executive Orders 11375 (October 13, 1967), 12086 (October 5, 1978), 13665 (April 8, 2014), and 13672 (July 21, 2014), prohibits Federally-assisted construction contractors and subcontractors from discriminating on the basis of race, color, religion, sex, sexual orientation, gender identity national origin. The Executive Order also requires Federally assisted construction contracts to include the nondiscrimination provisions of Sections 202 and 203 of that Executive Order and Department of Labor regulations implementing Executive Order 11246, published at 41 C.F.R. § 60-1.4(b).

8. *Title VII of the Civil Rights Act of 1964*

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, which expressly exempts religious organizations from the prohibition against discrimination on the basis of religion. See 42 U.S.C. § 2000e-1(a).

9. *Limited English Proficiency under E.O. 13166.*

Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency” (August 11, 2000), requires Federal agencies to examine the services provided, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them, and DOC policy issued on March 24, 2003 (68 FR 14180) to Federal financial assistance recipients on the Title VI of the Civil Rights Act of 1964 prohibition against national origin discrimination affecting LEP persons.

10. *Any other applicable Federal non-discrimination requirements.*

## B. Environmental Laws and Regulations

The Council must comply with all applicable federal environmental laws, regulations, Executive Orders and policies. Applicants and recipients may be required to provide the Council with documentation regarding compliance with applicable laws at various stages in the application and award process. For example, applicants may be required to provide documentation regarding environmental compliance when submitting a proposal for potential funding under the Council-Selected Restoration Component. Once a project or program is approved by the Council for funding under the Council-Selected Restoration Component, the sponsor may be required to provide additional documentation regarding compliance with environmental laws before an award is made. After an award has been made, the sponsor may also be required to provide additional documentation regarding compliance with environmental laws before funds are disbursed (often in conformance with a special award condition). This latter requirement applies to both the Council-Selected Restoration Component and the Spill Impact Component.

The Council must comply with the National Environmental Policy Act, Endangered Species Act, National Historic Preservation Act, Magnuson-Stevens Fishery Conservation and Management Act, and the Fish and Wildlife Coordination Act, as applicable, before approving funding under the Council-Selected Restoration Component. After such approval, but before an award is made under the Council-Selected Restoration Component, the Council must also comply with the Coastal Zone Management Act, Coastal Barrier Resources Act and Farmland Protection Policy Act, as applicable. Post award, applicants must comply with other applicable federal environmental laws (*e.g.*, the Clean Water Act) before funds are disbursed. This latter requirement applies to both the Council-Selected Restoration Component and the Spill Impact Component.

In general, the Council encourages applicants and recipients to collaborate with federal, state and local regulatory agencies to identify applicable environmental requirements early in the planning process for a given project or program. The Council also encourages applicants and recipients to address all applicable requirements in concurrent and consolidated processes to the maximum extent practicable.

In keeping with its mission of restoring and protecting natural resources, the Council has designated an environmental compliance officer to assist it in meeting its obligations under NEPA and other laws. Applicants and recipients are encouraged to contact the environmental officer with any questions as early in the process as possible in order to resolve issues. A brief synopsis of some of the potentially applicable federal laws and regulations is provided below. Other federal laws not listed may also apply. While the Council may impose Special Award Conditions related to specific environmental laws, awardees remain responsible for identifying and addressing all applicable federal environmental requirements, and for providing the Council with documentation verifying compliance with such requirements.

*1. National Environmental Protection Act (42 U.S.C. § 4321 et seq.)*

Council approval of financial assistance awards may be subject to the National Environmental Policy Act (NEPA). Federal guidelines for implementing the NEPA process are documented within regulations established by the Council for Environmental Quality (CEQ) (40 C.F.R. Parts 1500-1508). Pursuant to the CEQ NEPA regulations, the Council has published “NEPA Procedures” that set forth the Council’s policies and procedures for addressing NEPA for activities funded under the Council-Selected Restoration Component. The Council’s NEPA Procedures can be found on the Council’s website.

As noted above, applicants and recipients of financial assistance awards may be required to assist the Council in complying with NEPA. For example, applicants may be required to assist the Council by providing information and/or documentation regarding a proposal’s potential environmental impacts. This could include NEPA documentation such as a Categorical Exclusion form, Environmental Assessment (EA) or Environmental Impact Statement (EIS). It could also include documentation pertaining to other potentially applicable laws (see below). In some instances, the Council might seek assistance from applicants in the drafting or supplementing of an EA or EIS if the Council determines such documentation is required. Independent of the Council’s responsibility to comply with NEPA, projects or programs funded by the Council may trigger federal NEPA compliance requirements involving a separate federal action, such as the issuance of a federal permit.

*2. The Endangered Species Act (16 U.S.C. § 1531 et seq.)*

Council approval of financial assistance for project implementation is subject to compliance with Section 7 of the Endangered Species Act (ESA). Applicants and recipients must identify any impact or activities that may involve a federally listed threatened or endangered species, or their designated critical habitat. Section 7 of the ESA requires every Federal agency to ensure that any action it authorizes, funds, or carries out, in the United States or upon the high seas, is not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of designated critical habitat. Federal agencies have the responsibility for ensuring that a protected species or habitat does not incur adverse effects from actions taken under Federal assistance awards, and for conducting the required consultations with the National Marine Fisheries (NMFS) and the U.S. Fish and Wildlife Service under the Endangered Species Act, as applicable.

*3. Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. § 1801 et seq.)*

Applicants and recipients of financial assistance awards must identify to the Council any effects the award may have on essential fish habitat (EFH). Federal agencies which fund, permit, or carry out activities that may adversely impact EFH are required to consult with NMFS regarding the potential effects of their actions, and respond in writing to NMFS recommendations. These recommendations may include measures to avoid, minimize,

mitigate, or otherwise offset adverse effects on EFH. In addition, NMFS is required to comment on any state agency activities that would impact EFH. Provided the specifications outlined in the regulations are met, EFH consultations will be incorporated into interagency procedures previously established under NEPA, the Endangered Species Act, Clean Water Act, Fish and Wildlife Coordination Act, or other applicable statutes.

*4. Coastal Zone Management Act.*

Federally funded projects must be consistent with a coastal state's approved management program for the coastal zone.

*5. Clean Water Act Section 404 (33 U.S.C. § 1344)*

Clean Water Act (CWA) Section 404 regulates the discharge of dredged or fill material into waters of the United States, including wetlands. Activities in waters of the United States regulated under this program include fill for development, water resource projects (such as levees and some coastal restoration activities), and infrastructure development (such as highways and airports). CWA Section 404 requires a permit from the U.S. Army Corps of Engineers before dredged or fill material may be discharged into waters of the United States, unless the activity is exempt from Section 404 regulation (*e.g.*, certain farming and forestry activities).

*6. Migratory Bird Treaty Act (16 U.S.C. §§ 703-712)*

A number of prohibitions and limitations apply to projects that adversely impact migratory birds and bald and golden eagles. Executive Order 13186 directs Federal agencies to enter a Memorandum of Understanding with the U.S. Fish and Wildlife Service to promote conservation of migratory bird populations when a Federal action will have a measurable negative impact on migratory birds.

*7. National Historic Preservation Act (54 U.S.C. § 100101 et seq., formerly 16 U.S.C. § 470 et seq.)*

Council approval of financial assistance awards may be subject to Section 106 of the National Historic Preservation Act (NHPA). In such cases, applicants and recipients of financial assistance awards may be requested to assist the Council in identifying any adverse effects the award may have on properties included on or eligible for inclusion on the National Register of Historic Places. Pursuant to 40 C.F.R. § 800.2(c)(4), applicants and recipients may also be requested to assist the Council in initiating consultation with State or Tribal Historic Preservation Officers, Indian tribes, Native Hawaiian Organizations or other applicable interested parties as necessary to the Council's responsibilities to identify historic properties, assess adverse effects to them, and determine ways to avoid, minimize or mitigate adverse effects on historic properties.

*8. Coastal Barriers Resources Act (16 U.S.C. § 3501 et seq.)*

Only in certain circumstances can Federal funding be provided for actions within a Coastal Barrier System. This Act generally prohibits new Federal expenditures, including Federal awards, within specific units of the Coastal Barrier Resources System (CBRS). Although the Act restricts Federal expenditures for coastal barrier development, Section 6(a)(6)(A) contains an exemption for projects relating to the study, management, protection, or enhancement of fish and wildlife resources and habitats, including recreational projects. Section 6(a)(6)(G) also exempts nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore natural stabilization systems. However, care must be taken when interpreting any exemptions described, as they are limited to projects that are consistent with the purpose of this Act as interpreted by the lead agency, Department of Interior. Applicants should work with the U.S. Fish and Wildlife Service, which reviews proposals to determine whether a project falls within a protected unit and if so, whether an exception applies. Maps of the CBRS are available at:

<http://www.fws.gov/ecological-services/habitat-conservation/cbra/Maps/index.html>

*9. Rivers and Harbors Act (33 U.S.C. § 407)*

A permit may be required from the U.S. Army Corps of Engineers if the proposed activity involves any work in, over, or under navigable waters of the United States. Recipients must identify any work (including structures) that will occur in, over, or under navigable waters of the United States and obtain the appropriate permit, if applicable.

*10. Marine Protection, Research and Sanctuaries Act (Pub. L. No. 92-532, as amended)*

The Marine Protection, Research and Sanctuaries Act prohibits dumping of material into ocean waters beyond the territorial limit without a permit., Recipients must identify any potential ocean dumping of materials, obtain the appropriate permit, if applicable, and notify the RESTORE Council. Under the National Marine Sanctuaries Act, Federal agencies are required to protect National Marine Sanctuary resources. Recipients must identify actions that are in or may affect a National Marine Sanctuary and notify the RESTORE Council. Executive Order 13089 requires that any actions authorized or funded by Federal agencies not degrade the condition of coral reef ecosystems. Recipients must identify any action that might affect a coral reef ecosystem and notify the RESTORE Council.

*11. Farmland Protection Policy Act (7 U.S.C. § 4201 et seq.).*

This act requires agency programs, to the extent possible, be compatible with state, local and private programs and policies to protect farmland from irreversible conversion to nonagricultural uses. Recipients must identify any irreversible conversion of farmland to nonagricultural uses as a result of their project.

*12. Any other applicable Federal, State or local environmental requirements.*

Editorial comment: The following sections of this Chapter are DRAFT and subject to review and approval by the Council.

C. Construction--Including Alterations and Renovations (A&R)

Construction means the erection, assembly, installation, alteration, demolition, destruction, removal, or repair (including dredging, excavating, and exterior painting) of buildings, structures, and other improvements of real property of all types. For the purposes of this guidance, “construction projects” include those involving or requiring engineering and design or other technical reviews. Land acquisition and land development are also classified as construction for the purposes of the SF-242C budget form. Land acquisition is addressed in paragraph D below. Consult the Council staff for any questions about whether a project is considered to include a “construction activity.”

Construction activity is allowable only when the Council specifically authorizes such activity. The Council will not obligate funds for construction until the recipient has satisfactorily complied with the National Historic Preservation Act, the National Environmental Policy Act, and other related Federal environmental impact analysis requirements.

*1. General Requirements for Construction Projects.*

- Federal Laws and Regulations, Council Policies, Executive Orders and Office of Management and Budget (OMB) Circulars. The recipient is responsible for complying with all Federal laws and regulations, Council policies, Executive Orders, and OMB Circulars that are referenced in the award Terms and Conditions. The recipient is also responsible for supervising the design, bidding, construction, and operation of construction projects in compliance with all award requirements. The recipient must comply, and must require each contractor or subcontractor to comply, with all applicable Federal, state, and local laws and regulations. The recipient should ensure compliance with any special award condition which may contain conditions that must be satisfied prior to advertisement of bids, start of construction, disbursement of award funds, or other critical events.
- Land, Easements, and Rights of Way. The recipient must disclose all encumbrances to the Council. The Council will not accept any encumbrance that interferes with the construction, intended use, operation, or maintenance of the project during its estimated useful life. The recipient must furnish evidence, satisfactory in form and substance to the Council, that title to real property is vested in the recipient, and that the recipient has obtained any rights-of-way, easements, state and local government permits, long-term leases, or other property interests.
- Scope of Work. The recipient agrees to undertake, prosecute and complete the scope of work (SOW) for the project as described in the application. The recipient must also procure all construction permits, licenses and other authorizations necessary to



accomplish the work, pay all charges and fees, and give all notices necessary and incidental to the due and lawful prosecution of the work. Signed copies of any such permits or licenses must be submitted to the Council before construction begins. The scope of work will include an estimated construction start date and completion of construction date. If significant construction (as determined by the Council) is not commenced within two years of the date estimated for start of construction in the award agreement or the expiration of any extension granted in writing by the Council, whichever is later, the Council reserves the right to suspend and may terminate the award if the Council determines, after consultation with the recipient, that construction to completion cannot reasonably be expected to proceed promptly and expeditiously.

- Council Reviews and Indemnification. The reviews and approvals of the project plans and specifications if required by the Council as noted below are for administrative purposes only and do not relieve the recipient of its responsibility to properly plan, design, construct, operate, and maintain the project. To the extent permitted by law, the recipient agrees to indemnify, defend, and hold harmless the Council against any loss or liability arising out of any claim or action brought against any indemnified persons from and against any and all losses, claims, damages, liabilities, or expenses, of every conceivable kind, character, and nature whatsoever arising out of, resulting from, or in any way connected with the project. In the case of Interagency Agreements, IAA STC 2.07 Disclaimer Provisions applies, unless superseded by a Special Award Condition.
  - Review Prior to Advertising. The recipient must submit certified plans, engineering designs, construction drawings, specifications, and certain related documents, as applicable, for review and concurrence prior to advertising for bids. This review is to ensure compliance with the terms and conditions of the award and does not attest to the accuracy or completeness of design, dimensions, details, proper selection of materials, or compliance with required codes or ordinances. This responsibility rests with the recipient.
  - Review Prior to Award. For most construction contracts, the recipient will not be required to submit the proposed contract prior to finalizing or modifying the award. However, the recipient must submit proposed contracts and related procurement documents to the Grants Officer prior to awarding the contract if:
    - The procurement is expected to exceed the simplified acquisition threshold (currently \$150,000), and the contract is to be awarded without competition after one bid or offer is received in response to a solicitation;
    - The proposed award is more than the simplified acquisition threshold and is to be awarded to other than the low bidder under a sealed bid procurement;
    - The proposed contract modification changes the scope of the contract or increases the contract amount by more than the simplified acquisition threshold;

- The procurement, which is expected to exceed the simplified acquisition threshold, specifies a “name brand.”
- Award Recipient as Trustee and Useful Life. Property that is acquired or improved, in whole or in part, with Federal assistance is held in trust by the recipient for the purpose(s) for which the award was made and for the estimated useful life of the project, during which period the Council retains an undivided equitable reversionary interest in the property (the “Federal Interest”). The recipient's obligation to the Federal government continues for the estimated useful life of the project, as determined by the Council. The Council will include as a special award condition its determination of the useful life of the project. If it is determined that a recipient is failing to meet this obligation, the Council may assert its equitable reversionary interest in the project. However, the Council's non-assertion of its interest does not constitute a waiver thereof.
- Maintenance. The recipient agrees that, subject to availability of appropriations, for the estimated useful life of the facility funded with this award, the project will be properly and efficiently administered, operated, and maintained for the purpose authorized by the award and in accordance with the terms, conditions, requirements, and provisions of the award.

See also Part IV, Chapter II.I, “Adjustments to Awards,” of this Guide for prior approval requirements relating to construction projects.

## *2. Additional Requirements for Construction Projects.*

The following requirements are in addition to the applicable public policy and environmental laws and regulations (see IV.A and B above), and the general requirements listed above. The following is not intended to be all inclusive.

- Awards to Responsible Contractors. The recipient must make awards only to responsible contractors that possess the ability to perform successfully under the terms and conditions of a proposed procurement.
- Maintenance of Records. The recipient must maintain records sufficient to detail the history of each procurement transaction related to the project. These records will include but are not necessarily limited to the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for determining the contract price.
- Settlement of Issues. The recipient alone is responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues (e.g., source evaluation, protests, disputes, and claims) arising out of procurements under a Council award.

- **Bonding.** For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold as defined by the Federal Acquisition Regulation (currently \$150,000), the Council may accept the bonding policy and requirements of the recipient provided that the Council has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows:
  - A bid guarantee from each bidder equivalent to five percent of the bid price. The “bid guarantee” must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified;
  - A performance bond on the part of the contractor for 100 percent of the contract price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor’s obligations under such contract; and
  - A payment bond on the part of the contractor for 100 percent of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

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*Note: The simplified acquisition threshold is set by the Federal Acquisition Regulation at 48 C.F.R. Subpart 2.1 (Definitions) and in accordance with 41 U.S.C. § 1908. As of August 15, 2015, the simplified acquisition threshold is \$150,000, but this threshold is periodically adjusted for inflation. See 2 C.F.R. § 200.88.*

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- **Davis-Bacon Act and Related Acts.** The recipient must comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7); the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874); and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 3701 - 3708), regarding labor standards for Federally-assisted construction sub-agreements (wage guarantees).
- **Goals for Women and Minorities in Construction.** The recipient must comply with Department of Labor regulations set forth in 41 C.F.R. § 60-4 establish goals and timetables for participation of minorities and women in the construction industry. These regulations apply to all federally assisted construction contracts in excess of \$10,000. The Recipient must comply with these regulations and must obtain compliance with 41 C.F.R. § 60-4 from contractors and subcontractors employed in the completion of the project by including such notices, clauses and provisions in the solicitations for offers or bids as required by 41 C.F.R. § 60-4. The goal for the participation of women in each trade area shall be as follows:

From April 1, 1981, until further notice: 6.9 percent

All changes to this goal, as published in the Federal Register in accordance with the Office of Federal Contract Compliance Programs regulations at 41 C.F.R. § 60-4.6, or any successor regulations, will be incorporated by reference into a special award condition.

Goals for minority participation will be as prescribed by Appendix B-80, Federal Register, Volume 45, No. 194, October 3, 1980, or subsequent publications. The Recipient must include the “Standard Federal Equal Employment Opportunity Construction Contract Specifications” (or cause them to be included, if appropriate) in all federally assisted contracts and subcontracts. The goals and timetables for minority and female participation may not be less than those published pursuant to 41 C.F.R. § 60-4.6.

- Preservation of Open Competition and Government Neutrality towards Government Contractors Labor Relations on Federal and Federally Funded Construction Projects. Pursuant to E.O. 13202, “Preservation of Open Competition and Government Neutrality Towards Government Contractors’ Labor Relations on Federal and Federally Funded Construction Projects,” unless the project is exempted under section 5(c) of the order, bid specifications, project agreements, or other controlling documents for construction contracts awarded by the recipient of a grant, or those of any construction manager acting on their behalf, must not: include any requirement or prohibition on bidders, offerors, contractors, or subcontractors about entering into or adhering to agreements with one or more labor organizations on the same or related construction project(s); or otherwise discriminate against bidders, offerors, contractors, or subcontractors for becoming or refusing to become or remain signatories or otherwise to adhere to agreements with one or more labor organizations, on the same or other related construction project(s).
- Flood Insurance: The Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. § 4001 *et seq.*, provides that no Federal financial assistance to acquire, modernize, or construct property may be provided in identified flood-prone communities in the United States, unless the community participates in the National Flood Insurance Program and flood insurance is purchased within one year of the identification. The flood insurance purchase requirement applies to both public and private applicants for Council support. Lists of flood-prone areas that are eligible for flood insurance are published in the Federal Register by FEMA.
- Insurance (other than Flood Insurance): The recipient must, at a minimum, provide the equivalent insurance coverage for real property and equipment acquired or improved with Federal funds as provided to property owned by the recipient. A special award condition will be included if insurance is required for federally owned property.
- Notice of Federal Interest (NFI). To protect the Federal interest in real property that has been constructed or has undergone major renovation with Council funds, recipients

must record an NFI in the appropriate official records of the jurisdiction in which the property is located. Recordation must occur when construction or renovation begins. A copy of the NFI must be provided to the Grants Officer. (See also 2 C.F.R § 200.316.)

- Relocation Assistance: Recipients must pay relocation costs in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, 42 U.S.C. § 4601, *et seq.* The Council encourages recipients to negotiate promptly and amicably with property owners so property owners' interests are protected and litigation can be avoided.
- Seismic Safety of Buildings: E.O. 12699 Seismic Safety of Federal and Federally-assisted or Regulated New Building Construction dated January 5, 1990, requires that consideration be given to seismic hazards in the design of buildings. The Council ensures compliance with this Order through its recipients by inclusion of a special award condition.

### *3. Restrictions and Limitations.*

- Contingency Funds. A contingency fund may be included in initial construction contract cost estimates to provide for unanticipated charges. These funds will be limited to 5 percent of construction and equipment costs before bids or proposals are received and must be reduced to 2 percent after a construction contract has been awarded.
- Design Documentation and Requirements. Unless otherwise specified in the award agreement, the Council requires the recipient to provide certified engineering designs and specifications for construction projects.
- Funding Restrictions. Funds for construction will not be released until the final certified engineering or architectural drawings, specifications, other applicable technical documentation, construction schedule, and updated cost estimates are provided to the Council for concurrence unless otherwise indicated in the award agreement. Documentation of compliance with applicable environmental requirements is also required prior to release of funds for construction activities. Any such conditions will be described in special award conditions.
- Use of Force Account. The recipient may have a portion or all of the design, construction, inspection, legal services, or other work or services in connection with the project performed by personnel who are employed by the recipient either full-time or part-time ("in-house" or "force account" construction). If the recipient elects to use force account labor, the recipient must provide information, for Council review and approval, on how employee hours will be charged/tracked (time, rate of pay and project worked), the associated tasks to be performed by each employee, and a description of the source documentation to be used to support costs.

- Additional Funding. In accepting an award, the recipient normally agrees to fund any overrun(s). Additional funding for an approved project may not be approved.
- Proceeds from Site Preparation. The total cost of a construction project includes the cost of site preparation and demolition of existing structures. Recipients must apply to the project any proceeds (program income) realized for site preparation activities (e.g., salvage value of structures demolished or proceeds from the sale of timber). Use these proceeds to reduce the total cost of the construction project.
- Procurement. The “cost plus a percentage of cost” and “percentage of construction cost” methods of contracting are specifically prohibited (see 2 C.F.R. § 200.323).

4. *Recipient Responsibilities during Construction.*

The recipient is responsible for:

- Constructing and maintaining in good condition throughout the construction period, a sign or signs, at the project site in a conspicuous place indicating that the Federal Government is participating in the project;

A temporary acknowledgement sign (during construction) must be a minimum of 4' tall x 8' wide made of ¾ inch thick exterior grade plywood or other approved material displayed in a prominent location on the project site throughout the activity stages of the project (once land acquisitions are complete—if applicable). A permanent acknowledgement sign or plaque (10" x 12") may be required to be installed and maintained at the site perpetually. Signs should include the Council logo (in color) and the following disclosure statement:

“Funding for this project has been provided in full or in part by the Gulf Coast Restoration Trust Fund through an agreement with the RESTORE Council.”

The project sign may include other agency’s required promotional information so long as the Council logo and disclosure statement are equally prominent on the sign. The sign should be prepared in a professional manner. Costs for program acknowledgement signs are reimbursable for approved projects if included in the approved budget.

- Promptly notifying the Council Grants Officer of the following events:
  - Award of the prime construction contract;
  - Initiation of construction of the project;
  - Any substantial change in scope of the project;

- Any circumstance, combination of circumstances, or condition which is expected to or does delay completion of the construction for a period of ninety (90) days or more beyond the estimated date of completion;
- Any public or media event publicizing the accomplishments and/or results of the project and provide the opportunity for attendance and participation by state and Federal representatives with at least ten (10) working days' notice; and
- Completion of construction and actual project completion.

Note: See also the notification requirement for the final acceptance at C.5 below.

- Ensuring project completion in accordance with approved plans and specifications;
- Monitoring project progress and reporting progress to the Council;
- Providing for adequate construction inspections;
- Promptly paying costs incurred for the project purposes;
- Reporting on the following in addition to the reporting elements identified under Chapter II.G.2, Programmatic Reporting, of this Guide:
  - Percentage of construction completed;
  - Percent contractor invoiced during reporting period;
  - Percent schedule completed;
  - A description of compliance with environmental requirements; and
  - A listing of change orders including amount, description of work, and change in contract amount and schedule.
- Monitoring contractors' compliance with Federal, state, and local requirements.
- Reporting on an annual basis once construction begins, the utilization of minority and women-owned businesses as well as contracts or agreements with local firms<sup>5</sup>. The report should identify the name of the business, address (including city/state/zip code) and contact person (telephone number and email address) for the contractor and subcontractors, the contract amount, and the type of contract awarded along with the identification if the contractor and any/subcontractor is a minority-owned business, women-owned business, disadvantaged business enterprise, and/or a local firm.

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<sup>5</sup> "Local firms" as used here means individuals or companies that reside in, are headquartered in, or are principally engaged in business in a Gulf Coast State.

5. *Scheduling Inspection for Final Acceptance.*

The recipient will schedule a final inspection when all construction has been completed, the architect/engineer has conducted a final inspection, and any deficiencies have been corrected. Representatives of the recipient, the architect/engineer, and the contractor(s) will make the final inspection. The Council must be given ten (10) working days' advance notice of the final inspection so that a representative of the Council may participate.

Documentation of the final acceptance should be sent to the Council Grants Officer.

D. Land Acquisition

Land acquisition is the procurement of land or an interest in land, which may include improvements or appurtenances, by purchase (fee), donation or exchange. Land acquisition activities may include the search for and selection of properties and due diligence activities prior to the actual acquisition of properties or easements.

The recipient must acquire real property rights of a nature and extent adequate for the construction (if applicable), operation, and maintenance, and achievement of the goals and objectives of the award-assisted project. The recipient should consult the Council program specialist to ensure adequate interest is acquired. For projects involving the acquisition of land or an interest in land, the award will contain special award conditions identifying specific requirements to be met prior to the releasing of funds. The following identifies the requirements and limitations for projects involving the acquisition of land or an interest in land. Some of the information may be submitted with the application or it may be submitted following the award.

The Council may require the recipient to develop a land acquisition plan. The land acquisition plan can take various forms depending on the needs of the situation. For instance, acquisition of a few small parcels would require minimal planning effort and documentation. Acquisition of several hundred separate interests in land as part of a large project would require significantly more planning and coordination to ensure properties are acquired when and where needed. The land acquisition plan should:

- Identify parcels to be acquired within the scope, or “footprint” of the project, and the anticipated method of acquisition, such as purchase, exchange, donation or interagency agreement;
- Identify the interests to be acquired for each parcel, including any mineral rights, water rights, airspace, view shed, or other interests, and provide estimates of cost and acreages to be acquired;
- Identify the general order of acquisition, and funding requirements and availability; and



- Provide a draft schedule for the commencement and completion of NEPA and NHPA compliance, as applicable, cultural resource review (if needed), environmental site assessments, surveys, contract preparation, title evidence, appraisals or waiver valuations, the Council review process, negotiations, court filings, development of a relocation plan if the relocation of persons or property is required, and other key steps in the acquisition process.

*1. Applicable Laws and Regulations.*

The recipient must comply with the “Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs” (Uniform Act), 49 C.F.R. Part 24. The Uniform Act is the Federal law that provides minimum real property acquisition policies and requires the uniform and equitable treatment of persons displaced as a result of a federally assisted project. These rules provide uniform policy and procedures for the acquisition of real property by all Federal, State, and local government agencies (and certain private sponsors) that receive financial assistance for any program or project from the Federal government.

As applicable, a proposed project must be evaluated for NEPA and NHPA conformance before any work for which Federal funding is anticipated begins. Documentation can range from a minor statement of compliance and conformance to a full environmental impact statement (EIS). The recipient should consult the Council Director of Environmental Compliance if there is any question about completion of the environmental assessments.

*2. Limitation/Restriction for Acquiring Land.*

Eminent Domain. Section 1607 of the RESTORE Act directs that funds may only be used to acquire land or interests in land by purchase, exchange, or donation from a willing seller. Use of eminent domain is not allowed. The terms and conditions of the award will include appropriate provisions to ensure that the recipient agrees:

- Not to use any power of eminent domain available to the recipient (including the commencement of eminent domain proceedings) for use in connection with the project for the purpose of advancing the economic interests of private parties;
- Not to accept title to land, easements, or other interest in land acquired by the use of any power of eminent domain for use in connection with the project for such purposes; and
- Any use of the power of eminent domain to acquire land, easements or interests in land, whether by the recipient or any other entity that has the power of eminent domain, in connection with the project is an unauthorized use of the project.

3. *Documentation Requirements for Acquiring Land or an Interest in Land.*

For approved projects involving the acquisition of land and/or real property, the recipient will be required to submit the following:

a. Maps.

- A map of the area in which the real property acquisition will be located, with the boundaries of the project site clearly delineated. Only PDF file formats will be accepted for maps. USGS maps are available in PDF format at <http://www.usgs.gov/pubprod/maps.html>;
- GIS shapefiles for all properties acquired (template provided in RAAMS); and
- A Federal Emergency Management Agency (FEMA) floodplain map of the area in which the real property acquisition will be located with the boundaries of the site clearly delineated. FEMA floodplain maps, in PDF format, are available at the FEMA Map Service Center, <https://msc.fema.gov/portal>.

b. Surveys, Legal Descriptions, and Title.

- Survey and legal descriptions for all real property to be acquired<sup>6</sup>;
- Documentation relating to title, including recorded easements, and other legal matters arising out of real property acquisition, conveyance and/or construction, such as permit or bonding requirements, disclosure of outstanding liens and recorded easements, rights-of-way, and permitting issues;
- For conservation easement acquisitions, submission of the proposed conservation easement, which defines the restrictions and permitted uses and practices placed on the property; and
- Current title opinion showing ownership of the property and any deed restrictions.

Note: Title to real property will vest in the recipient subject to the condition that the recipient will use the real property for the authorized purpose of the project as long as it is needed, provided that, in lieu of title, with the approval of the Council Grants Officer, the recipient may hold a leasehold or other interest in the property appropriate to the project purpose.

c. Appraisal and Appraisal Review.

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<sup>6</sup> An exception to the survey requirement can be requested from the Program office in situations where a survey is not feasible.

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- For real property acquisitions with a fair market value greater than \$25,000, a State-certified general appraiser must conduct a certified appraisal that meets Federal land acquisition standards. Specifically the appraisal must comply with the Uniform Appraisal Standards for Federal Land Acquisition (UASFLA), <http://www.justice.gov/enrd/land-ack/Uniform-Appraisal-Standards.pdf>, for each property or properties to be acquired.
- If acquisitions are anticipated to have a fair market value of less than \$25,000, contact the Council Grants Officer for valuation requirements.
- Following the appraisal, a certified review of the appraisal, which also conforms to UASFLA, is required, with the result submitted to the Council Grants Officer for review and approval.

*4. Council Review and Approval.*

The Council will notify the recipient in writing once the preliminary land acquisition conditions have been met and final approval is granted for the property to be acquired.

Final documents to be received by the Council include the deed/conservation easement (recorded instrument) and the settlement statement.

*5. Post-Acquisition Requirements for Use of and Title to Real Property.*

The recipient must provide a land use plan for each property acquired for approval by the Council programs staff prior to closing out the award. The plan must describe the current use of the property, future planned use (if different from current use), operation and maintenance activities to ensure conservation goals and objectives are achieved into the future, and how these activities will be funded.

The recipient must obtain the permission of the Council to modify the use of, change the terms of, encumber, or convey title to, the interest in the real property acquired under the award. The recipient must protect the Federal interest by ensuring the title includes a covenant as described below or a Notice of Property Restriction as described below that is recorded separate from the title but with reference to it. The covenant or Notice of Property Restriction must:

- Identify the interest in real property to which the Notice of Property Restriction applies and where the title to this interest is recorded;
- Identify the name and address of the recipient and other authorized entity (if any) that holds title to the interest in real property;
- Identify the award by name (Project Title) and identifying number (Award Number);
- State the purpose of the acquisition;

- State that the recipient and any other authorized title holder will not convey or encumber the interest in real property, in whole or in part, without consent of the Council and will manage the interest in real property for the project's authorized purpose unless the Council authorizes otherwise; and
- State that the Notice of Property Restriction runs with the interest in real property and none of the items in the covenant or Notice of Property Restriction may be changed and none will cease to be applicable unless the Council provides written authorization, which the recipient, subrecipient, or other authorized titleholder must also record with reference to the title to the real property interest. Suggested language for the title is:

"This property/conservation easement was acquired (in whole or in part) with grant funds provided by the Council, pursuant to grant number (Award Number), Project Title, under the Funding Program (Council-Selected Restoration Component or the Spill Impact Component), and will be managed for the purpose of this grant, in accordance with applicable Federal and State Laws. Property/the conservation easement may not be disposed of in any manner, or used for purposes inconsistent with the Funding Program for which it was acquired, without the prior approval of the Executive Director of the Council."

## **Chapter V: Council Monitoring Protocol**

### **A. General**

Considering the complexity and diversity of the Council-Selected Restoration Component (FPL) and the Spill Impact Component and the amount of funding being subawarded, it is critical to design a comprehensive monitoring approach that is effective, realistic, and manageable for implementation by the Council. The overarching goal of Council award monitoring is to ensure that recipients are in compliance with the terms and conditions of their awards; they are progressing toward successful and timely completion of their projects; and the program minimizes the potential for waste, fraud, and abuse.

Award monitoring depends on the submission of timely and accurate performance and financial data through semi-annual progress and financial reports. This data set will be supplemented with additional data gathered through other mechanisms such as risk assessments and drawdown activity. Elements to be monitored include:

- The award application as funded;
- Program requirements contained in the authorizing statute;
- Program regulations or program guidelines;

- Administrative regulations;
- Public policy requirements; and
- Terms and conditions and any Special Award conditions.

#### B. Council Monitoring Protocol

The Council monitoring protocol includes various monitoring activities—such as performance report reviews, desk reviews, and site visits—which produce data about recipient performance and progress that will be used to inform and direct the provision of technical assistance and appropriate corrective action and enforcement measures as warranted.

On an annual basis, the Council will compile a listing of funded awards under the FPL and the SEPs in the previous fiscal years. In consultation with the Program staff, the Grants Office will select grants and agreements for desk reviews and for site visits. In addition to the annual selection of awards, at any time awards may be recommended for a desk review or a site visit based on deficiencies and/or areas of concern noted from a performance report review.

##### *1. Performance Report Reviews.*

Recipients are required to submit performance and financial reports at least semi-annually. (Recipients having a risk rating of high may be required to report more frequently.) The Program Office will review the content of the performance reports for all recipients along with any other correspondence received from the recipient to assess overall recipient compliance and performance, and timeliness and accuracy of submissions. The Grants Office will review financial data and compare expenditure data in relation to performance reported.

Any areas of concern or discrepancies noted will be discussed with the Program and/or Grants Office and a formal request for clarification and/or correction of reported information will be sent to the recipient. The performance report review will conclude with the Council staff documenting the analysis and depending on the area of concern or discrepancy, recommending to the Grants Officer a corrective action and/or more stringent monitoring activity such as a desk review or a site visit.

##### *2. Desk Reviews.*

A desk review is a monitoring activity conducted by the Program and/or Grants Office to develop a comprehensive understanding of recipient progress and performance through a review of information provided by the recipient to substantiate its progress; demonstrate compliance with key mandates, Council Standard Terms and Conditions, any special award conditions, or milestones; and show achievement of reported outcomes or other

measures. The Council staff will interact with the recipient via phone and/or email to obtain answers to specific questions identified through the desk review.

Follow-up actions may be required to specifically address and collect additional information about identified issues or deficiencies. The Council staff may ask recipients to provide additional documentation or information to explain the full nature of identified issues or deficiencies. This information, typically provided via email by the recipient, will be fully reviewed by the Council staff. The desk review will conclude with the Council staff documenting the analysis completed, conclusions drawn, and any next steps or corrective actions that are recommended. Based on these recommendations, the Grants Officer will make a determination whether or not more stringent monitoring is required or if corrective actions are required. Corrective action may involve the creation of a corrective action plan to be carried out by the recipient.

### *3. Site Visits.*

By visiting the actual project site, the Council staff may evaluate the current status of a project as well as the recipient's ability to meet goals and to adhere to award requirements. A benefit of this review is that potential areas of concern can be corrected immediately on-site or through the development of a technical assistance plan. Site visits typically last 1-2 days and will be guided by a standardized agenda and checklist of review.

These visits will provide Council staff with the opportunity to capture first-hand observations of recipient performance along multiple dimensions; for instance, from administrative capacity to the inspection of physical infrastructure funded by the Council. Customized agendas and performance and financial data to be validated, confirmed, discussed, and/or observed will be identified in advance and communicated to the recipient so it can be fully prepared for the visit. Site visits may also be in direct response to serious issues or concerns noted by the program staff in consecutive performance report reviews, in response to another performance data point that gives rise to a programmatic concern, or as requested by the recipient. Following the site review, the Council staff will document the analysis completed, conclusions drawn, and any next steps or corrective actions that are recommended. Based on these recommendations, the Grants Officer will make a determination whether or not more stringent monitoring is required or if corrective actions are required. Corrective action may involve the creation of a corrective action plan to be carried out by the recipient.

**Appendix 1: Acronyms and Abbreviations**

A&R	Alteration and Renovation
ADA	Americans with Disabilities Act
ALC	Agency Location Code
ASAP	Automated Standard Application for Payment system
CFDA	Catalog of Federal Domestic Assistance
C.F.R.	Code of Federal Regulations
CMIA	Cash Management Improvement Act
CWA	Clear Water Act
DMP	Data Management Plan
DUNS	Data Universal Numbering System
E.O.	Executive Order
EPA	Environmental Protection Agency
ESA	Endangered Species Act
F&A	Facilities and Administration
FAC	Federal Audit Clearinghouse
FAIN	Federal Award Identification Number
FFATA	Federal Funding Accountability and Transparency Act
FFR	Federal Financial Report
FONSI	Finding of No Significant Impact
FPL	Funded Priorities List
FWPCA	Federal Water Pollution Control Act
GAAP	Generally Accepted Accounting Principles
GAGAS	Generally Accepted Government Auditing Standards
GAO	Government Accountability Office
GCERC	Gulf Coast Ecosystem Restoration Council
IAA	Interagency Agreement
IDES	Internet Data Entry System
NEPA	National Environmental Policy Act
NFI	Notice of Federal Interest
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries
ODP	Observational Data Plan
OMB	Office of Management and Budget
PPR	Performance Progress Report
RAAMS	Restoration Assistance and Awards Management System
RESTORE	Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States
RFA	Request for Applications
RPAG	Recipient Proposal and Award Guide
SAC	Single Audit Component
SAM	System for Award Management
SEP	State Expenditure Plan
SF	Standard Form
STC	Standard Terms and Conditions
U.S.C.	United States Code

**Appendix 2: Definitions**

The following terms are widely used in various Council functions, including Council award administration and the monitoring and reporting process. In order to communicate clearly with internal and external partners, the following definitions are provided and should be considered Council policy.

Term	Definition
Accrual Basis	An accounting method of recording revenues in the period in which they are earned, regardless of when cash is received, and reporting expenses in the period when the charges are incurred, regardless of when payment is made.
Acquisition Cost	The cost of the asset including the cost to ready the asset for its intended use. The net invoice price of the equipment, including the cost of any modifications, attachments, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it is acquired. Acquisition costs for software includes those development costs capitalized in accordance with generally accepted accounting principles (GAAP). Ancillary charges, such as taxes, duty, protective in transit insurance, freight, and installation may be included in or excluded from the acquisition cost in accordance with the recipient’s regular accounting practices. The term does not include costs for rental of property or alteration and rental of real property.
Administrative Costs	Those indirect costs for administration incurred by the Gulf Coast States, coastal political subdivisions, and coastal zone parishes that are allocable to activities authorized under the Act. Administrative costs do not include indirect costs that are identified specifically with, or readily assignable to, facilities as defined in 2 CFR 200.414. See 31 C.F.R. § 34.2.
Administrative Requirements	The general practices that are common to the administration of awards, such as financial accountability, reporting, equipment management, and retention of records.
Advance Payment	A payment made to a recipient upon its request either before cash disbursements are made by the recipient or through the use of predetermined payment schedules.
Allocable Cost	A cost that is allocable to a particular cost objective (i.e., a specific function, grant project, service, department, or other activity) in accordance with the relative benefits received. A cost is allocable to a Federal award where it is treated consistently with other costs incurred for the same purpose in like circumstances and (1) is incurred specifically for the award, (2) benefits both the award and other work and can



Term	Definition
	be distributed in reasonable proportion to the benefits received, or (3) is necessary for the overall operation of the organization.
Allowable Cost	A cost incurred by a recipient that is: (1) reasonable for the performance of the award; (2) allocable; (3) in conformance with any limitations or exclusions set forth in the Federal cost principles applicable to the organization incurring the cost or in the Award Agreement as to the type or amount of cost; (4) consistent with regulations, policies, and procedures of the recipient that are applied uniformly to both Federally supported and other activities of the organization; (5) accorded consistent treatment as a direct or indirect cost; (6) determined in accordance with generally accepted accounting principles; and (7) not included as a cost in any other Federally supported award (unless specifically authorized by statute).
Alteration and Renovation	Work that changes the interior arrangements or other physical characteristics of an existing facility or installed equipment so that it can be used more effectively for its currently designated purpose or adapted to an alternative use to meet a programmatic requirement. Alteration and renovation may include work referred to as improvements, conversion, rehabilitation, remodeling, or modernization, but is distinguished from construction and large-scale permanent improvements.
Alternative Dispute Resolution	A process in which mediation or other techniques are used to avoid or resolve disputes. Alternative dispute resolution is intended to reduce cost, delay, and contentiousness in the resolution process as well as to prevent disputes from escalating to levels requiring more formal or judicial resolution.
Amendment	A substantive change made to an award generally requiring the agreement of all parties. Examples of an amendment include, but are not limited to, the following: no-cost extension, budget revision, and supplemental funding.
Applicable Credit	Those receipts that offset or reduce direct or indirect costs. Typical examples of such transactions include purchase discounts, rebates, or allowances; recoveries or indemnities on losses; insurance refunds; and adjustments of overpayments or erroneous charges.
Application	A request for financial support of a project, program, or activity submitted on specified forms and in accordance with Council instructions.

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Assurance	A certification (written statement) by an applicant, normally included with the application, indicating that it will abide by a particular requirement if an award is made.
Audit Finding	A deficiency or deficiencies which the auditor is required by 2 C.F.R. Part 200 Subpart F (§ 200.516) to be reported in the schedule of findings and questioned costs.
Audit Resolution	The process of resolving audit findings, including those related to management and systems deficiencies and monetary findings (i.e., questioned costs).
Auditor	A public accountant or a Federal, state, local government, or Indian tribe audit organization, which meets the general standards specified for external auditors in generally accepted government auditing standards (GAGAS). The term auditor does not include internal auditors of nonprofit organizations.
Award Agreement (Federal Award)	The official, legally binding document, signed (or the electronic equivalent of signature) by the Council Executive Director that: (1) notifies the recipient of the award of a grant; (2) contains or references all the terms and conditions of the grant and Federal funding limits and obligations; and, (3) provides the documentary basis for recording the obligation of Federal funds in the Council accounting system.
Budget	The financial expenditure plan for a Council-supported project, program, or activity, including revisions approved by the Grants Office and permissible revisions made by the recipient. The approved budget consists of Council funds and any required co-funding or other non-Federal participation in the form of matching or cost sharing.
Budget Periods	The intervals of time (usually 12 months each) into which an award period may be divided for budgetary and funding purposes. Funding of individual budget periods sometimes is referred to as “incremental funding.” Budget periods may be used for projects that are funded in phases where completion of one phase is required before funds for another phase are provided. The budget period may be equal to or shorter than the award period for an award, but cannot be longer than the award period.
Capital Assets	Tangible or intangible assets used in operations having a useful life of more than one year which are capitalized in accordance with GAAP. Capital assets include: (1) Land, buildings (facilities), equipment, and intellectual property (including software) whether acquired by purchase, construction, manufacture, lease-purchase, exchange, or through capital leases; and (2) Additions, improvements,

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	modifications, replacements, rearrangements, reinstallations, renovations or alterations to capital assets that materially increase their value or useful life (not ordinary repairs and maintenance).
Capital Expenditures	Expenditures to acquire capital assets or expenditures to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value or useful life.
Cash Basis	An accounting method of reporting revenues and expenses when cash is actually received or paid out, respectively, without regard to the period in which they are earned or incurred.
Cash Contribution	The recipient’s cash outlay, including the outlay of money contributed to the recipient by third parties.
Central Service Cost Allocation Plan	The documentation identifying, accumulating, and allocating or developing billing rates based on the allowable costs of services provided by a state, local government, or Indian tribe on a centralized basis to its departments and agencies. The costs of these services may be allocated or billed to users.
CFDA number	The number assigned to a Federal program in the Catalog of Federal Domestic Assistance (CFDA).
CFDA title	The title of the program under which the Federal award was funded in the CFDA.
Closeout	The process by which the Council determines that all financial assistance award requirements and applicable administrative actions have been completed by the recipient and the Council.
Co-Funding	Costs will be shared across funding from two or more sources to complete a project or program, and the leveraged funding from all sources is required in order to achieve the project or program objective.
Cognizant Agency	The Federal agency that, on behalf of all Federal agencies, is responsible for reviewing, negotiating, and approving cost allocation plans, indirect cost rate and similar rates; monitoring non-Federal audit reports; conducting Federal audits as necessary; and resolving cross-cutting audit findings. The cognizant agency under applicable cost principles and under OMB Circular A-133 may be different for a given recipient.
Completion Date or Expiration Date	The date on which all work under an award is completed or the date in the Award Agreement on which Federal sponsorship ends (i.e., the end of an award period) after

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	which the recipient does not have authority to obligate grant funds.
Contract under a Grant	A written agreement between a recipient and a third party to acquire commercial goods or services.
Construction	The erection, assembly, installation, alteration, demolition, destruction, removal, or repair (including dredging, excavating, and exterior painting) of buildings, structures, and other improvements of real property of all types. For the purposes of Council programs, any project that involves or requires engineering and design or other similar technical review may be categorized as construction. Land acquisition and land development are also classified as construction for the purposes of the SF-242C budget form.
Consultant	An individual who provides professional advice or services for a fee, but normally not as an employee of the engaging party. The term “consultant” also includes a firm that provides paid professional advice or services.
Copyright	A form of protection provided by the laws of the United States (Title 17, U.S. Code) to the authors of “original works of authorship,” including literary, dramatic, musical, artistic, and certain other intellectual works, including computer programs. This protection is available to both published and unpublished works.
Cost Analysis	The breakdown and verification of cost data proposed in an application budget, including evaluating specific elements of costs and examining them to determine the necessity, reasonableness, and allocability of the costs and their allowability pursuant to the applicable Federal cost principles and other governing requirements.
Cost Objective	A program, function, activity, award, organizational subdivision, contract, or work unit for which cost data are desired and for which provision is made to accumulate and measure the cost of processes, products, jobs, capital projects, etc. A cost objective may be a major function of the non-Federal entity, a particular service or project, a Federal award, or an indirect (Facilities & Administrative) cost activity, as described in 2 C.F.R. Part 200, Subpart E—Cost Principles.
Cost Sharing (or Matching)	The portion of project costs not paid by Federal funds (unless otherwise authorized by Federal statute). This may include the value of allowable third party in-kind contributions, as well as expenditures by the recipient. Also see “co-funding”.
Debarment and Suspension	The actions taken by a debarring official in accordance with OMB guidance at 2 C.F.R. Part 180, “Non-procurement

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	Debarment and Suspension,” as implemented by the Council in 2 C.F.R. Part 180, to exclude a person or organization from participating in grants and other non-procurement awards government-wide. If debarred or suspended, the person or organization may not receive financial assistance (under a grant, cooperative agreement, or subaward, or contract under a grant) for a specified period of time. Debarments and suspensions carried out pursuant to 2 C.F.R. Part 180 are distinct from post-award suspension action by an awarding agency.
Direct Costs	Costs that can be identified specifically with a particular sponsored project, an instructional activity, or any other institutional activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.
Direct Recipient	An individual and/or organization that receives Federal financial assistance directly from a Federal agency.
Equipment	An article of tangible nonexpendable personal property (including information technology systems) that has a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. A recipient/subrecipient may use its own definition of equipment provided that such definition would at least include all equipment defined above.
Excess Property	The property under the control of a recipient or the Council that, as determined, is no longer required for its needs or the discharge of its responsibilities.
Exempt Property	Tangible personal property acquired, in whole or part, with Federal funds, where the Council has statutory authority to vest title in the recipient without further obligation to the Federal government.
Expenditure	Charges made by a non-Federal entity to a project, program or activity for which a Federal award was received.
Facilities and Administrative Costs	See “Indirect Costs.”
Federal Funds Authorized	The total amount of Federal funds obligated by the Council for use by the recipient.
Federal Share	The amount, generally expressed as a percentage of total project costs, of financial, property, and other direct assistance provided by the Council, as specified in the Award Agreement.
Federally Recognized Indian Tribal Government	See “Indian Tribe.”

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Financial Assistance	Transfer of money, property in lieu of money, or other direct assistance to an eligible recipient to support or stimulate a public purpose authorized by statute. The term is synonymous with “Federal funding” or “Federal assistance” as used in this guide.
Flow-down or flow-through Provisions	The rules governing whether, and how, grant terms apply to subawards or contracts under grants.
Funding Opportunity Announcement	The Council’s formally issued announcement of the availability of Federal funding for one of its component programs. The announcement invites applications and provides such information as eligibility and evaluation criteria, funding preferences/priorities, how to obtain application kits, and the submission deadline.
Generally Accepted Accounting Principles (GAAP)	GAAP has the meaning specified in accounting standards issued by the Government Accounting Standards Board (GASB) and the Financial Accounting Standards Board (FASB).
Generally Accepted Government Auditing Standards (GAGAS)	GAGAS, also known as the Yellow Book, means generally accepted government auditing standards issued by the Comptroller General of the United States, which are applicable to financial audits.
Grant or Grant Agreement	The legal instrument of financial assistance reflecting a relationship between the Council and a recipient whenever: (1) the principal purpose of the relationship is to transfer money, property, services, or anything of value in order to accomplish a public purpose of support or stimulation authorized by Federal statute; and (2) no substantial involvement is anticipated between the Council and the recipient during the performance of the contemplated activity. The term “Award Agreement” is also used in this Guide to designate a grant or grant agreement.
High Risk	The term used when the Council makes a determination of a recipient’s ability to administer Federal project funds based on issues such as a history of unsatisfactory performance; financial instability; inadequate financial management system; non-conformance to terms and conditions of previous awards; or is otherwise not responsible. Additional reporting requirements are imposed on high-risk recipients.
Indian tribe (or “Federally recognized Indian tribe”)	The term means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. Chapter 33), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians (25

Term	Definition
	U.S.C. § 450b(e)). See annually published Bureau of Indian Affairs list of Indian Entities Recognized and Eligible to Receive Services.
Indirect Costs	Costs incurred for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. To facilitate equitable distribution of indirect expenses to the cost objectives served, it may be necessary to establish a number of pools of indirect (F&A) costs. Indirect (F&A) cost pools should be distributed to benefitted cost objectives on bases that will produce an equitable result in consideration of relative benefits derived. These costs also are known as “facilities and administrative costs” (F&A).
Indirect cost rate proposal	The documentation prepared by a non-Federal entity to substantiate its request for the establishment of an indirect cost rate as described in Appendix III to Part 200—Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHEs) through Appendix VII to Part 200—States and Local Government and Indian Tribe Indirect Cost Proposals of this part, and Appendix IX to Part 200—Hospital Cost Principles.
Infrastructure	The public facilities or systems needed to support commerce and economic development. These installations and facilities span a wide range, including highways, airports, roads, buildings, transit systems, port facilities, railways, telecommunications, water and sewer systems, public electric and gas utilities, levees, seawalls, breakwaters, major pumping stations, and flood gates. Infrastructure encompasses new construction, upgrades and repairs to existing facilities or systems, and associated land acquisition and planning.
Intangible property	Property that ordinarily does not have physical existence. It includes, but is not limited to, copyrights for which assignments of rights are acquired under awards; patents and other intellectual property for which ownership is acquired under awards; loans, notes, and other debt instruments (even if considered tangible for other purposes); lease agreements; and stock and other instruments of property ownership. The term excludes copyrights, patents, and other intellectual property that are generated or developed, rather than acquired, under awards.

Term	Definition
Internal controls	A process designed to provide reasonable assurance regarding the achievement of objectives in the following categories: (1) Effectiveness and efficiency of operations; (2) Reliability of reporting for internal and external use; and (3) Compliance with applicable laws and regulations.
Internal Control over Compliance Requirements for Federal Awards	A process implemented by a non-Federal entity designed to provide reasonable assurance regarding the achievement of the following objectives for Federal awards: (1) Transactions are properly recorded and accounted for, in order to: (a) Permit the preparation of reliable financial statements and Federal reports; (b) Maintain accountability over assets; and (c) Demonstrate compliance with Federal statutes, regulations, and the terms and conditions of the Federal award; (2) Transactions are executed in compliance with: (a) Federal statutes, regulations, and the terms and conditions of the Federal award that could have a direct and material effect on a Federal program; and (b) Any other Federal statutes and regulations that are identified in the Compliance Supplement; and (3) Funds, property, and other assets are safeguarded against loss from unauthorized use or disposition.
Local government	Any unit of government within a state, including a: (1) County; (2) Borough; (3) Municipality; (4) City; (5) Town; (6) Township; (7) Parish; (8) Local public authority, including any public housing agency under the United States Housing Act of 1937; (9) Special district; (10) School district; (11) Intrastate district; (12) Council of governments, whether or not incorporated as a nonprofit corporation under state law; and (13) Any other agency or instrumentality of a multi-, regional, or intra-state or local government.
Micro-purchase	A purchase of supplies or services using simplified acquisition procedures, the aggregate amount of which does not exceed the micro-purchase threshold. Micro-purchase procedures comprise a subset of a non-Federal entity's small purchase procedures. The non-Federal entity uses such procedures in order to expedite the completion of its lowest-dollar small purchase transactions and minimize the associated administrative burden and cost. The micro-purchase threshold is set by the Federal Acquisition Regulation at 48 C.F.R. Subpart 2.1 (Definitions). It is \$3,000 except as otherwise discussed in Subpart 2.1 of that regulation, but this threshold is periodically adjusted for inflation.
Modified Total Direct Cost (MTDC)	All direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first



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	<p>\$25,000 of each subaward (regardless of the period of performance of the subawards under the award). MTDC excludes equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of \$25,000. Other items may only be excluded when necessary to avoid a serious inequity in the distribution of indirect costs, and with the approval of the cognizant agency for indirect costs.</p>
<p>Non-Federal Entity</p>	<p>A state, local government, Indian tribe, institution of higher education, or nonprofit organization that carries out a Federal award as a recipient or subrecipient.</p>
<p>Obligations</p>	<p>When used in connection with an entity’s utilization of funds under a Federal award, obligations means orders placed for property and services, contracts and subawards made, and similar transactions during a given period that require payment by the recipient entity during the same or a future period.</p>
<p>Office of Management and Budget (OMB)</p>	<p>The Executive Office of the President, Office of Management and Budget.</p>
<p>Pass-through entity</p>	<p>A non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program.</p>
<p>Performance goal</p>	<p>A target level of performance expressed as a tangible, measurable objective, against which actual achievement can be compared, including a goal expressed as a quantitative standard, value, or rate. In some instances, this may be limited to the requirement to submit technical performance reports to be evaluated in accordance with Council policy.</p>
<p>Period of Performance (Award Period)</p>	<p>The time during which recipient may incur new obligations to carry out the work authorized under the Federal award. The Council or pass-through entity must include start and end dates of the period of performance in the Federal award (see 2 C.F.R. §§ 200.210, “Information contained in a Federal award,” paragraph (a)(5) and 200.331, “Requirements for pass-through entities,” paragraph (a)(1)(iv)).</p>
<p>Personal Property</p>	<p>Property other than real property. It may be tangible, having physical existence, or intangible.</p>
<p>Pre-award Costs</p>	<p>Any cost incurred prior to the beginning date of the award period, in anticipation of the award and at the applicant’s own risk, for otherwise allowable costs.</p>
<p>Prior Approval</p>	<p>Written approval by an authorized Council official (e.g., the Council Executive Director or a designated grants official), evidencing prior consent before a recipient undertakes certain activities or incurs specific costs.</p>

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Term	Definition
Project	A discrete activity or group of activities with a fully defined scope.
Program	By way of comparison with a project, a program may not necessarily contain discrete activities, but rather a plan of action to solicit, evaluate, select, and carry out activities that meet the Council’s restoration goals.
Program income	Gross income earned by the non-Federal entity that is directly generated by a supported activity or earned as a result of the Federal award during the period of performance. Program income includes but is not limited to income from fees for services performed, the use or rental of real or personal property acquired under Federal awards, the sale of commodities or items fabricated under a Federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with Federal award funds. Interest earned on advances of Federal funds is not program income. Except as otherwise provided in Federal statutes, regulations, or the terms and conditions of the Federal award, program income does not include rebates, credits, discounts, and interest earned on any of them.
Property	Refers to real property or personal property.
Project or Program Cost	Total allowable costs incurred under a Federal award and all required cost sharing and voluntary committed cost sharing, including third-party contributions.
Questioned Cost	A cost that is questioned by the auditor because of an audit finding: (1) Which resulted from a violation or possible violation of a statute, regulation, or the terms and conditions of a Federal award, including for funds used to match Federal funds; (2) Where the costs, at the time of the audit, are not supported by adequate documentation; or (3) Where the costs incurred appear unreasonable and do not reflect the actions a prudent person would take in the circumstances.
Real property	Land, including land improvements, structures and appurtenances thereto, but excludes moveable machinery and equipment.
Recipient	A Federal agency or non-Federal entity that receives a Federal grant or IAA directly from the Council to carry out an activity under the Council-Selected Restoration Component or Spill Impact Component of the RESTORE Act.
Research and Development (R&D)	All research activities, both basic and applied, and all development activities that are performed by recipients. The term research also includes activities involving the training of individuals in research techniques where such activities utilize the same facilities as other research and development

Term	Definition
	<p>activities and where such activities are not included in the instruction function.</p> <p>“Research” is defined as a systematic study directed toward fuller scientific knowledge or understanding of the subject studied. “Development” is the systematic use of knowledge and understanding gained from research directed toward the production of useful materials, devices, systems, or methods, including design and development of prototypes and processes.</p>
Simplified Acquisition Threshold	<p>The dollar amount below which a non-Federal entity may purchase property or services using small purchase methods. Non-Federal entities adopt small purchase procedures in order to expedite the purchase of items costing less than the simplified acquisition threshold. The simplified acquisition threshold is set by the Federal Acquisition Regulation at 48 C.F.R. Subpart 2.1 (Definitions) and in accordance with 41 U.S.C. § 1908. As of 2015, the simplified acquisition threshold is \$150,000, but this threshold is periodically adjusted for inflation. (Also see definition of Micro-Purchase.)</p>
State	<p>Any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any agency or instrumentality thereof exclusive of local governments.</p>
Subaward	<p>An award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.</p>
Subrecipient	<p>A non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.</p>
Supplies	<p>Personal property other than equipment, intangible property, and debt instruments. A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the non-Federal entity for financial statement purposes or \$5,000, regardless of the length of its useful life.</p>

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Suspension	Temporary withdrawal of a recipient’s authority to obligate grant funds, pending either corrective action by the recipient, as specified by the Council, or a decision by the Council to terminate the award. This meaning of the term “suspension” differs from that used in conjunction with the debarment and suspension process.
Termination	The ending of a Federal award, in whole or in part at any time prior to the planned end of period of performance.
Third-party in-kind contributions	The value of non-cash contributions (i.e., property or services) that: (1) Benefit a Federally assisted project or program; and (2) Are contributed by non-Federal third parties, without charge, to a non-Federal entity under a Federal award.
Unallowable Cost	A cost specified by law or regulation, Federal cost principles, or term and condition of award that may not be reimbursed under a grant or interagency agreement. An organization is not prohibited from incurring unallowable costs but they cannot be recovered either directly or indirectly under Federal grants or contracts.
Unliquidated obligations	For financial reports prepared on a cash basis, obligations incurred by the non-Federal entity that have not been paid (liquidated). For reports prepared on an accrual expenditure basis, these are obligations incurred by the non-Federal entity for which an expenditure has not been recorded.
Unobligated balance	Unobligated balance means the amount of funds under a Federal award that the recipient has not obligated. The amount is computed by subtracting the cumulative amount of the entity's unliquidated obligations and expenditures of funds under the Federal award from the cumulative amount of the funds that the Federal awarding agency or pass-through entity authorized the entity to obligate.

### **Appendix 3: Funded Priorities List Key Elements**

The Council will use the Goals, Objectives, Evaluation Criteria and Commitment areas identified in the Initial Comprehensive Plan to guide its ecosystem restoration funding decisions. The Goals provide the Council’s desired long-term outcomes for Gulf Coast restoration; the Objectives outline the broad types of activities that are expected to achieve the Goals; and the Evaluation Criteria will be used to evaluate proposals and select the best projects and programs to achieve comprehensive ecosystem restoration.

#### **A. Goals**

To provide the overarching framework for an integrated and coordinated approach for region-wide Gulf Coast restoration and to help guide the collective actions at the local, state, tribal and Federal levels, the Council adopted five goals.

1. ***Restore and Conserve Habitat*** – Restore and conserve the health, diversity, and resilience of key coastal, estuarine, and marine habitats.
2. ***Restore Water Quality*** – Restore and protect water quality of the Gulf Coast region’s fresh, estuarine, and marine waters.
3. ***Replenish and Protect Living Coastal and Marine Resources*** – Restore and protect healthy, diverse, and sustainable living coastal and marine resources.
4. ***Enhance Community Resilience*** – Build upon and sustain communities with capacity to adapt to short- and long-term changes.
5. ***Restore and Revitalize the Gulf Economy*** – Enhance the sustainability and resiliency of the Gulf economy.

#### **B. Objectives**

The Council will select and fund projects and programs that restore and protect the natural resources, ecosystems, water quality, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region. Projects and programs not within the scope of these Objectives for ecosystem restoration will not be funded under the Council-Selected Restoration Component. The Objectives are not listed in any particular order, and the Council does not anticipate that restoration efforts funded under the Council-Selected Restoration Component will be equally distributed among the Objectives. Restoration projects and programs may achieve multiple Objectives simultaneously. The list of example projects and programs is meant to be descriptive rather than limiting.

1. ***Restore, Enhance, and Protect Habitats*** – Restore, enhance and protect the extent, functionality, resiliency, and sustainability of coastal, freshwater, estuarine, wildlife, and marine habitats. These include barrier islands, beaches, dunes, coastal wetlands, coastal

forests, pine savannahs, coastal prairies, submerged aquatic vegetation, oyster reefs, and shallow and deep-water corals.

The types of projects and programs that could be implemented under this Objective include the restoration, enhancement, creation, and protection of important coastal, freshwater, estuarine, and marine habitats, and removal of invasive species. Protection and conservation projects may be implemented through active management, acquisition, voluntary management agreements, protected area management, perpetual management, conservation easements, and other conservation activities.

**2. *Restore, Improve, and Protect Water Resources*** – Restore, improve, and protect the Gulf Coast region’s fresh, estuarine, and marine water resources by reducing or treating nutrient and pollutant loading; and improving the management of freshwater flows, discharges to and withdrawals from critical systems.

The types of water resource management projects and programs that could be implemented include implementation of watershed best management practices; improved agricultural and silvicultural management practices; enhanced stormwater and/or wastewater management; improved quality and quantity of freshwater flows, discharges, and withdrawals; sediment runoff management; and other foundational water quality concerns.

**3. *Protect and Restore Living Coastal and Marine Resources*** – Restore and protect healthy, diverse, and sustainable living coastal and marine resources including finfish, shellfish, birds, mammals, reptiles, coral, and deep benthic communities.

The types of projects and programs that could be implemented under this Objective may address recovery of threatened and endangered species, overfishing and bycatch, improved fisheries assessments, sustainable resource management of commercially and recreationally important activities (such as fishing, hunting, and wildlife watching), increased resource stocks, invasive and nuisance species management and removal, enforcement, and other protective measures.

**4. *Restore and Enhance Natural Processes and Shorelines*** – Restore and enhance ecosystem resilience, sustainability, and natural defenses through the restoration of natural coastal, estuarine, and riverine processes, and/or the restoration of natural shorelines.

The types of projects and programs that could be implemented under this Objective may include: removal of barriers to improve freshwater inflow and fish passage; improved sediment management (e.g., through increased beneficial use, dedicated dredging, and sediment capture structures); restoration of coastal wetlands, restoration of eroded shorelines; river diversions (also known as river re-introduction projects) and other types of hydrologic restoration; natural ridge restoration; implementation of living shoreline techniques; and other restoration techniques that address natural processes and shorelines.

**5. *Promote Community Resilience*** – Build and sustain Gulf Coast communities’ capacity to adapt to short- and long-term natural and man-made hazards, particularly increased flood risks associated with sea-level rise and environmental stressors. Promote ecosystem

restoration that enhances community resilience through the re-establishment of non-structural, natural buffers against storms and flooding.

The types of projects and programs that could be implemented under this Objective may address: capacity for local governments, businesses, and community-based organizations to adapt; risk assessments; natural resource planning and natural resource recovery planning with locally-driven solutions; long-term land use planning as it relates to the management and sustainability of coastal resources; acquisition and/or preservation of undeveloped lands in coastal high-hazard areas (e.g., as buffers against storm surge and sea level rise); non-structural storm and surge protection; design of incentive-based mitigation programs; engagement with and among local communities; and other measures that build community resiliency through ecosystem restoration. Projects and programs that promote community resilience should be tied to ecosystem restoration or protection.

**6. *Promote Natural Resource Stewardship and Environmental Education*** – Promote and enhance natural resource stewardship through environmental education efforts that include formal and informal educational opportunities, professional development and training, communication, and actions for all ages.

The types of projects and programs that could be implemented under this Objective may include: environmental stewardship and education programs tied to Gulf Coast resources that encourage and coordinate the use of existing environmental education and outreach networks and institutions; establish a more effective relationship between research and education communities; and provide meaningful hands-on ecosystem education that includes local, cultural, environmental and economic values with the belief that education will encourage action toward a healthier Gulf Coast. Projects and programs which promote natural resource stewardship and environmental education should be tied to ecosystem restoration or protection.

**7. *Improve Science-Based Decision-Making Processes*** – Improve science-based decision-making processes used by the Council.

The types of projects and programs that could be implemented under this Objective may implement or improve: science-based adaptive management and project-level and regional ecosystem monitoring, including the coordination and interoperability of ecosystem monitoring programs; regional database and expert systems used to warehouse ecosystem data; improved ecosystem restoration outcome and impact measurement and reporting; and development of local and regional ecosystem models to apply the monitoring information gained and address the critical uncertainties related to restoration to adaptively manage and inform Council decision-making processes related to ecosystem investments

### **C. Evaluation Criteria**

The RESTORE Act directs the Council to use the best available science and give highest priority to ecosystem projects and programs that meet one or more of the following four Priority Criteria. The Council will use these criteria to evaluate proposals and select the

best projects and programs to achieve comprehensive ecosystem restoration. Prior to evaluating particular projects and programs for funding, the Council will develop a proposal solicitation and evaluation process that ensures proponents submit information sufficient to effectively evaluate projects and programs based on the Priority Criteria. The process will include additional detail regarding the manner in which the Council will apply the Priority Criteria.

1. Projects that are projected to make the greatest contribution to restoring and protecting the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region, without regard to geographic location within the Gulf Coast region.
2. Large-scale projects and programs that are projected to substantially contribute to restoring and protecting the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast ecosystem.
3. Projects contained in existing Gulf Coast State comprehensive plans for the restoration and protection of natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region.
4. Projects that restore long-term resiliency of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands most impacted by the Deepwater Horizon oil spill.

#### **D. Commitments**

The Comprehensive Plan identifies the following commitment areas for which projects proposed and selected should be based. They are:

##### ***1. Commitment to Science-Based Decision-Making***

The decisions made pursuant to the Comprehensive Plan will be based on the best available science, and this Plan will evolve over time to incorporate new science, information, and changing conditions. The Council will coordinate with the scientific community to improve decision-making. The Council will consider the most effective means of ensuring that its decisions are based on the best available science, including the creation of a science advisory committee or some other structure, to inform its decisions and facilitate coordination across various Gulf restoration efforts.

##### ***2. Commitment to a Regional Ecosystem-based Approach to Restoration***

The Council recognizes that upland, estuarine, and marine habitats are intrinsically connected, and will promote ecosystem-based and landscape-scale restoration without regard to geographic location within the Gulf Coast region. A regional approach to restoration more effectively leverages the resources of the Gulf Coast and promotes holistic Gulf Coast recovery. The Council recognizes that regional ecosystem restoration



activities can also have multiple human and environmental benefits, such as restoring habitats that sustainably support diverse fish and wildlife populations, while also providing an array of commercial, recreational, and other human uses of the ecosystem.

***3. Commitment to Engagement, Inclusion, and Transparency***

It is the Council's intent to seek broad participation and input from the diverse stakeholders who live, work, and play in the Gulf Coast region in both the continued development of the Comprehensive Plan and the ultimate selection and funding of ecosystem restoration activities. The Council intends to provide opportunities to facilitate the formation of strategic partnerships and collaboration on innovative ecosystem restoration projects, programs, and approaches that might ultimately form the basis of a proposal to the Council. The Council is committed to engaging the public and tribes, and will use its website, [www.restorethegulf.gov](http://www.restorethegulf.gov), to collect comments, questions, and suggestions for Council consideration. The Council intends to create a public engagement structure that reflects the richness and diversity of Gulf Coast communities to ensure ongoing public participation in the Council's restoration efforts.

***4. Commitment to Leveraging Resources and Partnerships***

The Council will encourage partnerships and welcome additional public and private financial and technical support to maximize outcomes and impacts. Such partnerships will add value through integration of public and private sector skills, knowledge, and expertise.

***5. Commitment to Delivering Results and Measuring Impacts***

The Council recognizes the importance of measuring outcomes and impacts in order to achieve tangible results and ensure that funds are invested in a meaningful way. The Council will consider a variety of methods to measure and report on the results and impacts of Council- Selected Restoration Component activities and will include project- or program-specific measurement and reporting requirements in funding agreements with Council Members.

**Appendix 4: Federal Forms**

The list below identifies the possible Federal forms to be used in applying for a Council grant/interagency agreement and for post-award actions. The Council will use the Restoration Assistance and Award Management System for capturing the data contained on some of these forms in lieu of completing the actual forms. Forms are available on the Council website.

Form	Name	Purpose
Interagency Forms 7600A and 7600B	IAA-General Terms and Conditions (7600A) and the IAA-Order (7600B)	These forms together with the following attachments will be used by the Council for entering into interagency agreements with other Federal agencies.  Attachment 1: Description of Work to be Performed Attachment 2: IAA Standard Terms and Conditions Attachment 3: Special Award Conditions Attachment 4: Key Milestones Chart Attachment 5: Approved Metrics Attachment 6: Data Management Plan
--	Notice of Financial Assistance Award	Used to make an award to state Council members
--	RESTORE Council Applicant Certifications covering the RESTORE Act; Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions; Lobbying; and Drug-Free Workplace	<ul style="list-style-type: none"> <li>• Certification that eligible activities are consistent with the RESTORE Act.</li> <li>• Required certification that neither the applicant nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.</li> <li>• Required certification that Federal funds in connection with the award will not be used for lobbying the Executive or Legislative Branches of the Federal Government.</li> <li>• Required certification by the applicant that it certifies that it will provide a drug-free workplace.</li> </ul>
SF-LLL	Disclosure of Lobbying Activities	Required disclosure by a recipient regarding the use of non-Federal funds for lobbying.
SF-424	Application for Federal Assistance	Provides a standard format/collection of data required for use as a cover sheet for submission of pre-applications and applications and related information.
SF-424A	Budget Information for <u>Non-Construction</u>	Provides a detailed budget narrative for non-construction projects explaining and justifying the Federal and the non-Federal

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Form	Name	Purpose
		expenditures by object class category as listed.
SF-424B	Assurances for <u>Non-Construction</u>	For non-construction projects, a recipient is required to certify, through the execution of the form, to establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
SF-424C	Budget Information for <u>Construction</u>	Provides a detailed budget narrative for construction projects explaining and justifying the Federal and the non-Federal expenditures by object class category as listed.
SF-424D	Assurances for <u>Construction</u>	For construction projects, a recipient is required to certify, through the execution of the form, to establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
SF-425	Federal Financial Report	Provides a standard format for reporting the financial status of awards (funds obligated, received and expended).
SF-425A	Federal Financial Report Attachment	Required to be completed if reporting on cash management activity for multiple grants.
SF-428	Tangible Personal Property	Provides a standard format to collect information related to tangible personal property (equipment and supplies). The form consists of a <u>cover page</u> which is the SF-428 and three attachments to be used as required (see below):
SF-428A	Tangible Personal Property Annual Report	Used with the SF-428 (cover page) to provide annual inventory listings of Federally owned property.
SF-428B	Tangible Personal Property Final Report	Used with the SF-428 (cover page) to provide a final property report for closeout of Federal assistance awards. The attachment allows recipients to request specific disposition of Federally owned property and acquired equipment.

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Form	Name	Purpose
SF-428C	Tangible Personal Property Disposition Request/Report	Used with the SF-428 (cover page) to request disposition instructions or to report the disposition of Federally owned property or acquired equipment under Federal assistance awards <u>at any time other than award closeout</u> (i.e., during the award period or after closeout as long as the Federal government retains an interest in the item).
SF-428S	Tangible Personal Property Supplemental Sheet	Used with the SF-428 (cover sheet) to provide detailed individual item information.
SF-429	Real Property Status Report	Provides uniform reporting of real property in which the Federal government has an interest. This includes real property that was improved using Federal funds and real property that was donated to a Federal project in the form of a match or cost share donation. The form consists of a <u>cover page</u> which is the SF-429 and three attachments to be used as required (see below):
SF-429A	Real Property Status Report – General Reporting	Used with the SF-429 (cover page) to report on each parcel of real property in which the Federal government has an interest.
SF-429B	Real Property Status Report – Request to Acquire, Improve, or Furnish	Used with the SF-429 (cover page) for each parcel of real property for which the recipient is requesting the authority to acquire, improve, or be provided as Government Furnished Property (GFP).
SF-429C	Real Property Status Report – Disposition or Encumbrance	Used with the SF-429 (cover page) for each parcel of real property for which the recipient is seeking disposition or other instructions.
SF-PPR	Performance Progress Report – Performance Measures	Used as a standard progress reporting format to collect performance information from recipients of Federal funds awarded under all Federal programs. Funding agency will provide instructions on the specific requirements which may include the supplemental SF-PPR family of forms.

**Appendix 5: Proposal/Application Checklists**

<b>Council-Selected Restoration Component: Proposal</b>				
<b>General :</b>	___	<b>Application for Federal Assistance including:</b>		
	___	Data Universal Number (DUNS)		
	___	Catalog of Federal Domestic Assistance Number (CFDA 87.051)		
<b>Eligible Phases:</b>	___	<b>Proposed project/program is for: (check one)</b>		
	___	Planning		
	___	Technical Assistance		
	___	Implementation		
<b>Proposal Preparation:</b>	___	<b>A. Executive Summary (Two pages)</b>		
	___	General information about the project		
	___	Implementation information (project time line)		
	___	Brief description of anticipated monitoring activities		
	___	Any uncertainties and risks		
	___	<b>B. Proposal Narrative (15 pages)</b>		
	___	1. Project Description		
	___	2. Methodology		
	___	3. Monitoring of the project/program		
	___	4. Metrics and measures of success		
	___	5. Risk and uncertainties of proposed activities		
	___	6. Outreach and education opportunities		
	___	7. Leveraging of resources and partnerships		
	___	8. Proposal project/program benefits		
	___	<b>C. High-Level Budget Narrative (No page limit)</b>		
	___	Project Oversight and	___	Land Acquisition
	___	Grants Management	___	Scientific Monitoring and
	___	Planning	___	Metrics
	___	Environmental Compliance	___	Data Management and
	___	Engineering and Design	___	Reporting
___	Implementation: Non-	___	Long-term Operations and	
___	construction	___	Maintenance	
___	Construction	___	Adaptive Management	
___	<b>D. Preliminary Data Management Plan (Two pages)</b>			
___	Description of types of observational data that will be created and how data will be managed			
___	Standards to be used for data/metadata format and content			
___	Policies addressing data stewardship and preservation			
___	Procedures for providing access, sharing, and security			
___	<b>E. Reference List (No page limit)</b>			
___	<b>F. Environmental Compliance (No page limit)</b>			
___	Checklist			
___	Documentation			
___	<b>G. Maps (PDF form)</b>			

<b>Spill Impact Component: Full State Expenditure Plan</b>	
<b>General:</b>	<input type="checkbox"/> Data Universal Number (DUNS) <input type="checkbox"/> Catalog of Federal Assistance Number (CFDA 87.052) <input type="checkbox"/> Notice of Funding Opportunity Announcement Number
<b>Full SEP Requirements:</b>	SEP must demonstrate that: <input type="checkbox"/> Meets one or more of the eligible activities under § 1321(t)(1)(B)(i); <input type="checkbox"/> Contributes to the overall economic and ecological recovery of the Gulf Coast <input type="checkbox"/> Takes into consideration the Comprehensive Plan and is consistent with the goals and objectives of the Comprehensive Plan (see General Information, Section B, of this document for further information); <input type="checkbox"/> Was developed and submitted by an eligible entity under the Spill Impact Component. 33 U.S.C. § 1321(t)(3)(B)(iii); and <input type="checkbox"/> 25 percent limitation for infrastructure (Select One) <ul style="list-style-type: none"> <li><input type="checkbox"/> Does not use more than 25 percent of the funds for infrastructure -- OR --</li> <li><input type="checkbox"/> Exceeds the 25 percent limitation and <u>includes the certification</u> by State authorized representative that:                             <ul style="list-style-type: none"> <li>• The ecosystem restoration needs in the state will be addressed by the activities proposed in the SEP; and</li> <li>• Additional investment in infrastructure is required to mitigate the impacts of the Deepwater Horizon Oil Spill to the ecosystem or economy.</li> </ul> </li> </ul>
<b>Proposal Preparation:</b>	<input type="checkbox"/> <b>A. Cover Letter (transmitting the SEP)</b> <input type="checkbox"/> <b>B. SEP Narrative</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> 1. Public Participation Statement</li> <li><input type="checkbox"/> 2. State Council Member Certification</li> <li><input type="checkbox"/> 3. State Certification for Exemption of the 25 Percent Limitation for Infrastructure (if applicable)</li> <li><input type="checkbox"/> 4. Financial Integrity Description</li> <li><input type="checkbox"/> 5. Conflicts of Interest Prevention Processes</li> </ul> <input type="checkbox"/> <b>C. Listing of all projects/programs/activities included in the SEP</b> <input type="checkbox"/> <b>D. Project and Program Information for EACH Project:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> 1. Title/Identifier of the project</li> <li><input type="checkbox"/> 2. Description of the project</li> <li><input type="checkbox"/> 3. Location(s) of the project</li> <li><input type="checkbox"/> 4. Estimated cost and budget for project</li> <li><input type="checkbox"/> 5. Identification if project is infrastructure</li> <li><input type="checkbox"/> 6. Major milestones and length of time required</li> <li><input type="checkbox"/> 7. Projected start and completion dates</li> <li><input type="checkbox"/> 8. Description of the mechanisms (metrics) for monitoring</li> <li><input type="checkbox"/> 9. Description of the best available science</li> <li><input type="checkbox"/> 10. If applicable at time of submission:                             <ul style="list-style-type: none"> <li><input type="checkbox"/> Description of collaborations or partnerships</li> <li><input type="checkbox"/> Description of additional resources (leverage)</li> <li><input type="checkbox"/> Funding requested from other sources</li> <li><input type="checkbox"/> Identification if funding will be used as match</li> </ul> </li> </ul>

<b>Grant and IAA Applications:</b>	
<b>General, Budget, and Assurances:</b>	<input type="checkbox"/> <b>Application for Federal Assistance including:</b> <input type="checkbox"/> Data Universal Number (DUNS) <input type="checkbox"/> Catalog of Federal Domestic Assistance Number <input type="checkbox"/> <b><u>For Non-construction projects:</u></b> <input type="checkbox"/> Budget Information for Non-construction <input type="checkbox"/> SF 424 B: Assurances for Non-construction Programs <input type="checkbox"/> <b><u>For Construction projects:</u></b> <input type="checkbox"/> Budget Information for Construction <input type="checkbox"/> SF 424 D: Assurances for Construction Programs
<b>Certifications:</b>	<input type="checkbox"/> <b>RESTORE ACT</b>
<b>Eligible Phases:</b>	<input type="checkbox"/> <b>Project/program is for: (check one)</b> <input type="checkbox"/> Planning <input type="checkbox"/> Technical Assistance <input type="checkbox"/> Implementation
<b>Project Information:</b>	<input type="checkbox"/> <b>A. Executive Summary (Two pages)</b> <input type="checkbox"/> <b>B. Project/Technical Narrative</b> <input type="checkbox"/> <b>C. Metrics</b> <input type="checkbox"/> <b>D. Milestones</b> <input type="checkbox"/> <b>E. Leveraged Resources</b> <input type="checkbox"/> <b>F. Observational Data Plan</b> <input type="checkbox"/> <b>G. Data Management Plan</b> <input type="checkbox"/> <b>I. Reference List</b> <input type="checkbox"/> <b>H. Environmental Compliance and Permitting Information</b> <input type="checkbox"/> <b>J. Location Information and Maps</b> <input type="checkbox"/> <b>K. GIS Shapefiles</b>
<b>Budget Information:</b>	<input type="checkbox"/> <b>The following budget related items must be included:</b> <input type="checkbox"/> 1. Object Class Budget Breakdown <input type="checkbox"/> a. Council funds <input type="checkbox"/> b. Co-Funding, if applicable <input type="checkbox"/> c. Subaward requests, if applicable <input type="checkbox"/> 2. Budget Narrative and Justification <input type="checkbox"/> 3. Description of Program Income, if applicable <input type="checkbox"/> 4. Request for Pre-award Costs, if applicable <input type="checkbox"/> 5. Approved Indirect Cost Rate, or Request for De Minimis, or Request for Council (if oversight agency) Indirect Cost Rate, if applicable

**Appendix 6: Environmental Compliance Checklists**

**Council-Selected Restoration Component Checklist**

*Editorial comment: The Council-Selected Restoration Checklist is specific to the first FPL. It will need to be replaced with a new version prior to the request for proposals for the next FPL.*

**Pre-Award: Council Environmental Compliance Responsibilities**

The Council must comply with the National Environmental Policy Act, Endangered Species Act, National Historic Preservation Act, Magnuson-Stevens Fishery Conservation and Management Act and the Fish and Wildlife Coordination Act, as applicable, before approving funding under the Council-Selected Restoration Component. In addition, the Council has addressed, as applicable, Executive Order 11988 (“Floodplain Management”), Executive Order 11990 (“Protection of Wetlands”), Executive Order 12898 (“Environmental Justice in Minority Populations and Low Income Populations”) and Executive Order 13653 (“Preparing the United States for the Impacts of Climate Change”). These laws and Executive Orders requirements have been addressed, where applicable, for all activities listed in Category 1 of the Initial Funded Priorities List (FPL).

Prior to awarding a grant or interagency agreement under the Council-Selected Restoration Component, the Council must comply with the Coastal Zone Management Act, Coastal Barrier Resources Act and Farmland Protection Policy Act, as applicable. The Council will work with the sponsors of each FPL Category 1 activity to address these laws, as applicable, and to complete the following questions/information requirements. If a particular environmental law listed below is not applicable to the given activity, check “N/A.”

<b>Environmental Requirement</b>	<b>Has the Requirement Been Addressed?</b>	<b>Compliance Notes (e.g., status of application, permit number, etc.)</b>
<b>Coastal Zone Management Act</b>	___ Yes ___ No ___ N/A	
<b>Coastal Barrier Resources Act</b>	___ Yes ___ No ___ N/A	
<b>Farmland Protection Policy Act</b>	___ Yes ___ No ___ N/A	

**Post-Award: Recipient Environmental Compliance Responsibilities**

Post award, applicants must comply with all other applicable federal environmental laws before implementation funds are fully disbursed. While the Council may impose Special Award Conditions related to specific environmental laws, awardees remain responsible for identifying and addressing all applicable federal environmental requirements, and for providing the Council with documentation verifying compliance with such requirements.



Awardees are to use the following checklist to identify all other applicable federal laws and verify compliance. If a particular environmental law listed below is not applicable to the given activity, check “N/A.” The award of a grant or interagency agreement by the Council does not in any way eliminate or otherwise alter the recipient’s responsibility to comply with any and all applicable federal, state and/or local laws and other requirements.

<b>Environmental Requirement</b>	<b>Has the Requirement Been Addressed?</b>	<b>Compliance Notes (e.g., status of application, permit number, etc.)</b>
<b>Clean Water Act Section 404</b>	___ Yes ___ No ___ N/A	
<b>River and Harbors Act Section 10</b>	___ Yes ___ No ___ N/A	
<b>Marine Protection, Research and Sanctuaries Act</b>	___ Yes ___ No ___ N/A	
<b>Marine Mammal Protection Act</b>	___ Yes ___ No ___ N/A	
<b>National Marine Sanctuaries Act</b>	___ Yes ___ No ___ N/A	
<b>Migratory Bird Treaty Act</b>	___ Yes ___ No ___ N/A	
<b>Bald and Golden Eagle Protection Act</b>	___ Yes ___ No ___ N/A	
<b>Clean Air Act</b>	___ Yes ___ No ___ N/A	
<i>(Insert name of other applicable environmental law, as needed)</i>	___ Yes ___ No ___ N/A	
<i>(Insert name of other applicable environmental law, as needed)</i>	___ Yes ___ No ___ N/A	
<i>(Insert name of other applicable environmental law, as needed)</i>	___ Yes ___ No ___ N/A	
<i>(Insert name of other applicable environmental law, as needed)</i>	___ Yes ___ No ___ N/A	

**Spill Impact Component Checklist**

**Applicant and Recipient Environmental Compliance Responsibilities**

Applicants must comply with all applicable Federal environmental laws before implementation funds are fully disbursed. While the Council may impose Special Award Conditions related to specific environmental laws, awardees remain responsible for identifying and addressing all applicable federal environmental requirements, and for providing the Council with documentation verifying compliance with such requirements. Applicants and recipients are to use the following checklist to help identify applicable Federal laws and verify compliance.

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Some of the laws listed below pertain to Federal actions. In certain cases, some of these laws might not apply to a project or program funded under the Spill Impact Component. If a particular environmental law listed below is not applicable to the given activity, check “N/A.” The award of a grant by the Council does not in any way eliminate or otherwise alter the recipient’s responsibility to comply with any and all applicable Federal, state and/or local laws and other requirements.

<b>Environmental Requirement</b>	<b>Has the Requirement Been Addressed?</b>	<b>Compliance Notes (e.g., status of application, permit number, etc.)</b>
<b>National Environmental Policy Act</b>	___ Yes ___ No ___ N/A	
<b>Endangered Species Act</b>	___ Yes ___ No ___ N/A	
<b>National Historic Preservation Act</b>	___ Yes ___ No ___ N/A	
<b>Magnuson-Stevens Act</b>	___ Yes ___ No ___ N/A	
<b>Fish and Wildlife Coordination Act</b>	___ Yes ___ No ___ N/A	
<b>Coastal Zone Management Act</b>	___ Yes ___ No ___ N/A	
<b>Coastal Barrier Resources Act</b>	___ Yes ___ No ___ N/A	
<b>Farmland Protection Policy Act</b>	___ Yes ___ No ___ N/A	
<b>Clean Water Act Section 404</b>	___ Yes ___ No ___ N/A	
<b>River and Harbors Act Section 10</b>	___ Yes ___ No ___ N/A	
<b>Marine Protection, Research and Sanctuaries Act</b>	___ Yes ___ No ___ N/A	
<b>Marine Mammal Protection Act</b>	___ Yes ___ No ___ N/A	
<b>National Marine Sanctuaries Act</b>	___ Yes ___ No ___ N/A	
<b>Migratory Bird Treaty Act</b>	___ Yes ___ No ___ N/A	
<b>Bald and Golden Eagle Protection Act</b>	___ Yes ___ No ___ N/A	
<b>Clean Air Act</b>	___ Yes ___ No ___ N/A	
<i>(Insert name of other applicable environmental law, as needed)</i>	___ Yes ___ No ___ N/A	
<i>(Insert name of other applicable environmental law, as needed)</i>	___ Yes ___ No ___ N/A	
<i>(Insert name of other applicable environmental law, as needed)</i>	___ Yes ___ No ___ N/A	
<i>(Insert name of other applicable environmental law, as needed)</i>	___ Yes ___ No ___ N/A	