

City of Las Cruces®

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Council Action and Executive Summary

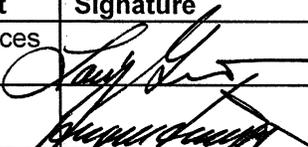
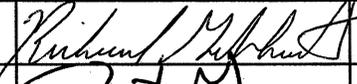
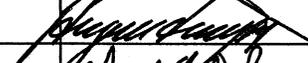
Item # 1 Ordinance/Resolution# 11-063 Council District:

For Meeting of September 20, 2010

(Adoption Date)

TITLE: A RESOLUTION TO APPLY FOR FUNDING FROM THE BUREAU OF LAND MANAGEMENT (BLM) IN THE AMOUNT OF \$200,000 FOR THE PREHISTORIC TRACKWAYS NATIONAL MONUMENT EXHIBIT AND CURATION DEVELOPMENT OFFERING WITH NO REQUIRED MATCH FROM THE CITY, AND RATIFY THE CITY MANAGER'S APPROVAL FOR SUBMISSION.

PURPOSE(S) OF ACTION: To apply for funding available from BLM for the Trackways Exhibit in the Museum of Nature and Science (MoNaS).

Drafter and Staff Contact: Auguie Henry III		Department: Finance/GAO		Phone: 541-2281	
Department	Signature	Phone	Department	Signature	Phone
Public Services Director		528-3477	Budget		541-2107
GAO		541-2281	Assistant City Manager		541-2271
Legal		541-2128	City Manager		541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The Bureau of Land Management (BLM) has provided the City of Las Cruces the opportunity to obtain funding in the amount of \$200,000 specifically for the MoNaS in Las Cruces. The principal purpose of this opportunity will enable the City of Las Cruces to use the Jerry MacDonald Collection, develop appropriate exhibit material for display, and transport of the exhibit from Albuquerque to Las Cruces, Dona Ana County.

The City Manager signed the Grant Application Package for submission to meet the short filing deadline, August 12, 2010. Application submission has no financial impact to the City and there is no required match for the funds.

SUPPORT INFORMATION:

1. Resolution
2. Exhibit "A" Grant Application Package
3. Exhibit "B" Grant Overview Worksheet
4. Exhibit "C" Prehistoric Trackways National Monument Exhibit and Curation Development L10AS00190 CFDA#15.224

(Continue on additional sheets as required)

SOURCE OF FUNDING:

Is this action already budgeted?	Yes	<input type="checkbox"/>	See fund summary below
	No	<input checked="" type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from:
		<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
<input type="checkbox"/>		Proposed funding is from fund balance in the _____ Fund.	
Does this action create any revenue?	Yes	<input type="checkbox"/>	Funds will be deposited into this fund:
			_____ In the amount of: _____ for FY
	No	<input checked="" type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE

If awarded, the funds will be deposited into the 4011 Facilities Federal Grants Fund for the planning, design, construction and transportation of the Jerry MacDonald Trackways Collection currently located at the New Mexico State Museum in Albuquerque. This will be the center-piece of the Reich+Petch design of MoNaS as recently approved by the Council.

The City Manager signed the Grant Application Package for submission to meet the short filing deadline, August 12, 2010. Application submission has no financial impact to the City and there is no required match for the funds.

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A					

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; will allow the City to make and submit the application to BLM for the available funding.

(Continue on additional sheets as required)

2. Vote "No"; will cause the application to be terminated and the City will not be eligible for the available funding.
3. Vote to "Amend"; will not apply for the application phase as the City Manager had to approve submission of the application to meet the required deadline, August 12, 2010.
4. Vote to "Table"; is not a viable option at this time as the application has been submitted.

REFERENCE INFORMATION

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

1. Resolution No. 11-007 A Resolution authorizing acceptance and adoption of the Museum of Nature & Science Master Plan completed by Reich+Petch Design International, Inc. Approved: July 6, 2010

(Continue on additional sheets as required)

RESOLUTION NO. 11-063

A RESOLUTION TO APPLY FOR FUNDING FROM THE BUREAU OF LAND MANAGEMENT (BLM) IN THE AMOUNT OF \$200,000 FOR THE PREHISTORIC TRACKWAYS NATIONAL MONUMENT EXHIBIT AND CURATION DEVELOPMENT OFFERING WITH NO REQUIRED MATCH FROM THE CITY, AND RATIFY THE CITY MANAGER'S APPROVAL FOR SUBMISSION.

The City Council is informed that:

WHEREAS, the Bureau of Land Management (BLM) has made available an opportunity to fund construction and transportation of the Jerry MacDonald Trackways Collection exhibit for the Las Cruces Museum of Nature & Science (MoNaS); and

WHEREAS, the exhibit will be constructed and installed within the guidelines as established under the Council approved design plan, #11-007, developed by Reich+Petch; and

WHEREAS, there is no required match on the part of the City.

NOW, THEREFORE, be it resolved by the governing body of the City of Las Cruces, New Mexico:

(I)

THAT, the City of Las Cruces is authorized to apply for funding from BLM in the amount of \$200,000.

(II)

THAT, the Council hereby ratifies the City Manager's approval for submission to meet the required application deadline, August 12, 2010.

(III)

THAT, City staff and officials are authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this 20th day of September, 2010

Mayor

ATTEST:

VOTE:

City Clerk

(SEAL)

Mayor Miyagishima:	_____
Councillor Silva:	_____
Councillor Connor:	_____
Councillor Pedroza:	_____
Councillor Small:	_____
Councillor Sorg:	_____
Councillor Thomas:	_____

Moved by: _____

Seconded by: _____

Approved as to Form:



City Attorney - Interim

Grant Application Package

Grant Application Verification and Signature

Opportunity Title: Inventory and Assessment for the Prehistoric Trackways for New Mexico

Offering Agency: U.S. Dept. Interior – Bureau of Land Management

Opportunity Number: FON L10AS00190
CFDA 15.224

Amount Requested: \$199,970

Performance Period: August 2010 – September 2015

Requesting Agency/Department: Museums/Will Ticknor

GAO – Grant Writer: Maria Nape

SUPPORT INFORMATION:

The BLM announced this funding opportunity specifically to fund the museum exhibit for Prehistoric Trackways in Las Cruces, NM.

OPTIONS

1. Agree with request to apply for grant funding. Affirmed by signature below. Package to be returned to GAO.
2. Disagree, application will not be submitted. Unsigned package to be returned to GAO.

Approved:



Terrence Moore, City Manager

Approved as to Form:



City Attorney

8/19/10

Date

CMP #2.2 Effective 07/06/09: The City Manager may authorize the application for any grant with these exceptions:
 The grant award is anticipated to be in excess of \$50,000 and funding has not been appropriated as part of the current budget.
 The ARRA grant award is anticipated to be in excess of \$500,000 and funding has not been appropriated as part of the current budget.
 The acceptance of the grant will require City Council to adjust the current budget to appropriate matching funds.
 The grant requirements stipulate that the City will continue to operate and fund the project/program after the grant period is complete.
 The grant requirements stipulate that the City enter into a new Memorandum of Understanding or a Joint Powers Agreement with another entity.

GRANT OVERVIEW WORKSHEET

Title of Grant Program: Prehistoric Trackways Natl. Mon. Exhibit & Curation Development

Funding Organization: U.S. Dept. of Interior, Bureau of Land Management

Section Applying: Public Services / Museums Admin. / Museum of Natural History

Description of Proposed Project: To design & install Trackways exhibit for new Museum of Nature & Science, and ongoing interpretive collaboration.

Strategic Plan	Goal:	Objective:	Strategic Plan:
Performance Budget	Goal:	Objective:	Strategic Plan:

- Existing City Programs/Efforts** (Ex: request for environmentally-friendly weed management. Parks and Recreation Section's existing budget and work activities include weed management)
- Expansion of Existing Program/Efforts** (Ex: request for advertising to increase public awareness of the Farmer's market. The advertising campaign will be an increase over current activities/budget)
- New Initiative, Not Budgeted** (Ex: request to implement a recreational activity that is currently not included in the City's recreations programs)

Project Maintenance *If the grant specifies that the project must be maintained/operated after the grant period ends, list the requirements:* These exhibits will function indefinitely as the in-town interpretive center for the new Natl. Monument. The exhibit is expected to have an 8 - 10 year life-span.

Amount Section anticipates requesting: \$200,000 **Match Requirement (%)** -0-

Projected Match **In-kind:** Staffing & maintenance **Cash:** -0-
Match Source: Existing Staff and operational budget.

Grant Application Due: 8-12-2010 **Grant Duration** (Months/years): 24 Mo. (+)

MOU or Joint Powers Agreement Required: No

Grant Collaborators (List other City Departments or Outside Agencies):
 NM Mus. of Nat. Hist. & Science, Alb-q.

Employees To Be Hired (number to be hired, full-time or part-time positions and 1 sentence job responsibilities):
 -0-

GRANT OVERVIEW WORKSHEET

Grant Manager *(Responsible for contract, project operations, budget management, and reports as prescribed)*

Name:

Title:

Phone:

E-mail:

Submitted by: Will Ticknor, Museums Administrator

Signature: 

Date: 7-20-2010

Reviewed & Approved by:

Signature: 

Date: 7.21.10



UNITED STATES
DEPARTMENT OF THE
INTERIOR



BUREAU OF LAND MANAGEMENT

Title

Prehistoric Trackways National Monument Exhibit and Curation Development

Authority

Federal Land Policy and Management Act of 1976

L10AS00190

CFDA No. 15.224

CFDA Title:

Cultural Resource Management

ISSUE DATE: July 15, 2010

CLOSING DATE & TIME

August 12, 2010 at 4:00 pm MT

Contact Information:

Janet Y. Huff
Grants Management Officer (GMO)
Phone: 505-761-8941
Fax: 505-761-8911

8/1 draft of narrative
8/5 budget
8/10 transmit via grants.gov

SECTION I. FUNDING OPPORTUNITY DESCRIPTION

- A. Project Background Information:** In 1987, a major deposit of Paleozoic Era fossilized footprints was discovered and collected from the Robledo Mountains. The Jerry MacDonald collection is curated at the New Mexico Museum of Nature and Science. Public Law 111-11 established the Prehistoric Trackways National Monument which included the megatracksite. The legislation called for interpretation of, education and scientific research on, the paleontological resources of the Monument. A priority for exhibiting the material in Dona Ana County was established in the legislation. The Department of Interior, Bureau of Land Management, New Mexico State Office, proposes to make a competitive federal financial assistance award to a non-federal entity in order to accomplish the public purpose of providing for development of exhibits from the Jerry MacDonald Trackway Collection for use in museums in the Las Cruces, New Mexico area. The exhibited specimens will be curated at this facility which will meet federal standards and guidelines for long-term curation. BLM believes that a major component of the public use and enjoyment of the monument will be through museums.
- B. Project Objective:** The project is intended to stimulate and support the legislative intent to exhibit these resources in Dona Ana County and provide long-term curation of the exhibited specimens. The principle purpose of this agreement between the BLM and the Recipient will be to use the Jerry MacDonald Collection to develop appropriate exhibit material for display in Dona Ana County, New Mexico. Displaying and interpreting select specimens will enhance community and regional understanding for these Heritage Resources as part of the natural history of the Chihuahuan Desert and Southern New Mexico.
- C. Statement of Joint Objectives/Project Management Plan:** Joint objectives are to develop exhibits of paleontological resources collected from the PTNM in Dona Ana County New Mexico.
- Use the existing Jerry MacDonald Collection to develop the exhibit. Maintain complete and accurate records of the exhibited specimens including information on the study, use, loan, and location of all related fossil material.
 - To ensure the exhibit will integrate into the themes, goals and objectives of the museum; development, design and installation of the exhibit will be accomplished through coordination with the Las Cruces Museum of Nature and Science.
 - In order to preserve and protect the exhibited collection, standard museum practices for a collection will be followed during the development, design, installation, and maintenance of the exhibit.
 - Recipient will coordinate and consult with the Program Officer, the BLM Las Cruces office, and appropriate Las Cruces city personnel to accomplish the objectives of this project.
 - Provide and maintain a museum facility having requisite equipment, space, and adequate safeguards for the physical security and environment for the collection of exhibited specimens accepted from BLM to Department of Interior standards.

D. Period of Project: August 2010 through September 30, 2015

SECTION II. AWARD INFORMATION

- A. Expected Number of Awards: 1
- B. Estimated Total Program Funding: \$500,000.00 over 5 years
- C. Award Ceiling: \$200,000.00
- D. Assistance Instrument: Cooperative Agreement

> ?

SECTION III. ELIGIBILITY INFORMATION

- A. Eligible Applicants: Unrestricted
- B. Cost Sharing or Matching: This is not a requirement but strongly encouraged

SECTION IV. APPLICATION AND SUBMISSION INFORMATION

A. Address to Request Application Package:

This announcement contains all information and electronic addresses necessary to submit an application through Grants.gov.

B. Content and Form of Application:

The application package shall consist of all the required Standard Forms shown below AND a Certification for Federal Assistance "if applicable" (Attachment A), Proposal Submission Format (Attachment B) and Budget (Attachment C) narrative:

Required Standard Forms:

SF Forms to Submit	SF Form Information
Application	Form SF-424, Application for Federal Assistance
Budget Information	Form SF-424A, Budget Information - Non-Construction Programs <i>"Fabrication"</i>
Assurances	Form SF-424B, Assurances - Non-Construction Programs

1. Indirect Charges. Most States, Universities and larger non profits have a negotiated

indirect cost rate agreement with the Federal Government. This agreement provides the rates approved for use on cooperative agreements, grants, contracts and other agreements with the Federal Government. A copy of the current rate agreement must be submitted with any proposed project. Smaller organizations may not have an agreement with the Federal Government. In these cases the indirect cost rate must be accompanied by a determination from an independent auditing firm. This determination will include the indirect cost rate, the calculations of the indirect cost rate including the base and indirect costs pools and the associated dollar figures for both. Proposals that fail to document their indirect costs will have those costs disallowed.

2. Proposal Submission Format (**Attachment B**) can be used as an example when submitting your proposal. The proposal technical text must be no longer than 10 pages, no smaller than font size 11, and have 1-inch margins. The 10-page limit includes *all* text, figures, references, and vitae. (The Budget, Attachment B, is *not* included in the 10-page limit.) The text should include the following:

③ in importance

a. Purpose, Objectives, and Relevance – (**Attachment B, Section II**) - (a) Describe why the project is needed by the applicant; (b) Describe the applicant's objectives; (c) Describe how the applicant's objectives support their mission and how this project will provide a public benefit.

① most important

b. Technical Approach – (**Attachment B, Section II**) - Describe how the applicant proposes to conduct and achieve the project in accordance with the Statement of Joint Objectives in Section I.B. The project design must contain enough detail to show the development of the project and the relationship between the partners, tasks, milestones, and objectives. The work plan must be clear, suitable, and feasible with respect to the following; (a) Describe the techniques, procedures, and methodologies to be used; (b) Describe data collection, analysis, and means of relationship interpretation; (c) Describe expected results or outcomes; and (d) Describe the procedures for evaluating project efficacy, including fixed performance indices with probabilities for obtaining them. Explain how the applicant will meet the completion schedule identified in Section I.B.

② in importance

c. Qualifications, Experience, and Past Performance – (**Attachment B, Section III**) - Describe who will carry out the project activities. List all project personnel, including consultants. Describe their responsibilities and the amount of time each will dedicate to the project. Briefly describe how their experience and qualifications are appropriate to successfully achieve the stated objectives.

7. Budget (**Attachment C, Section IV**). Please include a description of the cost share (cash vs. in kind). The budget should contain the following:

a. Salaries and Wages. Include all employees and their titles working on the project.

b. Fringe Benefits. Propose your rates/amounts. If rates are audit approved, include a copy of the audit agreement and/or the name of the audit agency. If more than one rate is used, list each rate and the wage or salary base.

- c. Consultant/Contracting Fees. Include payments for professional and technical consultants and contractors participating in the project.
- d. Travel and Per Diem. For each trip, indicate the number of persons traveling, the total days they will be in travel status, and the total subsistence and transportation costs for that trip. Per diem rates shall not exceed maximum Federal rates. To view current Federal per diem rates, visit http://www.gsa.gov/Portal/gsa/ep/contentView.do?contentId=17943&contentType=GSA_BASIC and follow the links to per diem information.
- e. Supplies and Materials. Include consumable supplies and materials to be used in the project, listing each item and quantity individually. Include items of expendable equipment, i.e., equipment costing less than \$500 or with an estimated useful life of less than two years. Equipment costing more than that should be listed in the Other Costs category (Category G, below).
- f. Services. This should include the cost of duplication and printing, long distance telephone calls, equipment rental, postage, and other services not previously listed.
- g. Other Costs. List equipment items in excess of \$500 and other items not previously listed. Note that equipment items worth less than \$500 or that have a useful life of less than 2 years must be listed in the Supplies and Materials category.
- h. Indirect Charges. If indirect costs will be charged to the grant, complete the table below with your current approved indirect cost rate and the direct costs it will be applied to. A copy of your most recent indirect cost rate must be attached if indirect costs will be requested.

C. Submission Dates and Times:

The electronic submission into Grants.gov is due by **Thursday August 12, 2010 @ 4:00 p.m. Mountain Standard Time**. A proposal received after the closing date and time will not be considered for award. If it is determined that a proposal will not be considered due to lateness, the applicant will be so notified immediately.

All proposals will be required to be submitted electronically through grants.gov. All of the required attached forms can be prepared online. Any form that is not available online may be submitted as attachments at the end of the proposal. If you have not registered in grants.gov, go to visit the website www.grants.gov and get started in the registration process. **Application preparation time may take several weeks to get certified.** Once at the website, choose "Get Started" and work through the first 5 steps. If you have any questions or problems with the registration process, please contact the grants.gov help desk at 1-800-518-4726. In addition, Grants.gov has an "Applicant Users Guide" available at: http://www.grants.gov/help/user_guides.jsp that will answer most if not all your questions.

D. Submission Instructions and Information 26

Applications/proposals may be submitted by the following methods only:

1. **On-Line Submittal** - The Bureau of Land Management (BLM) is participating in the Grants.gov Initiative that provides the grant community with a single site to find and apply for grant funding opportunities. BLM requires applicants to submit their applications/proposals electronically through: <http://www.grants.gov/Apply>.

YOU MUST REGISTER WITH GRANTS.GOV PRIOR TO SUBMITTING AN APPLICATION THROUGH THE GRANTS.GOV WEBSITE. THE REGISTRATION PROCESS MAY TAKE FROM 7 TO 21 DAYS.

2. **Electronic Signature** - Applications submitted through Grants.gov constitute submission as electronically signed applications. The registration and e-authentication process establishes the Authorized Organization Representative (AOR). When you submit the application through Grants.gov, the name of your authorized organization representative on file will be inserted into the signature line of the application. Applicants must register the individual who is able to make legally binding commitments for the applicant organization as the Authorized Organization Representative.

3. **Late Submissions, Modifications, and Withdrawals of Application and/or Proposal** - Any application/proposal received after the exact time specified for receipt will not be considered in the original selection process unless the application is received before award is made and it is determined by BLM that the late receipt was due to mishandling by the Government. Any modification of an application or quotation is subject to the same conditions stated above.

4. **Electronic Application Submission and Receipt Procedures** - This provision provides information on the application submission and receipt instructions for applications submitted through Grants.gov apply. Please read the following instructions carefully and completely.

5. **Timely Receipt Requirements and Proof of Timely Submission:**

- a. **Electronic Submission.** An electronic time stamp is generated within the system when the application is successfully received by Grants.gov. The applicant will receive an acknowledgement of receipt and a tracking number from Grants.gov with the successful transmission of their application. Applicants should print this receipt and save it.
- b. BLM suggests that applicants submit their applications during the operating hours of the Grants.gov Support Desk, so that if there are questions concerning transmission, operators will be available to walk you through the process. Submitting your application during the Support Desk hours will also ensure that you have sufficient time for the application to complete its transmission prior to the application deadline. Applicants using dial-up connections should be aware that transmission will take some time before Grants.gov receives it.

- c. Grants.gov will provide either an error or a successfully received transmission message. The Grants.gov Support desk reports that some applicants abort the transmission because they think that nothing is occurring during the transmission process. Please be patient and give the system time to process the application. Uploading and transmitting many files, particularly electronic forms with associated XML schemas, will take some time to be processed.

6. **Customer Support** - The Grants.gov website provides customer support via (800) 518-GRANTS (this is a toll-free number) or through email at support@grants.gov. The customer support center is open from 7:00 a.m. to 9:00 p.m. Eastern time, Monday through Friday, except Federal holidays, to address Grants.gov technology issues. For technical assistance on program related questions, contact the number listed in Section VII, Agency Contacts.

E. Intergovernmental Review:

This funding opportunity is not subject to Executive Order (EO) 12372, "Intergovernmental Review of Federal Programs". Applicants subject to EO 12372 must contact their State's Single Point of Contact (SPOC) to find out about and comply with the State's process. The names and addresses of the SPOC's are listed in the OMB's home page at: <http://www.whitehouse.gov/omb/grants/spoc.html>

F. Funding Restrictions:

A cooperative agreement issued by the BLM Idaho State Office, signed by the BLM GMO, obligates BLM funds. Notification of a successful proposal does not constitute authority to incur costs. Costs incurred prior to receipt of a signed cooperative agreement may not be reimbursed. Once the cooperative agreement for a successful proposal has been signed by the BLM GMO, the recipient may incur costs as specified in their proposed and approved budget submittal. **Funding for the first year does not guarantee funding in subsequent years.** A new application must be submitted for subsequent years.

SECTION V. Application Review Information Criteria (by order of importance)

A. Evaluation Criteria

1. Technical Approach:

- a. The project design contains enough detail to show the development of the project and the relationship between the partners, milestones, and goals. The roles and responsibilities of each partner are clearly articulated. The milestones are clear, and supported by a well thought-out schedule that supports the work to be accomplished for the duration of the project.
- b. The proposed project's importance/relevance and applicability are tied to the program goals. Is there value and importance to the program goals?
- c. The work plan objectives are clear, suitable, and feasible with respect to the following:
 - (1) Techniques, procedures, and methodologies;

- (2) Data collection, analysis, and means of interpretation;
- (3) Expected results or outcomes; and
- (4) Procedures for evaluating project efficacy, including fixed performance indices with probabilities for obtaining them.

d. The project proposal work plan is designed to produce the proposed outcomes and outputs. The outcomes are clearly stated and tied to intermediate outcomes as stated in the announcement.

2. Qualifications, Experience, Past Performance:

- a. The qualifications and experience of the organization are evident, and appear to be adequate to achieve project goals and objectives.
- b. The qualifications and experience of the Project Director/Principal Investigator to be assigned for direct work on the project are evident, and appear to be adequate to achieve project goals and objectives and will be available for work on this agreement.
- c. The applicants past and current assistance awards show they have completed project goals.

3. Purpose, Objectives, and Relevance:

- a. The proposal adequately describes why the project is needed by the recipient.
- b. The objectives are well defined, measurable, and realistic for the project's anticipated timeframe.
- c. The benefits support the mission of the recipient and as well as a public benefit and can be tied to a BLM Performance Measure.

4. Budget:

- a. The budget line items are appropriate, reasonable, allowable, well justified and commensurate with the level of effort needed to accomplish the project objectives.
- b. The budget breakdown or narrative provides adequate justification for each budget category used. If equipment is requested by the applicant is it fully justified and necessary for the performance and completion of the project?
- c. The applicant and other counterparts cash and in-kind matching funds or contributions are acceptable.

B. Review and Selection Process :

Proposals will be reviewed by BLM personnel. All proposals for funding will be considered using the criteria outlined above. A summary of the review panel comments may be provided to the applicant if requested.

SECTION VI. AWARD ADMINISTRATION INFORMATION

A. Award Notices:

If the applicant's proposal is selected for award, work cannot begin before the awardee receives a fully executed copy of the agreement approved by the GMO.

B. Administrative and National Policy Requirements:

1. Office of Management and Budget (OMB) Circulars

By accepting Federal assistance, your organization agrees to abide by the applicable OMB Circulars in the expenditure of Federal funds and performance under this program.

<http://www.whitehouse.gov/omb/circulars/>

2 CFR Part 220 (OMB Circular A-21) - Cost Principles for Educational Institutions

2 CFR Part 225 (OMB Circular A-87) - Cost Principles for State, Local and Indian Tribal Governments

2 CFR Part 230 (OMB Circular A-122) - Cost Principles for Non-Profit Organizations

2 CFR Part 215 (OMB Circular A-110) - Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations

OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

2. Standard Award Terms and Conditions

This agreement incorporates the Standard Award Terms and Conditions found at the following Department of the Interior website as if they were given here:

<http://www.doi.gov/pam/TermsandConditions.html>

Prohibition on Text Messaging and Using Electronic Equipment Supplied by the Government while Driving. This executive order introduces a Federal Government-wide prohibition on the use of text messaging while driving on official business or while using Government-supplied equipment, driving company-owned or rented vehicles or GOV, or while driving POV when on official Government business or when performing any work for or on behalf of the Government.

Acceptance of a Federal Financial Assistance award from the Department of the Interior (DOI) carries with it the responsibility to be aware of and comply with the terms and conditions of award. Acceptance is defined as the start of work, drawing down funds, or accepting the award via electronic means. Awards are based on the application submitted to, and as approved by DOI and are subject to the terms and conditions incorporated either directly or by reference in the following:

- a. Program legislation/regulations³⁰
- b. Special terms and conditions.
- c. Code of Federal Regulations/Regulatory Requirements, as applicable (Contact your program officer with any questions regarding the applicability of the following):

2 CFR Part 175 Trafficking Victims Protection Act of 2000

43 CFR 12(A) Administrative and Audit Requirements and Cost Principles for Assistance Programs

43 CFR 12(E) Buy American Requirements for Assistance Programs

43 CFR 12(C) Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local

43 CFR 12(F) Uniform Administrative Requirements for Grants and Cooperative Agreements with Institutions of Higher Education, Hospitals, other Non-Profit and Commercial Organizations

43 CFR 43 Government wide Requirements for a Drug-Free Workplace

43 CFR 42 Government wide Debarment and Suspension (Nonprocurement)

43 CFR 18 New Restrictions on Lobbying

3. Compliance With Buy American Act:

- a. Notice: Pursuant to sec. 307 of the Omnibus Consolidated Appropriations Act of 1997, Public Law 104-208, 110 Stat. 3009, please be advised of the following:

In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

- b. Recipient agrees to follow the requirements in 43 CFR Part 12, Subpart E, Buy American Requirements for Assistance Programs.

4. Opposition to Any Legislation - In accordance with the Department of the Interior, Environment, and Related Agencies Act, 2006, Title IV, Section 402, No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

5. Endorsements - Recipient shall not publicize or otherwise circulate, promotional material (such as advertisements, sales brochures, press releases, speeches, still and motion

pictures, articles, manuscripts or other publications) which states or implies governmental, Departmental, bureau, or government employee endorsement of a product, service, or position which the recipient represents. No release of information relating to this award may state or imply that the Government approves of the recipient's work products, or considers the recipient's work product to be superior to other products or services.

All information submitted for publication or other public releases of information regarding this project shall carry the following disclaimer:

The views and conclusions contained in this document are those of the authors and should not be interpreted as representing the opinions or policies of the U.S. Government. Mention of trade names or commercial products does not constitute their endorsement by the U.S. Government.

Recipient must obtain prior Government approval for any public information releases concerning this award which refer to the Department of the Interior or any bureau or employee (by name or title). The specific text, layout photographs, etc. of the proposed release must be submitted with the request for approval.

A recipient further agrees to include this provision in a subaward to and subrecipient, except for a subaward to a State government, a local government, or to a federally recognized Indian tribal government.

6. Retention and Access Requirements for Records - All recipient financial and programmatic records, supporting documents, statistical records, and other grants-related records shall be maintained and available for access in accordance with 43 CFR Subpart C, Section 12.82 for State, local and Indian tribal governments or Subpart F, Section 12.953 for institutions of higher education, hospitals, other non-profit and all other organizations.

7. Increasing Seat Belt Use - Recipients of grants/cooperative agreements and/or sub-awards are encouraged to adopt and enforce on-the-job seat belt use policies and programs for their employees when operating company-owned, rented, or personally owned vehicles. These measures include, but are not limited to, conducting education, awareness, and other appropriate programs for their employees about the importance of wearing seat belts and the consequences of not wearing them.

8. Special Terms and Conditions.

a. Order of Precedence - Any inconsistency in the agreement shall be resolved by giving precedence in the following order: (a) Any national policy requirements and administrative management standards; (b) 43 CFR Part 12; (c) requirements of the applicable OMB Circulars and Treasury regulations; (d) special terms and conditions; and (e) all agreement sections, documents, exhibits, and attachments; (f) and the recipient's project proposal.

b. Amendments - The agreement may be amended by written agreement signed by both the recipient's Authorized Representative and the GMO. Administrative changes (i.e. GMO name change, etc.) which do not change the project management plan, NTE amount, etc. or otherwise affect the recipient may be signed unilaterally

by the GMO. Additionally, a unilateral amendment may be utilized if it should become necessary to suspend or terminate the agreement in accordance with 43 CFR, Subpart C, Section 12.83 for State, local and Indian tribal governments or Subpart F, Section 12.961 for institutions of higher education, hospitals, other non-profit and all other organizations.

All other changes shall be made by means of a bilateral amendment to the agreement. No oral statement made by any person, or written statement by any person other than the GMO, shall be allowed in any manner or degree to amend or otherwise effect the terms of the agreement.

All requests for amendment of the agreement shall be made in writing, provide a full description of the reason for the request, and be sent to the attention of the GMO. Any request for project extension shall be made at least 30 days prior to the expiration date of the agreement or the expiration date of any extension period that may have been previously granted. Any determination to extend the period of performance or to provide follow-on funding for continuation of a project is solely at the discretion of the BLM.

c. Budget and Program Plan Revision - The budget plan is the financial expression of the project or program as approved during the award process. Recipients are required to report deviations from budget and program plans and request prior approval for budget and program plan revisions. Recipients are not required to request prior approval for deviations among approved direct cost categories when the cumulative amount of the transfer is less than 10 percent of that cost category. However, the recipient must report any deviation to the GMO and Program Officer (PO).

d. Audit Requirements - Non-Federal entities that expend \$500,000 or more during a year in Federal awards shall have a single or program-specific audit conducted for that year in accordance with the Single Audit Act Amendments of 1996 (31 U.S.C. 7501-7507) and revised OMB Circular A-133, which is available at http://www.whitehouse.gov/omb/grants/grants_circulars.html. Federal awards are defined as Federal financial assistance and Federal cost-reimbursement contracts that non-Federal entities receive directly from Federal awarding agencies or indirectly from pass-through entities. They do not include procurement contracts, under grants or contracts, used to buy goods or services from vendors. Non-Federal entities that expend less than \$500,000 for a fiscal year in Federal awards are exempt from Federal audit requirements for that year, except as noted in A-133, § 215(a), but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and General Accounting Office (GAO).

Audits shall be made by an independent auditor in accordance with generally accepted government auditing standards covering financial audits. Additional audit requirements applicable to this agreement are found at 43 CFR 12.66 or 43 CFR 12.926, as applicable. General guidance on the single audit process is included in a pamphlet titled, "Highlights of the Single Audit Process" which is available on the internet at <http://www.dot.gov/ost/m60/grant/sincontact.html>. Additional

information on single audits is available from the Federal Audit Clearinghouse at <http://harvester.census.gov/sac/> .

e. Metric Conversion - All performance and final reports, other reports, or publications, produced under this agreement, shall employ the metric system of measurements to the maximum extent practicable. Both metric and inch-pound units (dual units) may be used if necessary during and transition period(s). However, the recipient may use non-metric measurements to the extent the recipient has supporting documentation that the use of metric measurements is impracticable or is likely to cause significant inefficiencies or loss of markets to the recipient, such as when foreign competitors are producing competing products in non-metric units.

f. Officials Not to Benefit - No member of or delegate to Congress, or resident commissioner, shall be admitted to any share of this agreement, or to any benefit arising from it. However, this clause does not apply to this agreement to the extent that this agreement is made with a corporation's general benefit.

g. Deposit of Publications - In addition to any requirements listed in the Project Management Plan, two (2) copies of each applicable publication produced under this agreement shall be sent to the Natural Resources Library with a transmittal that identifies the sender and the publication, and states that the publication is intended for deposit in the Natural Resources Library. Publications shall be sent to the following address:

U.S. Department of the Interior
Natural Resources Library
Interior Service Center
Gifts and Exchanges Section
1849 C Street, N.W.
Washington, D.C. 20240

h. Reimbursable Costs and Limitations:

The recipient shall not incur costs or obligate funds for any purpose pertaining to operation of the program or activities beyond the expiration date stated in the agreement. The only costs which are authorized for a period of up to 90 days following the award expiration date are those strictly associated with closeout activities for preparation of the final report.

The BLM's financial participation is limited. The BLM will only fund up to its share of those amounts requested in the project proposal and as are subsequently approved and funded in the agreement. The recipient shall not be obligated to continue performance under the agreement or to incur costs in excess of the costs set forth in the proposal and subsequent agreement. However, if the recipient chooses to expend funds in excess of the approved project budget, the recipient will be responsible to fund the excess without funding participation by the Bureau.

i. Inspection - The BLM has the right to inspect and evaluate the work performed or being performed under this agreement, and the premises where the work is being

performed, at all reasonable times and in a manner that will not unduly delay the work. If BLM performs inspection or evaluation on the premises of the recipient or a subrecipient, the recipient shall furnish and shall require sub-recipients to furnish all reasonable facilities and assistance for the safe and convenient performance of these duties.

j. Copyrights:

1. For recipients subject to the administrative standards set forth in OMB Circular A-110, the following copyright provision, as implemented by 43 CFR 12.936(a), shall apply:

“The recipient may copyright any work that is subject to copyright and was developed, or for which ownership was purchased, under an award. The Federal awarding agency(ies) 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.”

2. For recipients subject to the administrative standards set forth in OMB Circular A-102 and the Grants Management Common Rule, the following copyright provision, as implemented by 43 CFR 12.74, shall apply:

“The Federal awarding agency reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, for Federal Government purposes:

(a) The copyright in any work developed under a grant, subgrant, or contract under a grant or subgrant; and

(b) Any rights of copyright to which a grantee, subgrantee or a contractor purchases ownership with grant support.”

k. **Rights to Data** - For recipients subject to the administrative standards set forth in OMB Circular A-110, the following provision, as implemented by 43 CFR 12.936(c), shall apply:

“The Federal Government has the right to:

(1) Obtain, reproduce, publish or otherwise use the data first produced under an award; and

(2) Authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.”

l. Procurement Procedures - It is a national policy to place a fair share of purchases with minority business firms. The Department of the Interior is strongly committed to the objectives of this policy and encourages all recipients of its grants and cooperative agreements to take affirmative steps to ensure such fairness. Positive efforts shall be made by recipients to utilize small businesses, minority-owned firms, and women's business

enterprises, whenever possible. Recipients of Federal awards shall take all of the following steps to further this goal:

1. Ensure that small businesses, minority-owned firms, and women's business enterprises are used to the fullest extent practicable.
2. Make information on forthcoming opportunities available and arrange time frames for purchases and contracts to encourage and facilitate participation by small businesses, minority-owned firms, and women's business enterprises.
3. Consider in the contract process whether firms competing for larger contracts intend to subcontract with small businesses, minority-owned firms, and women's business enterprises.
4. Encourage contracting with consortiums of small businesses, minority-owned firms and women's business enterprises when a contract is too large for one of these firms to handle individually.
5. Use the services and assistance, as appropriate, of such organizations as the Small Business Development Agency in the solicitation and utilization of small business, minority-owned firms and women's business enterprises.

9. Central Contractor Registration (CCR) - Prior to award the Recipient shall register and maintain their own information with Dun & Bradstreet and the Central Contractor Registration System.

Obtain a valid Dun & Bradstreet Number (D&B) from Dun & Bradstreet @ <http://www.dnb.com/> or by calling them at 800-333-0505.

Register on the Central Contractor Registration System (CCR) @ <http://www.ccr.gov>

10. Payments:

- a. Financial Management Service's (FMS), Automated Standard Application for Payment (ASAP) System. If recipient is registered in ASAP payments will be made through that system.

Payments will be made by the United States Department of Treasury, FMS, ASAP system. ASAP is a recipient-initiated, on-line payment and information system for Financial Assistance Agreements that is recipient initiated. The recipient will request federal funds that are due directly from the Federal Reserve Bank on a reimbursable basis.

The ASAP Requestor ID, furnished by the Department of Treasury, will be used to access the account to request reimbursement payments. The BLM GMO will create an ASAP Account ID unique to this agreement. The first nine characters will be the agreement number. The remaining three characters will identify BLM funding line items. Drawdown of funds will be taken from specific lines on this agreement. An amendment will be stamped to indicate the appropriate line number for the drawdown.

11. Property Management and Disposition - Any BLM property used or other property acquired under this agreement, including intangible property such as copyrights and patents shall be governed by the provisions of 43 CFR, Subpart C, Section 12.71 through 12.72 for State, local and Indian tribal governments or Subpart F, Section 12.930 through 12.937 for institutions of higher education, hospitals, other non-profit and all other organizations. The BLM assumes no liability for any actions or activities conducted under this agreement except to the extent that recourse or remedies are provided by Congress under the Federal Tort Claims Act [28 U.S.C. 1346(b), 2401(b), 2671 - 2680, as amended by P.L. 89-506, 80 Stat. 306]".

C. REPORTING:

1. For ASAP Recipients: - Federal Financial Reports: Reports of expenditures are required as documentation of the financial status of awards according to the official accounting records of the recipient's organization. The recipient shall submit a completed original and one copy of the quarterly FFR, the SF 425, Federal Financial Report (Short Form), (*Down load the form at:* http://www.whitehouse.gov/OMB/grants/grants_forms.html to report the status of funds for this agreement. In addition include separately, detailed information of costs, by budget categories that reflects the approved SF 424A, Budget Information. The quarterly report(s) shall be sent to the GMO and are due 30 calendar days after the end of the quarterly reporting period. The recipient will report program outlays and program income on a cash basis.

An original and one copy of the final FFR is due to the GMO no later than 90 calendar days after the expiration or termination of this agreement.

Recipients who are placed on agency review, shall submit an original and one completed copy of the SF 425, Federal Financial Report (Short Form), (*Down load the form at:* http://www.whitehouse.gov/OMB/grants/grants_forms.html to report the status of funds for each payment requested before reimbursement payments are made. In addition include separately, detailed information of costs, by budget categories that reflects the approved SF 424A, Budget Information. This does not relieve the recipient of the quarterly FFR requirement unless reimbursement is only requested on a quarterly basis.

The GMO may review the report for patterns of cash expenditures, including accelerated or delayed drawdowns, and to assess whether performance or financial management problems exist. Before submitting FFRs to the GMO, grantees must ensure that the information submitted is accurate, complete, and consistent with the grantee's accounting system. The recipient's Authorized Certifying Official's signature on the FFR certifies that the information in the FFR is correct and complete and that all outlays and obligations are for the purposes set forth in agreement documents, and represents a claim to the Federal government. Filing a false claim may result in the imposition of civil or criminal penalties.

2. Performance Reports - Recipient shall submit an annual performance report(s) to the GMO within 30 days after the end of the fiscal year. The performance report must be prepared in accordance with 43 CFR, Subpart C, Section 12.80 for State, local and Indian tribal governments or Subpart F, Section 12.951 for institutions of higher education,

hospitals, other non-profit and all other organizations. The performance report shall include a narrative summary both of completed activities and activities in progress, a calculation of percent of completed work based on work identified in the Project Management Plan, the reason for slippage if objectives or milestones are not met, a prediction of future activities and how they will be accomplished, and a discussion of issues and problems which may impact the ability to complete the work on time. Recommendations to overcome problems shall also be provided.

In lieu of the fourth quarter performance report an annual program performance report shall be submitted at the end of each year of the agreement. An original shall be submitted to the GMO no later than 90 days following the end of each year of the agreement. Copies of this report may be required to be included with any application for continuing support of the agreement

An original of the final program performance report shall be submitted no later than 90 days following the expiration or termination of the agreement.

3. Non-compliance - Failure to comply with the reporting requirements contained in this agreement may be considered a material non-compliance with the terms and conditions of the award. Non-compliance may result in withholding of future payments, suspension or termination of the agreement, recovery of funds paid under the agreement, and withholding of future awards.

D. DEFINITIONS:

1. **Agreement** - Cooperative or Grant Agreement.
2. **Grants Management Officer (GMO)** - The BLM's Grants Management Officer. The GMO is the only individual authorized to obligate funds, award, modify or terminate an agreement.
3. **Project Officer (PO)** - The Project Officer. The PO will be designated for the purpose of administering the technical aspect of an agreement. The PO is authorized to clarify technical requirements, and to review and approve work which is clearly within the scope of the work specified in an agreement. The PO is not authorized to issue changes or in any other way modify an agreement.
4. **The Bureau of Land Management (BLM)** - May also be referred to as Bureau.
5. **The Code of Federal Regulations (CFR)** - General and permanent regulations issued by Executive departments and agencies of the Federal Government.
6. **Fiscal Year (FY)** - The Federal fiscal year which extends from October 1 of one year through September 30 of the following year.
7. **Not-to-Exceed (NTE) Amount** - The maximum Federal funding amount.
8. **The Office of Management and Budget (OMB)** -

9. **Project Inspector (PI)** - The BLM's project inspector. At the time of award, a BLM employee(s) may be appointed as the PI. If appointed, the PI will be responsible for providing on-site inspection of the work and for giving the recipient's representative any special instructions, guidance, or training necessary to complete or perform the work. The PI will not be authorized to issue changes or in any way modify the agreement.

10. **Project Manager/Principal Investigator** - The recipient's Project Manager/Principal Investigator.

11. **Responsible Official: The recipient's Responsible Official** - The responsible official is the individual who is authorized to act for the recipient's organization and commit the recipient to compliance with the terms and conditions of this agreement.

E. TERM OF AGREEMENT:

An agreement shall become effective on the date of signature of the BLM GMO and shall remain in effect until **September 30, 2015** unless terminated in accordance with the provisions of 43 CFR, Subpart F, Section 12.961 and 43 CFR, Subpart C, Section 12.83 and 12.84.

F. FINANCIAL SUPPORT.

1. An agreement shall be funded each FY based on the availability of BLM funding. The recipient hereby releases the BLM from all liability due to failure of Congress to appropriate funds for the agreement.
2. Funds obligated but not expended in one FY can be carried forward and expended in the subsequent FY.
3. \$500,000.00 represents the estimated not-to-exceed (NTE) amount for which the BLM will be responsible under the terms of the agreement. The BLM shall not be obligated to pay for nor shall the recipient be obligated to perform any effort that will require the expenditure of Federal funds above the NTE amount.
4. Cost sharing for the agreement shall be in accordance with 43 CFR, Subpart F, Section 12.923.
5. Program income for the agreement shall be in accordance with 43 CFR, Subpart F, Section 12.924.

SECTION VII. AGENCY CONTACTS

For administrative questions contact: Bureau of Land Management, Janet Y. Huff, Lead Grants Management Officer (GMO), 435 Montano Rd., Albuquerque, New Mexico 87107 Phone: (505) 761-8941 or FAX (505) 761-8911
e-mail: Janet_Huff@blm.gov

Alternate: Bureau of Land Management, Charise Saiz, Grants Management Officer (GMO), 435 Montano Rd., Albuquerque, New Mexico 87107 Phone: (505) 761-8725 or FAX (505) 761-8911 e-mail: Charise_Saiz@blm.gov

For programmatic questions: Bureau of Land Management, Jane Childress, BLM New Mexico
Heritage Education Coordinator, 1800 Marquess Street, Las Cruces, NM 88005-3371, Phone: 575- 525-
324 or Fax 575-525-4412 e-mail: Jane_Childress@blm.gov

-- END OF PROGRAM ANNOUNCEMENT --