

General grant conditions §319

1. SUBGRANTEE agrees to ensure that all space for conferences, meetings, conventions or training seminars funded in whole or in part with federal funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (PL 101-391, as amended). Recipients may search the Hotel Motel National Master List at: <https://apps.usfa.fema.gov/hotel/> to see if a property complies, or to find other information about the Act.
2. SUBGRANTEE shall comply with [Subpart C of 2 CFR Part 180](#) and [2 CFR Part 1532](#) entitled "Responsibilities of Participants Regarding Transactions (Doing Business with Other Persons)." The SUBGRANTEE is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 2 CFR Part 180 and 2 CFR Part 1532, which includes a term or condition requiring compliance with Subpart C.
3. SUBGRANTEES who receive awards exceeding \$100,000 shall comply with [Title 40 CFR Part 34-New Restrictions on Lobbying](#).
4. SUBGRANTEE shall ensure that no grant funds have been or will be used to engage in lobbying the Federal Government, other political activities, or in litigation against the United States. See [2 CFR Part 200.450](#).
5. In accordance with [2 CFR 200.501\(a\)](#) the recipient agrees to obtain a single or program-specific audit from an independent auditor if it expends \$750,000 or more in total in Federal funds in any fiscal year. The recipient may select a program-specific audit if all the federal funds are through a single program, and if the program permits it. For more information visit: <http://harvester.census.gov/facweb/>
6. SUBGRANTEE agrees to use recycled paper and double-side printing for all reports that are prepared as a part of this grant award and delivered to EPA.
7. SUBGRANTEE must make an ongoing, good faith effort to maintain a drug-free workplace pursuant to the specific requirements set forth in [Title 2 CFR Part 1536 Subpart B](#).
8. If a contract is awarded under this subgrant award, the SUBGRANTEE agrees to take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.
 - a. Affirmative steps must include:
 - i. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
 - ii. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
 - iii. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
 - iv. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
 - v. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce <https://www.commerce.gov/minority-business-development-agency>; and

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- vi. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs i. through v. above.
 - vii. Other sources: http://dsbs.sba.gov/dsbs/search/dsp_dsbs.cfm
<http://cfpub.epa.gov/sbvps/index.cfm?fuseaction=app.search>
9. SUBGRANTEES with federal and match funds budgeted for procurement including supplies, equipment and construction services more than \$150,000 must report to WVDEP on MBE/WBE utilization as noted in 8 above by October 15 of each year of the grant.
10. All procurements and expenditures must be allowable under [OMB 2 CFR Part 200](#) and conform to the standards in Title 2 Subpart E – [Cost Principals](#). Note: Promotional cost are not allowed; for more details see [page 5](#).
11. If you, the SUBGRANTEE, have indirect costs budgeted in the subaward agreement, the rate must meet the following:
 - a) If subgrantee has a federally recognized indirect cost rate negotiated with the federal government (a federally negotiated indirect cost rate or FNICR), the negotiated rate must be used.
 - b) If a subgrantee does not have a FNICR, the subgrantee may elect to charge a de minimis rate of 10% or less of the modified total direct costs (MTDC). See [CFR 2 Part 200.414](#).
12. SUBGRANTEE shall not use costs for matching federal funds received under this subgrant award that have been included or used to meet cost-sharing/matching requirement of any other federal funding award.
13. SUBGRANTEE shall limit the federal participation in the salary rate (excluding overhead) paid to individual consultants retained by subgrantee or by the subgrantee's contractors or subcontractors to the maximum daily rate for level 4 of the Executive Schedule. Subgrantee may, however, pay consultants more than this with non-EPA funds. This limitation applies to consultation services of designated individuals with specialized skills who are paid at a daily or hourly rate. The rate does not include transportation and subsistence costs for travel. Contracts with firms for services which are awarded using the procurement standards in Subpart D of 2 CFR 200 are not affected by this limitation.
14. SUBGRANTEE agrees that management fees or similar charges more than direct and indirect costs are not allowable. The term "management fees or similar charges" refers to expenses added to the direct costs to accumulate and reserve funds for ongoing business expenses, unforeseen liabilities, or for other similar costs which are not allowable under this award.
15. SUBGRANTEE, and SUBGRANTEE'S employees may not engage in severe forms of trafficking in persons during the period that the award is in effect; procure a commercial sex act during the period that the award is in effect; or use forced labor in the performance of the award or sub-awards under the award.
16. SUBGRANTEE understands that the funds for this project (including funds contributed by the SUBGRANTEE as their cost share) may not be used to pay for the travel of Federal employees, or for other costs associated with Federal participation in this project unless the Federal agency is performing special technical assistance to the SUBGRANTEE.

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17. SUBGRANTEE is free to copyright any original work developed during or under the subgrant award. DEP reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, the work for Government purposes. Any publication resulting from work performed under the subgrant award shall include any acknowledgement of DEP's financial support, a non-discrimination clause and a statement that the publication does not necessarily reflect DEP's views.
18. If the 319 award includes an outreach component, SUBGRANTEE agrees to provide signage that informs the public that the project is funded by EPA. The signage shall contain the EPA logo, which can be found at <http://www.epa.gov/stylebook/using-epa-seal-and-logo>. If the physical design of the sign allows, it should also include the following text: "This project has been funded (in part) by the United States Environmental Protection Agency"
19. SUBRECIPIENT agrees that announcements through the web or print materials for workshop, conference, demonstration days or other events as part of a project funded by a 319-assistance agreement shall contain a statement that the materials or conference has been funded by the EPA.
20. SUBGRANTEE agrees to perform the activities identified and specified in the project proposal that is made a part of the subgrant award, and agrees to inform DEP as soon as problems, delays or adverse conditions become known which will materially impair the ability to meet the outputs/outcomes specified in the workplan. Furthermore, the SUBGRANTEE will secure prior written approval from DEP Project Manager prior to all substantive changes to the project.
21. SUBGRANTEE will submit the DEP Request for Funds form along with supporting documentation to obtain reimbursement for allowable expenses. Supporting documentation includes a spreadsheet or other budget breakdown of expenses incurred during the specified period and based on budget categories as outlined in the original project proposal.
22. By completing the WVDEP SUBGRANTEE Request for Funds form, the SUBGRANTEE is certifying that goods and services have been received or completed within the time-frame specified.
23. SUBGRANTEE agrees to submit **semi-annual** and a **final** project report for all projects identified in this grant award document. The reports must contain the elements described on the Nonpoint Source (NPS) Program's website at: <http://www.dep.wv.gov/nonpoint>.

Reporting periods are as follows:

- October 1 – March 30 report is due **May 1**;
 - April 1 – September 30 report is due **November 1**; and
 - The **final report** is due at the completion of the grant, no more than 30-days following the end of the performance period.
24. SUBGRANTEE agrees to work with WV DEP to enter or provide water quality monitoring data, for data collected in a waterbody pursuant to the implementation of a Section 319 project, into EPA's "storage and retrieval" (STORET) data system using either the [Water Quality Exchange](#) (WQX) or WQXweb.

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25. SUBGRANTEE agrees that when collecting and managing environmental data under this subaward, it will protect the data by following all applicable State law cybersecurity requirements.
26. Funds awarded by this grant and identified as watershed project (WP) funds shall be used to implement best management practices and/or programs that will result in direct measurable environmental results such as load reductions and/or water quality improvements and which implement a specific goal, action or project clearly identified in the Watershed Based Plans (WBPs).
27. Engineering costs for design work shall be capped at the following:
 - a. Projects less than \$100,000 for construction, 15-20% cap on design costs
 - b. Projects between \$100,001 and \$500,000 for construction, 10-15% cap on design costs
 - c. Projects over \$500,000 for construction, 6-10% cap on design costs.
28. SUBGRANTEE agrees to ensure that all permits are obtained prior to implementation of any grant funded activity that may fall under applicable federal, state or local laws. The project implementation plan must identify permits that may be needed to complete work plan activities. The SUBGRANTEE must keep documentation regarding necessary permits in the project file.
29. SUBGRANTEE shall ensure the continued proper operation and maintenance (O&M) of all management practices that have been implemented for projects funded under this grant. Such practices shall be operated and maintained for the expected lifespan of the specific project in accordance with commonly accepted standards. The SUBGRANTEE shall include a provision in every applicable sub-grant or contract awarded under this grant requiring that the management practices of the project be properly operated and maintained.
30. In accordance with section 319(h) of the Clean Water Act, administrative costs in the form of salaries, overhead, or indirect costs shall not exceed 10% of the amount of the grant award.
31. Food and Refreshments. Unless the event(s) and all its components are specified in the approved workplan, the SUBGRANTEE agrees to obtain prior approval from DEP for the use of grant funds for light refreshments and/or meals served at meetings, conferences, training workshops, and outreach activities (events). The SUBGRANTEE must send requests for approval to the DEP Nonpoint Source Coordinator and include: an estimated budget and description of the light refreshments, meals, and/or beverages to be served at the event(s); a description of the purpose, agenda, location, length and timing of the event; an estimated number of participants in the event and a description of their roles.
Note: U.S. General Services Administration regulations define light refreshments for morning, afternoon or evening breaks to include, but not limited to, coffee, tea, milk, juice, soft drinks, donuts, bagels, fruit, pretzels, cookies, chips or muffins. See [41 CFR 301-74.11](#).
32. In accordance with 40 CFR 30.54 and 31.45, the SUBGRANTEE must develop and implement quality assurance and quality control procedures, specifications and documentation that are sufficient to produce data of adequate quality to meet project objectives. The Quality Assurance Project Plan (QAPP) should be prepared in accordance with [EPA QA/R-5: EPA Requirements for Quality Assurance Project Plans](#). The QAPP must be submitted to the DEP Nonpoint Source Coordinator at least 60 days prior to the initiation of data collection or data compilation. Prior to the data collection or compilation, the QAPP must be approved by WVDEP and the USEPA.

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33. State Freedom of Information Act (FOIA) requests apply to SUBGRANTEES and their files.
34. SUBGRANTEE shall retain all records for three (3) years beginning on the date that the final grant close-out report is submitted to DEP. If any legal action, audit or other investigation regarding the records of the subgrant award begins before the three (3) year period expires, all records are to be retained until the action is completed and a resolution is made. SUBGRANTEE is to require contractors and sub-contractors to retain their records for three (3) years after the final payment or any other pending matters are resolved.
35. If you are not a state agency and would like to receive reimbursement through electronic deposit into your bank account, complete the paperwork for an eVendor agreement.

Learn more at: <http://www.wvsao.gov/electronicpayments/DirectDepositForms.aspx>

Many of the hyper-links (especially those related to federal code) are from Cornell University Law School. Some may be from the federal register and/or other sources. The veracity of the information is not guaranteed. This document is for information purposes only.

§200.421 Advertising and public relations

(a) The term advertising costs means the costs of advertising media and corollary administrative costs. Advertising media include magazines, newspapers, radio and television, direct mail, exhibits, electronic or computer transmittals, and the like.

(b) The only allowable advertising costs are those which are solely for:

1. The recruitment of personnel required by the non-Federal entity for performance of a Federal award (See also §200.463 Recruiting costs);
2. The procurement of goods and services for the performance of a Federal award;
3. The disposal of scrap or surplus materials acquired in the performance of a Federal award except when non-Federal entities are reimbursed for disposal costs at a predetermined amount; or
4. Program outreach and other specific purposes necessary to meet the requirements of the Federal award.

(c) The term "public relations" includes community relations and means those activities dedicated to maintaining the image of the non-Federal entity or maintaining or promoting understanding and favorable relations with the community or public at large or any segment of the public.

(d) The only allowable public relations costs are:

1. Costs specifically required by the Federal award;
2. Costs of communicating with the public and press pertaining to specific activities or accomplishments which result from performance of the Federal award (these costs are considered necessary as part of the outreach effort for the Federal award); or
3. Costs of conducting general liaison with news media and government public relations officers, to the extent that such activities are limited to communication and liaison necessary to keep the public informed on matters of public concern, such as notices of funding opportunities, financial matters, etc.

(e) Unallowable advertising and public relations costs include the following:

1. All advertising and public relations costs other than as specified in paragraphs (b) and (d) of this section;
2. Costs of meetings, conventions, convocations, or other events related to other activities of the entity (see also §200.432 Conferences), including:
 - (i) Costs of displays, demonstrations, and exhibits;
 - (ii) Costs of meeting rooms, hospitality suites, and other special facilities used in conjunction with shows and other special events; and
 - (iii) Salaries and wages of employees engaged in setting up and displaying exhibits, making demonstrations, and providing briefings;
3. Costs of promotional items and memorabilia, including models, gifts, and souvenirs;
4. Costs of advertising and public relations designed solely to promote the non-Federal entity.