



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Pacific Southwest Region  
2800 Cottage Way, Suite W- 2606  
Sacramento, California 95825

In Reply Refer To:  
FWS/F14AC00237 Modification 2

Point Reyes Bird Observatory  
dba Point Blue Conservation Science  
Ellie Cohen, President and CEO  
3820 Cypress Drive, #11  
Petaluma, CA. 94954  
DUNS: 119744100

Subject: Notice of Cooperative Agreement Award F14AC00237  
**Modification Number: 2**

Dear Ms. Cohen:

Your organization's request for a modification to Federal financial assistance award titled "Protect, conserve and monitor the Farallon Islands ecosystem" submitted to the U.S. Fish and Wildlife Service's (USFWS) CFDA Program 15.608 is approved. This award is made under the authority of the Fish and Wildlife Act of 1956, as amended, 16 U.S.C. 742a-742j. For a complete list of this program's authorizing legislation, go to <https://www.cfda.gov/> and search by the CFDA Program number. This award is made based on Service approval of your organization's proposal signed on June 22, 2016, hereby incorporated by reference into this award.

This modification is to provide FY16 funding for project segment 3 of this stewardship agreement with Point Reyes Bird Observatory doing business as Point Blue Conservation Science (Point Blue) at the U.S. Fish and Wildlife Service (Service), Farallon National Wildlife Refuge (Refuge). The objective is to protect, conserve and monitor the Farallon Islands ecosystem including but not limited to birds, mammals, salamanders, insects, other wildlife and plants.

**Type of Agreement:**

<input type="checkbox"/>	Grant Agreement
<input checked="" type="checkbox"/>	Cooperative Agreement
<input type="checkbox"/>	Fire Agreement
<input type="checkbox"/>	Challenge Cost Share
<input type="checkbox"/>	CESU Master Agmt # _____
<input type="checkbox"/>	NRDA

**Program:**

<input type="checkbox"/>	Fisheries Program
<input checked="" type="checkbox"/>	Refuges Program
<input type="checkbox"/>	Ecological Services Program
<input type="checkbox"/>	Science Applications
<input type="checkbox"/>	Migratory Birds
<input type="checkbox"/>	National Wetlands Inventory

**Type of Organization:**

☐ State Government  
☐ Tribal  
☒ Higher Education Inst.

☐ Local Government  
☐ Non-Profit Organization  
☐ For Profit Organization  
☐ Private Individual

**SAM Registration expires:** March 23, 2017

**Period of Performance**

The project period of this award is April 1, 2014 through March 31, 2019. This is the period of Federal sponsorship. This project will be funded incrementally. Based on availability of funds, the Service will provide funds to the University annually, or more often if necessary, to accomplish and enhance the public benefits incorporated in this agreement. Tasks may include assisting USFWS to conduct seabird monitoring, aerial photographic survey of seabird colonies, report or manuscript preparation and other tasks. For each increment of funding, the University will need to submit a Scope of Work and the most current versions of the following federal forms: 1) SF424 Application for Federal Assistance; and 2) SF424A Budget (Non-construction programs).

The funding period for this segment of this project is August 29, 2016 through March 31, 2019. The total amount of USFWS funding available for this segment of this project is \$227,680.00. Only allowable costs resulting from obligations incurred during this funding period and any authorized pre-award costs that are approved may be charged to this award.

The Service will revise this award over time to add new funding for each subsequent project segment. Each project segment will be assigned a specific funding period, during which only allowable costs resulting from obligations incurred during the specified funding period may be charged to this award.

**All obligations incurred under the award must be liquidated no later than 90 calendar days after the end of the performance period, unless the Service approves a final financial reporting period extension (see Reporting Requirements section below).** If you need more time to complete project activities, you must submit a written request to the Service Project Officer identified in the Project Contacts section below 30 days before the end of the stated performance period (see Project/Program Plan and Budget Revisions section below).

The Service's obligation to provide incremental funding up to the total anticipated award amount is contingent on: 1) satisfactory Recipient performance and 2) the availability of funds. No legal liability on the part of the Service exists unless and until the Service obligates funds and notifies the Recipient in writing that funds are available for the purposes of this award.

**Funding:**

This award is funded as follows:

	<b><u>USFWS</u></b>	<b><u>Recipient</u></b>
This obligation:	\$227,680.00	\$305,260.00
Previous obligation:	\$363,685.00	\$610,520.00
<b>Cumulative Total:</b>	<b>\$591,365.00</b>	<b>\$915,780.00</b>

**System for Award Management (SAM) Registration:** Under the terms and conditions of this award, your organization must maintain an active SAM registration at <https://www.sam.gov/portal/public/SAM/> until the final financial report is submitted or final payment is received, whichever is later. If your organization's SAM registration expires during the required period, the Service will suspend payment under this and all other Service awards to your organization until you update your organization's SAM registration.

**Reporting Requirements:**

**Financial and Performance Reporting Requirements:**

Annual interim financial and performance reports and final financial and performance reports are required under this award. The report periods and due dates under this award are:

<b>Report:</b>	<b>Report Period:</b>	<b>Report Due Date:</b>
<b><u>Interim</u></b> financial & performance report	April 1, 2014-March 31, 2015	June 29, 2015
<b><u>Interim</u></b> financial & performance report	April 1, 2015-March 31, 2016	June 29, 2016
<b><u>Interim</u></b> financial & performance report	April 1, 2015-March 31, 2017	June 29, 2017
<b><u>Interim</u></b> financial & performance report	April 1, 2017-March 31, 2018	June 29, 2018
<b><u>Final</u></b> financial & performance report	April 1, 2018-March 31, 2019	June 29, 2019

Recipients must use the Standard Form (SF) 425, *Federal Financial Report* form for all financial reporting. This form is available at [http://www.whitehouse.gov/omb/grants\\_forms/](http://www.whitehouse.gov/omb/grants_forms/).

Performance reports must contain: 1) a comparison of actual accomplishments with the goals and objectives of the award as detailed in the approved scope of work; 2) a description of reasons why established goals were not met, if appropriate; and 3) any other pertinent information relevant to the project results. Please include the Service award number provided in the subject line of this letter on all reports.

Financial and performance reporting due dates may be extended by the Service upon receipt of a written request addressed to the Service Project Officer identifying the type of report to be extended, the requested revised due date, and a justification for the extension. The Service Project Officer may approve an additional extension if justified by a catastrophe that significantly impairs the recipient's operations. Requests for reporting due date extensions must be received by the Service Project Officer no later than one day before the original reporting due date.

**Significant Developments Reports** (see 2 CFR 200.328(d)):

Events may occur between the scheduled performance reporting dates that have significant impact upon the supported activity. In such cases, notify the Service Project Officer in writing as soon as the following types of conditions become known:

- Problems, delays, or adverse conditions that will materially impair the ability to meet the objective of the Federal award. This disclosure must include a statement of any corrective

action(s) taken or contemplated, and any assistance needed to resolve the situation.

- Favorable developments that enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more or different beneficial results than originally planned.

**Conflict of Interest Disclosures:**

Recipients are responsible for notifying the Service Project Officer in writing of any actual or potential conflicts of interest that may arise during the life of this award. Conflicts of interest include any relationship or matter which might place the Recipient, the Recipient's employees, or the Recipient's subrecipients in a position of conflict, real or apparent, between their responsibilities under this award and any other outside interests. Conflicts of interest may also include, but are not limited to, direct or indirect financial interests, close personal relationships, positions of trust in outside organizations, consideration of future employment arrangements with a different organization, or decision-making affecting the award that would cause a reasonable person with knowledge of the relevant facts to question the impartiality of the Recipient, the Recipient's employees, or the Recipient's subrecipients in the matter. Upon receipt of such a notice, the Service Project Officer in consultation with their Ethics Counselor will determine if a conflict of interest exists and, if so, if there are any possible actions to be taken by the Recipient, the Recipient's employee(s), or the Recipient's subrecipient(s) that could reduce or resolve the conflict. Failure to resolve conflicts of interest in a manner that satisfies the Service may result in any of the remedies described in 2 CFR 200.338, Remedies for Noncompliance, including termination of this award.

**Other Mandatory Disclosures:**

Recipients and their subrecipients must disclose, in a timely manner, in writing to the Service or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting this award. Non-Federal entities that have received a Federal award including the term and condition outlined in 2 CFR 200, Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters are required to report certain civil, criminal, or administrative proceedings to SAM. Failure to make required disclosures can result in any of the remedies described in 2 CFR 200.338, Remedies for noncompliance, including suspension or debarment (See 2 CFR 200.113, 2 CFR Part 180, 31 U.S.C. 3321, and 41 U.S.C. 2313).

**Other Reports or Deliverables:**

Required annual reports were described in the original agreement. Additional reports for Segment 3 of this project have been described in attached Scopes of Work (Attachments 1 through 4). All reports must be sent to the Farallon National Wildlife Refuge Manager.

**Project/Program Plan and Budget Revisions:**

Recipients are required to report deviations from budget or project scope or objective, and request prior approvals for budget and program plan revisions in accordance with 2 CFR 200.308 unless otherwise specifically waived in this award.

**Project Contacts:**

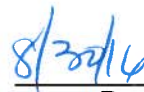
<b>The Service Project Officer for this award is:</b>	<b>The Recipient Project Officer for this award is:</b>
Anne Morkill Refuge Complex Manager San Francisco Bay NWRC 1 Marshlands Road Fremont, CA 94555 510-792-0222, ext. 123 anne_morkill@fws.gov	Ellie Cohen President and CEO 3820 Cypress Drive, #11 Petaluma, CA 94954 707-781-2555, x 318 ecohen@pointblue.org

Please contact Gerry McChesney, Farallon National Wildlife Refuge Manager, at (510) 792-0222 ext. 222 with any questions. Please include the USFWS award number provided in the subject line of this letter in all written communications:

Sincerely,



Polly Wheeler, PhD.  
Assistant Regional Director  
National Wildlife Refuge System



Date

**Attachments:**

- 1 - Budget – Ecosystem Monitoring and Refuge Stewardship
- 2 - Scope of Work and Budget – Auklet Box Project
- 3 – Scope of Work and Budget – NRDAR Restoration Catalyst Project
- 4 – Scope of Work and Budget – NFWF North Pacific Seabirds Project
- 5 - SF424A Budget
- 6- Terms and Conditions

PROJECT BUDGET  
Point Reyes Bird Observatory  
Farallon National Wildlife Refuge  
Ecosystem Monitoring and Refuge Stewardship  
April 1, 2016 to March 31, 2017

**Federal Share:**

Salary, Biologist, GS-11 Step 1 equivalent (12 months) .....	\$ 68,643.00
Salary, Biologist, GS-7 Step 1 equivalent (12 months) .....	\$ 46,382.00
Benefits (20% of salaries) .....	\$ 23,005.00
Per diem (\$20/day x 2 persons x 365 days) .....	\$ 14,600.00
<b>Total .....</b>	<b>\$ 152,630.00</b>

**Scope of Work and Budget**  
**Cosco Busan Auklet Box Restoration on Southeast Farallon Island**  
**Point Blue Conservation Science**

In 2014, Point Blue Conservation Science began designing and conducting trials on prototype new artificial nest structures for Cassin's and Rhinoceros Auklets. This project is being conducted to develop new nest structures for the auklets that will keep internal temperatures near natural burrow and crevice nest sites while being long lasting, cost effective, and permit for easy and low disturbance monitoring. In 2014-15, Pt. Blue biologists began investigating potential materials and building prototype nest structures while completing a study comparing air temperatures between natural nest sites, wooden artificial nest boxes (uncovered boxes), and wooden artificial nest boxes covered with shading to reduce solar penetration into the box (covered boxes). That study found that temperatures differed between the three study groups, with temperatures progressively warmer between uncovered boxes, covered boxes, and natural nest sites, respectively.

For artificial nest structure prototype development, Point Blue worked in close collaboration with Oikonos Ecosystem Knowledge, along with master ceramicist Nathan Lynch from More Lab and the California College of the Arts, to design test units using ceramic materials. After extensive research and development, we devised two prototype designs to test: a shielded ceramic nest box which approximated conventional designs, and a dome structure with a central ceramic tube and ventilation holes to help alleviate heat, along with an external ceramic dome shielding which rotates around the unit. Temperature testing and installation of concrete boxes was initiated in April 2015 and in ceramic test designs in October 2015.

Over the next year, Point Blue will assess temperature values in new prototype units, and analyze them relative to area specific controls and reference conventional nest boxes. They will evaluate prototype temperatures relative to previously established relationships. Also, they will complete a draft manuscript on our temperature logger studies and habitat evaluations.

**Deliverables and Timelines**

Assessment of prototypes (including temperature data): September 30, 2017

Temperature logger manuscript: January 31, 2018

**Project Budget:**

The budget includes funds for Oikonos Ecosystem Knowledge for assistance with research and development of test modules, salaries and benefits for Point Blue biologists for field work and manuscript preparation, and indirect expenses.

Oikonos R and D and test modules	\$5,500
2 weeks Warzybok, 1 week Bradley	\$3,840
Benefits Warzybok and Bradley	\$1,785
Subtotal	\$11,125
Indirect Expenses (35%)	\$3,893.75
<b>Total</b>	<b>\$15,019</b>



**Scope of Work**  
**Restoration Catalyst Fund Project: Farallon NEPA**  
**Point Blue Conservation Science**

As part of its cooperative agreement with the U.S. Fish and Wildlife Service – Farallon National Wildlife Refuge (Refuge), Point Blue Conservation Science (Point Blue) has been assisting the Refuge with National Environmental Policy Act (NEPA) compliance, including preparation of an Environmental Impact Statement (EIS), for a proposed house mouse eradication project. Point Blue’s assistance has included conducting or assisting with collection of baseline data on Farallon wildlife and conducting studies related to assessing the efficacy or potential impacts of potential eradication techniques.

One of the most crucial analyses of potential impacts to the Farallons Islands concerns the effectiveness of the western gull hazing program. The USFWS received several comments on the Draft EIS about the uncertainty surrounding the potential adverse impacts of western gulls being exposed secondarily to anticoagulant rodenticide bait. To address this uncertainty, Point Blue Conservation Science, Island Conservation, and USFWS completed a hazing trial in November and December 2012 to evaluate the effectiveness of a combination of non-lethal wildlife hazing techniques including biosonics, pyrotechnics, lasers, a helicopter, reflective objects and effigies, for temporarily reducing western gull numbers at the South Farallon Islands, and therefore reducing gull exposure to rodenticide. They examined the relative effectiveness of these tools for dissuading gulls as well as the impact of these treatments on pinnipeds and other non-target bird species present on the islands. The hazing trial successfully demonstrated the feasibility of keeping gulls off the islands for an extended period of time (in this case a 12-day interval) while having relatively minor impacts on other species, namely other seabird species and pinnipeds. Hazing efforts were 98% effective at keeping gulls off the island and away from areas that would be baited during an eradication effort.

As part of the Avian Risk Assessment for South Farallon Islands that was completed as a component of the Draft EIS, the western gull risk model determined that a hazing success of 90% or higher was necessary to avoid rodenticide having a population level impact as defined by a previously completed gull population viability analysis (see Appendix F – Western Gull Risk Assessment (December 10, 2012) from the Draft EIS for additional information). Point Blue is currently in the process of completing a manuscript for publication in Journal of Wildlife Management; however, funding support is needed to complete the final manuscript and submit it for publication. There are three other key eradication-related products (described below) that are essential to the restoration planning process and require additional funds so that they can be completed.

For the Restoration Catalyst Fund project, Point Blue will complete the following baseline studies for the Farallon mouse eradication project NEPA analyses:

1. Complete a manuscript reporting on the promising findings from the western gull hazing trials on Southeast Farallon Island (due April 30, 2016);
2. Complete a manuscript on a recent burrowing owl diet study (due April 30, 2016);

3. Complete updated ashy storm-petrel population modeling (due April 30, 2016);
4. Complete the western gull population viability analysis based on potential impacts from rodenticide exposure (due April 30, 2016); and
5. Continue to assist the Refuge with the NEPA process including review of potential alternatives, preparation and review of draft versions of the final EIS.

**Project Budget:**

<b>Point Blue Conservation Science</b>	
<i><b>Salaries and Benefits</b></i>	
Staff salaries - Project manager and support staff	\$18,500.00
Staff benefits (46.5%)	\$8,603.00
<i><b>Travel</b></i>	
Travel to local partner meetings	\$550.00
<i><b>Publication Fees</b></i>	
Fees for publishing four manuscripts to support EIS	\$2,000.00
Total Direct Costs	\$29,653.00
Indirect Costs (@35%)	\$10,378.00
<b>Total</b>	<b>\$40,031.00</b>

**Scope of Work**  
**North Pacific Seabirds Project: Farallon NEPA**  
**Point Blue Conservation Science**

As part of its cooperative agreement with the U.S. Fish and Wildlife Service – Farallon National Wildlife Refuge (Refuge), Point Blue Conservation Science (Point Blue) has been assisting the Refuge with National Environmental Policy Act (NEPA) compliance, including preparation of an Environmental Impact Statement (EIS) for a proposed house mouse eradication project. Point Blue's assistance has included collating and providing scientific data on Farallon Islands' natural resources from their extensive work, collating other useful information, providing technical expertise, reviewing and editing documents, conducting or assisting with collection of baseline data on Farallon wildlife, and conducting studies related to assessing the efficacy or potential impacts of potential eradication techniques.

In order for Point Blue staff to continue to provide the Service with needed assistance on the Farallon mouse eradication NEPA process, funding of \$20,000 is provided by the Service through funds provided by the National Fish and Wildlife Foundation's North Pacific Seabirds initiative. The budget includes salary for the Farallon Program Manager (about 1 month) and Marine Ecology Director (about 0.5 months) and travel (e.g., mileage) to attend meetings.

**Project Budget: \$20,000**

# BUDGET INFORMATION - Non-Construction Programs

## SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		Total (g)
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	
1. Farallon Ecosystem Monitoring and Refuge Stewardship	15.608	\$	\$	152,630.00	\$ 305,260.00	457,890.00
2. Cosco Busan Auklet Nest Box Project	15.608			15,019.00		15,019.00
3. NRDAR Restoration Catalyst - NEPA assistance	15.608			40,031.00		40,031.00
4. NFWF North Pacific Seabirds	15.608			20,000.00		20,000.00
5. Totals		\$	\$	227,680.00	\$ 305,260.00	532,940.00

# SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
	Farallon Ecosystem Monitoring and Refuge Stewardship	Cosco Buan Auklet Nest Box Project	NRDAR Restoration Catalyst - NEPA assistance	NFWF North Pacific Seabirds	
a. Personnel	\$ 115,025.00	\$ 3,840.00	\$ 18,500.00	\$ 8,406.00	\$ 145,771.00
b. Fringe Benefits	23,005.00	1,785.00	8,603.00	3,909.00	37,302.00
c. Travel	14,600.00		550.00	2,500.00	17,650.00
d. Equipment					
e. Supplies		5,500.00			5,500.00
f. Contractual					
g. Construction					
h. Other			2,000.00		2,000.00
i. Total Direct Charges (sum of 6a-6h)	152,630.00	11,125.00	29,653.00	14,815.00	208,223.00
j. Indirect Charges		3,894.00	10,378.00	5,185.00	19,457.00
k. TOTALS (sum of 6i and 6j)	\$ 152,630.00	\$ 15,019.00	\$ 40,031.00	\$ 20,000.00	\$ 227,680.00
7. Program Income	\$	\$	\$	\$	\$

Authorized for Local Reproduction

# SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program		(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	Farallon Ecosystem Monitoring and Refuge Stewardship	\$ 305,260.00	\$	\$	\$ 305,260.00
9.	Cosco Busan Auklet Nest Box Project				
10.	NERDAR Restoration Catalyst - NEPA assistance				
11.	NFWF North Pacific Seabirds				
12.	TOTAL (sum of lines 8-11)	\$ 305,260.00	\$	\$	\$ 305,260.00

# SECTION D - FORECASTED CASH NEEDS

		Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13.	Federal	\$	\$	\$	\$	\$
14.	Non-Federal	\$				
15.	TOTAL (sum of lines 13 and 14)	\$	\$	\$	\$	\$

# SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program		FUTURE FUNDING PERIODS (YEARS)			
		(b) First	(c) Second	(d) Third	(e) Fourth
16.	Farallon Ecosystem Monitoring and Refuge Stewardship	\$	\$	\$	\$
17.	Cosco Busan Auklet Nest Box Project				
18.	NERDAR Restoration Catalyst - NEPA assistance				
19.	NFWF North Pacific Seabirds				
20.	TOTAL (sum of lines 16 - 19)	\$	\$	\$	\$

# SECTION F - OTHER BUDGET INFORMATION

21. Direct Charges:		22. Indirect Charges:	
23. Remarks:			

## U.S. Fish and Wildlife Service Financial Assistance Award Terms and Conditions

Acceptance of a financial assistance award (i.e., grant or cooperative agreement) from the U.S. Fish and Wildlife Service (Service), Department of the Interior (Interior) 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 approved by the Service. Awards from the Service are subject to the terms and conditions incorporated into the award either by direct citation or by reference to the following: Federal regulations; program legislation or regulation; and special award terms and conditions. The terms and conditions of Service awards flow down to subrecipients and contractors, unless a particular award term or condition specifically indicates otherwise. The Federal regulations applicable to Service grant and cooperative agreement award recipients, and their subrecipients and contractors, are:

### For-Profit Entities

For for-profit entities, the regulations and requirements listed under the “Administrative Requirements”, “Cost Principles”, and “Indirect Costs Identification and Assignment/Rate Determination Procedures” sections below apply only when they are specifically incorporated by reference in the Service award. The regulations and requirements listed under the “Other Requirements” section below always apply.

#### **Administrative Requirements**

[2 CFR Part 200, Subparts A through D](#)

#### **Cost Principles**

[48 CFR 1, Subpart 31.2—Contracts with Commercial Organizations](#)

#### **Indirect Costs Identification and Assignment/Rate Determination Procedures**

Contact the National Interior Business Center (IBC), Indirect Cost Services by telephone at (916) 566-7111 or by e-mail at: [ics@ibc.doi.gov](mailto:ics@ibc.doi.gov). Visit the IBC’s Indirect Cost Services website at <https://www.doi.gov/ibc/services/finance/indirect-cost-services> for more information.

#### **Other Requirements**

[2 CFR Part 25](#), Universal Identifier and Central Contractor Registration

[2 CFR Part 170](#), Reporting Subawards and Executive Compensation

[2 CFR Part 175](#), Award Term for Trafficking in Persons

[2 CFR Part 200, Appendix XII](#)—Award Term and Condition for Recipient Integrity and Performance Matters (Applicable to awards with a total Federal share of more than \$500,000)

[2 CFR Part 1400](#), Government-wide Debarment and Suspension (Non-procurement)

[2 CFR Part 1401](#), Requirements for Drug-Free Workplace (Financial Assistance)

[43 CFR 18](#), New Restrictions on Lobbying: Submission of an application also represents the applicant's certification of the statements in [43 CFR Part 18, Appendix A](#), Certification Regarding Lobbying.

[41 USC §4712](#), Pilot Program for Enhancement of Recipient and Subrecipient Employee Whistleblower Protection: This requirement applies to all awards issued after July 1, 2013 and shall be in effect until January 1, 2017.

- (a) This award, related subawards, and related contracts over the simplified acquisition threshold and all employees working on this award, related subawards, and related contracts over the simplified acquisition threshold are subject to the whistleblower rights and remedies in the pilot program on award recipient employee whistleblower protections established at 41 U.S.C. 4712 by section 828 of the National Defense Authorization Act for Fiscal Year 2013 (P.L. 112-239).
- (b) Recipients, their subrecipients, and their contractors awarded contracts over the simplified acquisition threshold related to this award, shall inform their employees in writing, in the predominant language of the workforce, of the employee whistleblower rights and protections under 41 U.S.C. 4712.

- (c) The recipient shall insert this clause, including this paragraph (c), in all subawards and in contracts over the simplified acquisition threshold related to this award.

[41 USC §6306](#), Prohibition on Members of Congress Making Contracts with Federal Government: No member of or delegate to the United States Congress or Resident Commissioner shall be admitted to any share or part of this award, or to any benefit that may arise therefrom; this provision shall not be construed to extend to an award made to a corporation for the public's general benefit.

[Executive Order 13513](#), Federal Leadership on Reducing Text Messaging while Driving: Recipients are encouraged to adopt and enforce policies that ban text messaging while driving, including conducting initiatives of the type described in section 3(a) of the Order.

## **Foreign Entities**

Foreign entities include foreign public entities (see definition in 2 CFR 200.46) and foreign organizations (see definition in 2 CFR 200.47). For foreign entities, the regulations and requirements listed under the "Administrative Requirements", "Cost Principles", and "Indirect Costs Identification and Assignment/Rate Determination Procedures" sections below apply only when they are specifically incorporated by reference in the Service award. The regulations and requirements listed under the "Other Requirements" section below always apply.

### **Administrative Requirements**

*Institutions of Higher Education (IHEs):* [2 CFR Part 200, Subparts A through D](#), including the requirements specific to IHEs.

*Non-profit organizations:* [2 CFR Part 200, Subparts A through D](#), including the requirements specific to non-profit organizations.

*Public entities:* [2 CFR Part 200, Subparts A through D](#), including the requirements specific to states, with the following exceptions:

- The state payment procedures in 200.305(a) do not apply. Foreign public entities must follow the payment procedures in 200.305(b).
- The requirements in 200.321 "Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms" do not apply.
- The requirements in 200.322 "Procurement of recovered materials" do not apply.

*All other entities:* [2 CFR Part 200, Subparts A through D](#)

### **Cost Principles**

*For-profit entities:* [48 CFR 1, Subpart 31.2](#)

*Hospitals:* [45 CFR Part 75, Subpart E](#)

*Public entities:* [2 CFR Part 200, Subpart E](#), including the requirements specific to states.

*All other entities:* [2 CFR Part 200, Subpart E](#)

### **Indirect Costs Identification and Assignment/Rate Determination Procedures**

*For-profit entities:* Contact the National Interior Business Center (IBC), Indirect Cost Services by telephone at (916) 566-7111 or by e-mail at: [ics@ibc.doi.gov](mailto:ics@ibc.doi.gov). Visit the IBC's Indirect Cost Services website at <https://www.doi.gov/ibc/services/finance/indirect-cost-services> for more information.

*Hospitals:* [45 CFR Part 75, Appendix IX—Principles for Determining Costs Applicable to Research and Development Under Grants and Contracts with Hospitals](#). The U.S. Department of Health and Human Services (HHS) is the cognizant agency for indirect costs for foreign hospitals. Visit HHS' Cost Allocation Services website at <https://rates.psc.gov/> for more information.

*IHEs:* [2 CFR 200, Appendix III—Indirect \(F&A\) Costs Identification and Assignment, and Rate Determination for IHEs](#). HHS is the cognizant agency for indirect costs for foreign IHEs. Visit HHS' Cost Allocation Services website at <https://rates.psc.gov/> for more information.



*Non-profit organizations:* [2 CFR 200, Appendix IV—Indirect \(F&A\) Costs Identification and Assignment, and Rate Determination for Nonprofit Organizations](#).

*Public entities:* [2 CFR 200, Appendix VII—States and Local Government and Indian Tribe Indirect Cost Proposals](#).

### **Other Requirements**

[2 CFR Part 25](#), Universal Identifier and Central Contractor Registration

[2 CFR Part 170](#), Reporting Subawards and Executive Compensation

[2 CFR Part 175](#), Award Term for Trafficking in Persons (Term is applicable to private entity subrecipients of foreign public entities)

[2 CFR Part 200, Appendix XII](#)—Award Term and Condition for Recipient Integrity and Performance Matters (Term is applicable to awards with a total Federal share of more than \$500,000, except awards to foreign public entities as defined in 2 CFR 200.46)

[2 CFR Part 1400](#), Government-wide Debarment and Suspension (Non-procurement) (Applicable to all awards except those transactions identified in 2 CFR 180.215)

[2 CFR Part 1401](#), Requirements for Drug-Free Workplace (Financial Assistance)

[43 CFR 18](#), New Restrictions on Lobbying: Submission of an application also represents the applicant's certification of the statements in [43 CFR Part 18, Appendix A](#), Certification Regarding Lobbying.

[41 USC §6306](#), Prohibition on Members of Congress Making Contracts with Federal Government: No member of or delegate to the United States Congress or Resident Commissioner shall be admitted to any share or part of this award, or to any benefit that may arise therefrom; this provision shall not be construed to extend to an award made to a corporation for the public's general benefit.

[Executive Order 13513](#), Federal Leadership on Reducing Text Messaging while Driving: Recipients are encouraged to adopt and enforce policies that ban text messaging while driving, including conducting initiatives of the type described in section 3(a) of the Order.

## **Individuals**

An individual is any person applying for or receiving Federal funds under a grant or cooperative agreement award separate from any business or non-profit organization he/she may operate. For individuals, the notice of award document will detail all administrative and cost-related requirements and restrictions.

### **Other Requirements**

[2 CFR Part 175](#), Award Term for Trafficking in Persons

[2 CFR Part 1400](#), Government-wide Debarment and Suspension (Non-procurement)

[2 CFR Part 1401](#), Requirements for Drug-Free Workplace (Financial Assistance)

[43 CFR 18](#), New Restrictions on Lobbying: Submission of an application also represents the applicant's certification of the statements in [43 CFR Part 18, Appendix A](#), Certification Regarding Lobbying.

[41 USC §6306](#), Prohibition on Members of Congress Making Contracts with Federal Government: No member of or delegate to Congress or Resident Commissioner shall be admitted to any share or part of this award, or to any benefit that may arise therefrom; this provision shall not be construed to extend to an award made to a corporation for the public's general benefit.

[Executive Order 13513](#), Federal Leadership on Reducing Text Messaging while Driving: Recipients are encouraged to not engage in text messaging when driving a vehicle while conducting activities funded under this award.

## **Institutions of Higher Education, Hospitals and other Non-Profit Organizations**

For domestic Institutions of Higher Education (IHEs), hospitals and non-profit organizations, the below terms and conditions always apply.

## **Administrative Requirements**

[2 CFR Part 200, Subparts A through D](#)

## **Cost Principles**

*Hospitals:* [45 CFR Part 75, Subpart E](#)

*IHEs* (see definition in [20 U.S.C. 1001](#)): [2 CFR Part 200, Subpart E](#)

*Non-profit organizations exempted from 2 CFR Part 200, Subpart E* (see [Appendix VIII to Part 200](#)): [48 CFR 1, Subpart 31.2—Contracts with Commercial Organizations](#)

*All other non-profit organizations:* [2 CFR Part 200, Subpart E](#)

## **Indirect Costs Identification and Assignment/Rate Determination Procedures**

*Hospitals:* [45 CFR Part 75, Appendix IX—Principles for Determining Costs Applicable to Research and Development Under Grants and Contracts with Hospitals](#). The U.S. Department of Health and Human Services (HHS) is the cognizant agency for indirect costs for hospitals. Visit HHS' Cost Allocation Services website at <https://rates.psc.gov/> for more information.

*IHEs:* [2 CFR Part 200, Appendix III—Indirect \(F&A\) Costs Identification and Assignment, and Rate Determination for IHEs](#). The U.S. Department of Health and Human Services (HHS) is the cognizant agency for indirect costs for foreign IHEs. Visit HHS' Cost Allocation Services website at <https://rates.psc.gov/> for more information.

*Non-profit organizations exempted from 2 CFR Part 200, Subpart E:* Contact the National Interior Business Center (IBC), Indirect Cost Services by telephone at (916) 566-7111 or by e-mail at: [ics@ibc.doi.gov](mailto:ics@ibc.doi.gov). Visit the IBC's Indirect Cost Services website at <https://www.doi.gov/ibc/services/finance/indirect-cost-services> for more information.

*All other non-profit organizations:* [2 CFR 200, Appendix IV—Indirect \(F&A\) Costs Identification and Assignment, and Rate Determination for Nonprofit Organizations](#)

## **Audit Requirements**

*Non-profit organizations:* [2 CFR Part 200, Subpart F](#)

## **Other Requirements**

[2 CFR Part 25](#), Universal Identifier and Central Contractor Registration

[2 CFR Part 170](#), Reporting Subawards and Executive Compensation

[2 CFR Part 175](#), Award Term for Trafficking in Persons

[2 CFR Part 200, Appendix XII](#)—Award Term and Condition for Recipient Integrity and Performance Matters (Applicable to awards with a total Federal share of more than \$500,000)

[2 CFR Part 1400](#), Government-wide Debarment and Suspension (Non-procurement)

[2 CFR Part 1401](#), Requirements for Drug-Free Workplace (Financial Assistance)

[43 CFR 18](#), New Restrictions on Lobbying: Submission of an application also represents the applicant's certification of the statements in [43 CFR Part 18, Appendix A](#), Certification Regarding Lobbying.

[41 USC §4712](#), Pilot Program for Enhancement of Recipient and Subrecipient Employee Whistleblower Protection: This requirement applies to all awards issued after July 1, 2013 and shall be in effect until January 1, 2017.

- (a) This award, related subawards, and related contracts over the simplified acquisition threshold and all employees working on this award, related subawards, and related contracts over the simplified acquisition threshold are subject to the whistleblower rights and remedies in the pilot program on award recipient employee whistleblower protections established at 41 U.S.C. 4712 by section 828 of the National Defense Authorization Act for Fiscal Year 2013 (P.L. 112-239).
- (b) Recipients, their subrecipients, and their contractors awarded contracts over the simplified acquisition threshold related to this award, shall inform their employees in writing, in the predominant language of the workforce, of the employee whistleblower rights and protections under 41 U.S.C. 4712.

- (c) The recipient shall insert this clause, including this paragraph (c), in all subawards and in contracts over the simplified acquisition threshold related to this award.

[41 USC §6306](#), Prohibition on Members of Congress Making Contracts with Federal Government: No member of or delegate to Congress or Resident Commissioner shall be admitted to any share or part of this award, or to any benefit that may arise therefrom; this provision shall not be construed to extend to an award made to a corporation for the public's general benefit.

[Executive Order 13513](#), Federal Leadership on Reducing Text Messaging while Driving: Recipients are encouraged to adopt and enforce policies that ban text messaging while driving, including conducting initiatives of the type described in section 3(a) of the Order.

### **State, Local and Federally-recognized Indian Tribal Governments**

For U.S. state, local and federally-recognized Indian tribal governments, the below terms and conditions always apply.

#### **Administrative Requirements**

[2 CFR Part 200, Subparts A through D](#)

#### **Cost Principles**

[2 CFR Part 200, Subpart E](#)

#### **Central Service Cost Allocation Plans and Indirect Cost Proposals**

[2 CFR Part 200, Appendix V—State/Local Government and Indian Tribe-Wide Central Service Cost Allocation Plans](#)

[2 CFR Part 200, Appendix VII—States and Local Government and Indian Tribe Indirect Cost Proposals](#)

#### **Audit Requirements**

[2 CFR Part 200, Subpart F](#)

#### **Other Requirements**

[2 CFR Part 25](#), Universal Identifier and Central Contractor Registration

[2 CFR Part 170](#), Reporting Subawards and Executive Compensation

[2 CFR Part 175](#), Award Term for Trafficking in Persons (Term is applicable to private entity subrecipients)

[2 CFR Part 200, Appendix XII](#)—Award Term and Condition for Recipient Integrity and Performance Matters (Applicable to awards with a total Federal share of more than \$500,000)

[2 CFR Part 1400](#), Government-wide Debarment and Suspension (Non-procurement)

[2 CFR Part 1401](#), Requirements for Drug-Free Workplace (Financial Assistance)

[43 CFR 18](#), New Restrictions on Lobbying: Submission of an application also represents the applicant's certification of the statements in [43 CFR Part 18, Appendix A](#), Certification Regarding Lobbying.

[41 USC §4712](#), Pilot Program for Enhancement of Recipient and Subrecipient Employee Whistleblower Protection: This requirement applies to all awards issued after July 1, 2013 and shall be in effect until January 1, 2017.

- (a) This award, related subawards, and related contracts over the simplified acquisition threshold and all employees working on this award, related subawards, and related contracts over the simplified acquisition threshold are subject to the whistleblower rights and remedies in the pilot program on award recipient employee whistleblower protections established at 41 U.S.C. 4712 by section 828 of the National Defense Authorization Act for Fiscal Year 2013 (P.L. 112-239).
- (b) Recipients, their subrecipients, and their contractors awarded contracts over the simplified acquisition threshold related to this award, shall inform their employees in writing, in the predominant language of the workforce, of the employee whistleblower rights and protections under 41 U.S.C. 4712.

- (c) The recipient shall insert this clause, including this paragraph (c), in all subawards and in contracts over the simplified acquisition threshold related to this award.

[41 USC §6306](#), Prohibition on Members of Congress Making Contracts with Federal Government: No member of or delegate to Congress or Resident Commissioner shall be admitted to any share or part of this award, or to any benefit that may arise therefrom; this provision shall not be construed to extend to an award made to a corporation for the public's general benefit.

[Executive Order 13513](#), Federal Leadership on Reducing Text Messaging while Driving: Recipients are encouraged to adopt and enforce policies that ban text messaging while driving, including conducting initiatives of the type described in section 3(a) of the Order.