

**OFFICE OF ADVOCACY AND OUTREACH
U.S. DEPARTMENT OF AGRICULTURE GENERAL TERMS AND
CONDITIONS**

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OAO may terminate the award in whole, or in part, at any time before the ending date, whenever it is determined that the awardee has failed to comply with the conditions of this award agreement or OAO regulations related hereto.

1) **APPLICABLE REGULATIONS**

In consideration of this award by OAO to the awardee, to be made pursuant to section 2501(a)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990, the awardee will provide a program in accordance with the terms of this award agreement and applicable regulations.

In addition to any other terms and conditions stated herein, awardees shall be bound by the Administrative Provisions established for particular programs.

The Code of Federal Regulations is accessible through the [National Archives and Records Administration](#).

a) Administrative Provisions.

This award, and subawards at any tier under this award, shall be governed to the extent applicable by the following administrative provisions in effect at the time of award:

- i. 7 CFR Part 3015-USDA Uniform Federal Assistance Regulations, implementing OMB directives and incorporating provisions of 31 U.S.C. §6301-6308 (formerly the Federal Grant and Cooperative Agreement Act of 1977, Public Law 95-224), as well as general policy requirements applicable to awardees of Departmental financial assistance.
- ii. 7 CFR Part 3016-USDA implementation of Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Governments" (including Indian Tribal governments).
- iii. 7 CFR Part 3019-USDA implementation of OMB Circular No. A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations (now relocated at 2 CFR Part 215).
- iv. 7 CFR 3052-Audits of State and Local Governments, and Nonprofit Organizations.

b) Federal Cost Principles.

Allowable costs will be determined in accordance with the applicable program legislation, the purpose of the award, the terms and conditions of the award as contained herein, and, if this award is to an entity other than a Federal agency, by the following Federal cost principles that are applicable to the type of organization receiving the award, regardless of type of award or tier (i.e., prime awardee, subaward) as are in effect at the time of award:

1. 2 CFR Part 220-Cost Principles for Educational Institutions.
11. 2 CFR Part 225-Cost Principles for State, Local and Indian Tribal Governments.
111. 2 CFR Part 230-Cost Principles for Nonprofit Organizations" (nonprofit organizations excluded from coverage are listed in Attachment C).

c) Other Applicable Regulations. .

1. 7 CFR Part I-Subpart A-USDA implementation of the Freedom of Information Act;
11. 7 CFR Part 3-USDA implementation of OMB Circular No. A-129, regarding debt management;
111. Title VI of the Civil Rights Act of 1964 (Public Law 88-352), as amended, which prohibits discrimination on the basis of race, color, or national origin, and 7 CFR Part 15, Subpart A (USDA implementation);
- iv. 7 CFR Part 3017-USDA implementation of Governmentwide Debarment and Suspension (Nonprocurement).
- v. 7 CFR Part 3018-USDA implementation of Restrictions on Lobbying. Imposes prohibitions and requirements for disclosure and certification related to lobbying on awardees of Federal contracts, grants, cooperative agreements, and loans.
- v1. 7 CFR Part 3021-USDA implementation of Governmentwide Requirements for Drug-Free Workplace (Financial Assistance).
- v11. 7 CFR Part 3052-USDA implementation of OMB Circular No. A-133, Audits of States, Local Governments, and Non-Profit Organizations.
- v111. 29 U.S.C. §794 (Section 504, Rehabilitation Act of 1973) and 7 CFR Part 15b (USDA implementation of statute)-prohibiting discrimination based upon physical or mental handicap in Federally assisted programs.
- 1x. 35 U.S.C. §200 et seq.-Bayh-Dole Act, promoting the utilization of inventions arising from federally supported research or development; encouraging maximum participation of small business firms in federally supported research and development efforts; and promoting collaboration between commercial concerns and nonprofit organizations, including universities, while ensuring that the Government obtains sufficient rights in federally supported inventions to meet the needs of the Government and protect the public against nonuse or unreasonable use of inventions (implementing regulations are contained in 37 CFR Part 401)
- x. Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin;
- x1. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; Title IX of the

- Education Amendment of 1972 (20 U.S.C. §§1681-1683 and 1685-1686), as amended, which prohibits discrimination on the basis of sex;
- xn. Age Discrimination Act of 1975 (42 U.S.C. §6101-6107), as amended, which prohibits discrimination on the basis of age;
- xiii. Drug Abuse Office and Treatment Act of 1972 (Public Law 92-255), as amended, relating to nondiscrimination on the basis of drug abuse;
- xiv. Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (Public Law 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
- xv. Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
- xvi. Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing;
- xvn. Any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made, and the requirements of any other nondiscrimination statute(s) which may apply to the application.

2) **DEFINITIONS**

- b. "Authorized Departmental Officer" (ADO) means the Secretary or any employee of the Department with delegated authority to issue or modify award instruments on behalf of the Secretary.

ADO addresses, telephone, and facsimile numbers are as follows:

U.S. Department of Agriculture
 Deputy Director
 Office of Advocacy and Outreach
 1400 Independence Avenue, S.W.
 Rm. 520-A, Whitten Building, Stop 9821
 Washington, D.C. 20250-9821
 Telephone: (202) 720-6350
 Facsimile: (202) 720-7136
 e-mail: OASDFR@osec.usda.gov

- c. "Authorized Organizational Representative" (AOR) means the President or Chief Executive Officer of the applicant organization or the official, designated by the President or Chief Executive Officer of the applicant organization, who has the authority to commit the resources of the organization to the project.
- d. "Award" - means financial assistance that provides support to accomplish a public purpose. Awards may be grants, cooperative agreements, or other assistance agreements.
- e. "Award closeout" - means the process by which the award operation is concluded at the expiration of the award period or following a decision to terminate the award.
- f. "Award Period" - means the timeframe of the award from the beginning date to the ending date as defined in Part A of this award agreement.

- g. "Awardee" - means the entity designated in this grant, cooperative, or other assistance agreement as the legal entity to which the award is given. This term is used interchangeably with AOR, grantee, and recipient.
- h. "Beginning date" - means the date the award agreement is executed by the awardee and OAO and costs can be incurred.
- i. "Disallowed costs" - means the use of Federal financial assistance funds for unauthorized activities or items in accordance with applicable Federal cost principles (2 CFR 220, 2 CFR 225, and 2 CFR 230).
- 1. "Ending date" - means the date this award agreement is scheduled to be completed. It is also the latest date for incurred expenses under the award agreement, without an approved time extension.
- J. "Participant" - means an individual or entity that participates in awardee-led activities funded under the award agreement. Furthermore, a participant is any individual or entity who has applied for, or otherwise participated in, or received, a payment or other benefit as a result of participating in an activity funded under this award agreement.
- k. "Program Income" - means any income generated from projects financed in whole or in part with Federal funds during the award period.
- 1. "Program leader" - means the program supervisor within OAO.
- m. "Project Director" (PD)- means the individual(s) designated by the awardee in the proposal and award documentation and approved by the ADO who is responsible for the direction and management of the award.
- n. "Project Officer" (PO)- means an individual within OAO who is responsible for the programmatic oversight of the award on behalf of the Department.
- o. "Terminate funding" - means the cancellation of Federal assistance, in whole or in part, at any time before the ending date.

3) **ADMINISTRATIVE WAIVERS**

- j. In accordance with 7 CFR 3019.25(e) of the Uniform Administrative Requirements and Other Agreements with Institutions of Higher Education, Hospitals and Non-Profit Organizations, OAO is exercising its option and is waiving prior written approvals (i.e., awardees need not obtain such prior approval(s)) for the following situations for all awards to which these terms and conditions apply.

The PD may incur pre-award costs within the 90-day period immediately preceding the effective date of the award providing that: the approval of pre-award spending is made and documented in accordance with the awardee's normal procedures prior to the incurrence of the cost(s); the advanced funding is necessary for the effective and economical conduct of the award; and the costs are otherwise allowable. Pre-award expenditures are made at the awardee's risk. AOR authority to approve pre-award costs does not impose an obligation on OAO: (1) in the absence of appropriations; (2) if an award is subsequently not made; or (3) if an award is made for a lesser amount than the awardee expected.

- k. The AOR may make allowable budget changes and other required administrative prior approvals except those which change the scope or objectives of the award, change key personnel, create a need for additional funding, or are specifically prohibited by the terms and conditions of the award. In addition, where a statutory

prohibition exists the awardee may not approve such costs.

4) **UNALLOWABLE COSTS**

The award funds shall not be used to substitute for any financial support previously provided and currently available or assured from any other source.

The following costs are unallowable under this award unless otherwise permitted by law or approved in writing by the ADO:

- l. Costs above the amount authorized for the award;
- m. Costs incurred before the beginning date this agreement without appropriate approval or within the 90 day pre-award period;
- n. Costs incurred after the expiration of the award period, without an appropriate approved extension;
- o. Costs which lie outside the scope of the approved award and any amendments thereto;
- p. Entertainment costs regardless of their apparent relationship to award objectives;
- q. Consulting services performed by a Federal employee during official duty hours when such consulting services result in the payment of additional compensation to the employee;
- r. None of the funds under this award may be used towards travel costs for OAO employees;
- s. Payment for any capital assets, the purchase of real estate or vehicles, the improvement or renovation of the awardee's office space, or for the repair or maintenance of privately owned vehicles; and
1. Any other purpose prohibited in the Federal Cost Principles 2 CFR Part 220, 2 CFR Part 225, 2 CFR Part 230.

5) **LIMIT OF FEDERAL LIABILITY**

The maximum obligation of OAO to the awardee is the amount indicated in the award as obligated by OAO. Nothing in this article or in the other requirements of this award requires OAO to make any additional award of funds or limits its discretion with respect to the amount of funding to be provided for the same or any other purpose. However, in the event that an erroneous amount is stated in the award, the approved budget, or any supporting documentation relating to the award, OAO shall have the unilateral right to make the correction and to make an appropriate adjustment in the OAO share of the award to align with the Federal amount authorized.

6) **PAYMENTS**

All payments will be made in advance. All payments to the awardee shall be made via the approved electronic funds transfer (EFT) method. Awardees are expected to request funds via the federally approved electronic payment system for reimbursement in a timely manner in accordance with 7 CFR 3019.22 and 7 CFR 3016.21.

7) **REPORTING**

Performance and financial quarterly reports will be submitted within 30 days after the end of each calendar quarter. Final reports will be submitted within 90 calendar days after the date of completion of the award. The awardee will submit quarterly and final performance reports in accordance with 7 CFR 3019 and 7 CFR Parts 3015 and the following:

a. Performance Reporting

OAO reserves the right to change the format or process of the monthly and quarterly activities and accomplishments reports. Performance reports should be e-mailed to the Program Leader and the USDA point of contact.

1. Each awardee has minimum performance requirements it must meet as a condition to the Award Agreement. Among these requirements are:
 - Outreach workshops
 - One-on-One Meetings
 - Conferences
 - Farmer or Rancher Management Training
 - Other

All these duties must be conducted in targeted areas named in the Statement of Work. Though award activities are required in these targeted areas, this does not preclude work in other areas of need. Please indicate in the Quarterly Performance Report, which targeted areas had work completed during the quarter for which the report is being submitted. If work in areas not listed in the Award Agreement is being conducted, please indicate this in the Quarterly Performance Report. OAO will monitor performance reports to insure that minimum performance requirements are being met.

b) Financial Reporting

1. SF-425: Pursuant to the Federal Register Document (EB-18783), announced in the Federal Register, Vol. 73, No. 157 on Wednesday, August 13, 2008, awardees are to use the Federal Financial Report (FFR) SF-425, which consolidates and replaces the SF-269, SF-269A, SF-272 and SF-272A, previously referenced in 7 CFR 3019.52. OAO awardees receiving award payments on the DHHS Payment Management System are to submit quarterly and final SF-425 reports electronically in accordance with Award Agreement terms and conditions and DHHS Payment Management System electronic submission instructions. Both parts of the SF-425, which include the Federal Cash Transaction Report and the Financial Status Report, are to be completed and submitted on a quarterly and final basis. Awardees should report any interest earned in the remarks section of the SF-425. Instructions for completing the FFR can be found at [Instructions Manual page](#) and [Quick Reference guide page](#)
11. Federal Funding Accountability and Transparency Act (FFATA) Reporting
The Federal Funding Accountability and Transparency Act of 2006 legislation (FFATA or Transparency Act - P.L.109-282, as amended by section 6202(a)

of P.L. 110-252) requires information on Federal awards (Federal financial assistance and expenditures) be made available to the public via a single, searchable website, www.USASpending.gov.

1. Added to funds committed to the project by the Federal awarding agency and recipient and used to further eligible project or program objectives.
2. Used to finance the non-Federal share of the project or program.
3. Deducted from the total project or program allowable cost in determining the net allowable costs on which the Federal share of costs is based.

Unless specifically instructed otherwise, the default program income instruction is item (1) above, which is to add to funds committed to the project by the Federal awarding agency and awardee and used to further eligible project or program objectives.

9) RELEASE OF INFORMATION

The Freedom of Information Act of 1966 (5 U.S.C. 552) and the Privacy Act of 1974 (5 U.S.C. 552a), as implemented by USDA's regulations (7 CFR Part 1), shall govern the release or withholding of information to the public in connection with this award project. The release of information under these laws and regulations applies only to records held by OAO and imposes no requirement on the awardee or on any subawardee to permit or deny public access to their records. Requests for records or the release of information relating to this award should be directed to:

FOIA Officer
Courtney L. Wilkerson, Esq.
Room 209-A Whitten Bldg.
1400 Independence Ave S.W.
Washington, DC 20250
(202) 720-8164

The regulations cited herein do not affect the retention period for project-related records or rights of access to such records or documents by OAO, the Comptroller General, or their authorized representatives.

10) AWARD CLOSEOUT OR TERMINATION

- a. Closeout: Award closeout is the process by which OAO determines that all required project activities have been performed satisfactorily and all necessary administrative actions have been completed. This award and any subcontracts hereunder shall be closed out as soon as possible after expiration or termination of the project. While the awardee may use its own policies and procedures in closing out awards made to its recipients, the closeout of the prime award will be done in accordance with 7 CFR 3019 and 7 CFR 3016. See section 7. Reporting of this document for instructions regarding final performance and financial reports.
- b. Termination: Award termination will be considered pursuant to 7 CFR 3019 or 7 CFR 3016. In such instances, OAO may reimburse the awardee for eligible costs

incurred prior to the effective date of the suspension or termination and may allow all necessary and proper costs which the awardee could not reasonably avoid. OAO will withhold further advances and awardees are prohibited from further use of award funds, pending corrective action.

11) OTHER GENERAL TERMS AND CONDITIONS

- a. This agreement shall be effective when executed by both parties.
- b. The award activities approved by OAO shall commence and be completed by the date indicated in the award face sheet, unless earlier terminated under section 10(b) of this award agreement.
- c. The awardee shall use award funds only for the purposes and activities approved by OAO in the OASDFR award budget. Any uses not provided for in the approved budget must be approved in writing by OAO.
- d. If the award exceeds \$100,000, cumulative transfers among direct cost budget categories totaling more than 5 percent of the total budget must have prior written approval by OAO.
- e. The results of the program assisted by award funds may be published by the awardee without prior review by OAO, provided that such publications acknowledge the support provided by funds pursuant to the provisions of section 14004 of the Food, Conservation, and Energy Act of 2008 (FCEA), Pub. L 110-246, 122 Stat. 1651, 2205-2206. Awardee will e-mail electronic copies of publication to their project officer and will mail up to five copies of each publication at the request of OAO.
- f. Pursuant to 7 CFR 3019.24 and 7 CFR 3016.32:
 1. Title to equipment acquired by a recipient with Federal funds shall vest in the awardee, subject to conditions of this section.
 11. The awardee shall not use equipment acquired with Federal funds to provide services to non-Federal outside organizations for a fee that is less than private companies charge for equivalent services, unless specifically authorized by Federal statute, for as long as the Federal Government retains an interest in the equipment.
 111. The awardee shall use the equipment in the project or program for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds and shall not encumber the property without approval of the Federal awarding agency. When no longer needed for the original project or program, the awardee shall use the equipment in connection with its other federally-sponsored activities, in the following order of priority:
 1. Activities sponsored by the Federal awarding agency which funded the original project, then
 2. Activities sponsored by other Federal awarding agencies.
- g. Non-confidential information resulting from its activities shall be made available to the general public on an equal basis.
- h. The awardee will adopt a standard of conduct that provides that, if an employee, officer, or agency of the awardee, or such person's immediate family members conducts business with the awardee, the awardee must not:
 11. Participate in the selection, award, or administration of a contract to such persons for which Federal funds are used;
 111. Knowingly permit the award or administration of the contract to be delivered

to such persons or other immediate family members or to any entity (i.e., partnerships, corporations, etc.) in which such persons or their immediate family members have an ownership interest; or

- 1v. Permit such person to solicit or accept gratuities, favors, or anything of monetary value from any other person receiving OASDFR award assistance.

12) PROGRAMMATIC TERMS AND CONDITIONS

- i. All award activities shall be limited to those authorized by Section 2501(a)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 and as specified in the Request for Proposals.
- j. The objective of this project is to enhance coordination of the outreach, technical assistance and education efforts of at least one USDA Program in Agricultural Marketing Services, Farm Service Agencies, Natural Resource Conservation Service, Rural Development, Risk Management, and National Institute of Food and Agriculture.
- k. The awardee shall carry out the OASDFR award activities and processes as described in the approved statement of work (narrative or program of work) incorporated into this award agreement. Awardees will be bound by the activities and processes contained in the statement of work and the further conditions contained in this award agreement. If the statement of work is inconsistent with this award agreement, then the latter will govern. A change of any activities and processes must be submitted in writing then approved by the OAO approval official or his/her designee.
- l. See 7.a. for instructions on programmatic reporting.
- m. The awardee accepts responsibility for accomplishing the OASDFR award program as submitted and included in its proposal, including its statement of work. The awardee shall also:
 1. Provide continuing information to OAO on the status of awardee OASDFR award program, related activities, and problems.
 11. Inform OAO as soon as the following types of conditions become known:
 1. Problems, delays, or adverse conditions which materially affect the ability to attain program objectives or prevent the meeting of time schedules or goals.
- n. Modifications of the statement of work, or changes in the awardee's budget may be approved by OAO provided, in OAO's opinion, the modification is justified and there is a likelihood that the awardee can accomplish the goals set out and approved in the statement of work during the period of the modifications.
- o. Acknowledgement of Support and Disclaimer: The awardee is responsible for assuring that an acknowledgment of OAO support is made during news media interviews, including popular media such as radio, television and news magazines, that discuss in a substantial way work funded by this award. The following acknowledgment of USDNOAO support must appear in the publication of any material, whether copyrighted or not, and any products produced in electronic formats (e.g., World Wide Web pages, computer programs, etc.) which is substantially based upon or developed under this award:

"This material is based upon work supported by the Office of Advocacy and Outreach, U.S. Department of Agriculture, under Award No. [the awardee should enter the applicable award number here]."In addition, all

publications and other materials, except scientific articles or papers published in scientific journals, must contain the following statement: "Any opinions, findings, conclusions, or recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the view of the U.S. Department of Agriculture."

- p. The awardee agrees to participate in monthly teleconference calls with the USDA programmatic point of contact and other staff as necessary. The schedule for teleconference calls will be determined following signed acceptance of this grant agreement. The purpose of the monthly teleconference calls is to ensure that coordination between USDA and the awardee serves to promote the full range of USDA programs and services.
- 1. The awardee agrees to consult with the USDA programmatic point of contact and/or the USDA 1994 Program Office regarding the planning of the annual FALCON Conference. Areas to be jointly planned include conference topics, speakers qualifications, and logistics.

13) DATA COLLECTION

- q. The provisions of 5 CFR Part 1320 apply if this award involves the collection of identical information from ten or more non-Federal persons and the collection of information is conducted or sponsored by USDA. A collection of information undertaken by an awardee is considered to be conducted or sponsored by USDA if: 1) the awardee is conducting the collection of information at the specific request of OAO; or 2) the terms and conditions of the award require specific approval by the agency of the collection of information or collection procedures.
- r. Any data collection activities performed under this award are the responsibility of the awardee, and USDA support of the project does not constitute USDA approval of the survey design, questionnaire content, or data collection procedures. The awardee shall not represent to respondents that such data are being collected for or in association with USDA or any other Federal Government agencies unless such data are sponsored by the Department. However, this requirement is not intended to preclude mention of USDA support of the project in response to an inquiry or acknowledgment of such support in any publication of this data.
- s. Awardee will provide information as requested by OAO concerning the awardee's actions in soliciting citizen participation in the application process, including published notices of public meetings, actual public meetings held, and content of written comments received.

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- x1. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; Title IX of the Education Amendment of 1972 (20 U.S.C. §§1681-1683 and 1685-1686), as amended, which prohibits discrimination on the basis of sex;
- xn. Age Discrimination Act of 1975 (42 U.S.C. §6101-6107), as amended, which prohibits discrimination on the basis of age;
- xiii. Drug Abuse Office and Treatment Act of 1972 (Public Law 92-255), as amended, relating to nondiscrimination on the basis of drug abuse;
- xiv. Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (Public Law 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
- xv. Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
- xv1. Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing;
- xvn. Any other nondiscrimination provisions in the specific statute(s) under which

application for Federal assistance is being made, and the requirements of any other nondiscrimination statute(s) which may apply to the application.

2) **DEFINITIONS**

- b. "Authorized Departmental Officer" (ADO) means the Secretary or any employee of the Department with delegated authority to issue or modify award instruments on behalf of the Secretary.

ADO addresses, telephone, and facsimile numbers are as follows:

U.S. Department of Agriculture
Deputy Director
Office of Advocacy and Outreach
1400 Independence Avenue, S.W.
Rm. 520-A, Whitten Building, Stop 9821
Washington, D.C. 20250-9821
Telephone: (202) 720-6350
Facsimile: (202) 720-7136
e-mail: OASDFR@osec.usda.gov

- c. "Authorized Organizational Representative" (AOR) means the President or Chief Executive Officer of the applicant organization or the official, designated by the President or Chief Executive Officer of the applicant organization, who has the authority to commit the resources of the organization to the project.
- d. "Award" - means financial assistance that provides support to accomplish a public purpose. Awards may be grants, cooperative agreements, or other assistance agreements.
- e. "Award closeout" - means the process by which the award operation is concluded at the expiration of the award period or following a decision to terminate the award.
- f. "Award Period" - means the timeframe of the award from the beginning date to the ending date as defined in Part A of this award agreement.
- g. "Awardee" - means the entity designated in this grant, cooperative, or other assistance agreement as the legal entity to which the award is given. This term is used interchangeably with AOR, grantee, and recipient.
- h. "Beginning date" - means the date the award agreement is executed by the awardee and OAO and costs can be incurred.
- i. "Disallowed costs" - means the use of Federal financial assistance funds for unauthorized activities or items in accordance with applicable Federal cost principles (2 CFR 220, 2 CFR 225, and 2 CFR 230).
1. "Ending date" - means the date this award agreement is scheduled to be completed. It is also the latest date for incurred expenses under the award agreement, without an approved time extension.
- J. "Participant" - means an individual or entity that participates in awardee-led activities funded under the award agreement. Furthermore, a participant is any individual or entity who has applied for, or otherwise participated in, or received, a payment or other benefit as a result of participating in an activity funded under this award agreement.
- k. "Program Income" - means any income generated from projects financed in whole or

in part with Federal funds during the award period.

- l. "Program leader" - means the program supervisor within OAO.
- m. "Project Director" (PD) - means the individual(s) designated by the awardee in the proposal and award documentation and approved by the ADO who is responsible for the direction and management of the award.
- n. "Project Officer" (PO) - means an individual within OAO who is responsible for the programmatic oversight of the award on behalf of the Department.
- o. "Terminate funding" - means the cancellation of Federal assistance, in whole or in part, at any time before the ending date.

3) **ADMINISTRATIVE WAIVERS**

- j. In accordance with 7 CFR 3019.25(e) of the Uniform Administrative Requirements and Other Agreements with Institutions of Higher Education, Hospitals and Non-Profit Organizations, OAO is exercising its option and is waiving prior written approvals (i.e., awardees need not obtain such prior approval(s)) for the following situations for all awards to which these terms and conditions apply.

The PD may incur pre-award costs within the 90-day period immediately preceding the effective date of the award providing that: the approval of pre-award spending is made and documented in accordance with the awardee's normal procedures prior to the incurrence of the cost(s); the advanced funding is necessary for the effective and economical conduct of the award; and the costs are otherwise allowable. Pre-award expenditures are made at the awardee's risk. AOR authority to approve pre-award costs does not impose an obligation on OAO: (1) in the absence of appropriations; (2) if an award is subsequently not made; or (3) if an award is made for a lesser amount than the awardee expected.

- k. The AOR may make allowable budget changes and other required administrative prior approvals except those which change the scope or objectives of the award, change key personnel, create a need for additional funding, or are specifically prohibited by the terms and conditions of the award. In addition, where a statutory prohibition exists the awardee may not approve such costs.

4) **UNALLOWABLE COSTS**

The award funds shall not be used to substitute for any financial support previously provided and currently available or assured from any other source.

The following costs are unallowable under this award unless otherwise permitted by law or approved in writing by the ADO:

- l. Costs above the amount authorized for the award;
- m. Costs incurred before the beginning date this agreement without appropriate approval or within the 90 day pre-award period;
- n. Costs incurred after the expiration of the award period, without an appropriate approved extension;
- o. Costs which lie outside the scope of the approved award and any amendments thereto;
- p. Entertainment costs regardless of their apparent relationship to award objectives;
- q. Consulting services performed by a Federal employee during official duty hours when such consulting services result in the payment of additional compensation to the

- employee;
- r. None of the funds under this award maybe used towards travel costs for OAO employees;
- s. Payment for any capital assets, the purchase of real estate or vehicles, the improvement or renovation of the awardee's office space, or for the repair or maintenance of privately owned vehicles; and
- 1. Any other purpose prohibited in the Federal Cost Principles 2 CFR Part 220, 2 CFR Part 225, 2 CFR Part 230.

5) **LIMIT OF FEDERAL LIABILITY**

The maximum obligation of OAO to the awardee is the amount indicated in the award as obligated by OAO. Nothing in this article or in the other requirements of this award requires OAO to make any additional award of funds or limits its discretion with respect to the amount of funding to be provided for the same or any other purpose. However, in the event that an erroneous amount is stated in the award, the approved budget, or any supporting documentation relating to the award, OAO shall have the unilateral right to make the correction and to make an appropriate adjustment in the OAO share of the award to align with the Federal amount authorized.

6) **PAYMENTS**

All payments will be made in advance. All payments to the awardee shall be made via the approved electronic funds transfer (EFT) method. Awardees are expected to request funds via the federally approved electronic payment system for reimbursement in a timely manner in accordance with 7 CFR 3019.22 and 7 CFR 3016.21.

7) **REPORTING**

Performance and financial quarterly reports will be submitted within 30 days after the end of each calendar quarter. Final reports will be submitted within 90 calendar days after the date of completion of the award. The awardee will submit quarterly and final performance reports in accordance with 7 CFR 3019 and 7 CFR Parts 3015 and the following:

- t. Performance Reporting
 - OAO reserves the right to change the format or process of the monthly and quarterly activities and accomplishments reports. Performance reports should be e-mailed to the Program Leader and the USDA point of contact.
 - 1. Each awardee has minimum performance requirements it must meet as a condition to the Award Agreement. Among these requirements are:
 - Outreach workshops
 - One-on-One Meetings
 - Conferences
 - Farmer or Rancher Management Training
 - Other

All these duties must be conducted in targeted areas named in the Statement of Work. Though award activities are required in these targeted areas, this does not preclude

work in other areas of need. Please indicate in the Quarterly Performance Report, which targeted areas had work completed during the quarter for which the report is being submitted. If work in areas not listed in the Award Agreement is being conducted, please indicate this in the Quarterly Performance Report. OAO will monitor performance reports to insure that minimum performance requirements are being met.

u. Financial Reporting

1. SF-425: Pursuant to the Federal Register Document (EB-18783), announced in the Federal Register, Vol. 73, No. 157 on Wednesday, August 13, 2008, awardees are to use the Federal Financial Report (FFR) SF-425, which consolidates and replaces the SF-269, SF-269A, SF-272 and SF-272A, previously referenced in 7 CFR 3019.52. OAO awardees receiving award payments on the DHHS Payment Management System are to submit quarterly and final SF-425 reports electronically in accordance with Award Agreement terms and conditions and DHHS Payment Management System electronic submission instructions. Both parts of the SF-425, which include the Federal Cash Transaction Report and the Financial Status Report, are to be completed and submitted on a quarterly and final basis. Awardees should report any interest earned in the remarks section of the SF-425. Instructions for completing the FFR can be found at http://www.dpm.psc.gov/grant_recipient/gtddes_forms/ffr_instructions_manual.aspx and a quick reference guide can be viewed at http://www.dpm.psc.gov/grant_recipient/guides_forms/ffr_quick_reference.pdf

11. Federal Funding Accountability and Transparency Act (FFATA) Reporting
The Federal Funding Accountability and Transparency Act of 2006 legislation (FFATA or Transparency Act - P.L.109-282, as amended by section 6202(a) of P.L. 110-252) requires information on Federal awards (Federal financial assistance and expenditures) be made available to the public via a single, searchable website, www.USASpending.gov.

Pursuant to 2 CFR Part 170, the FFATA Subaward Reporting System (FSRS) is the reporting tool that all Federal awardees must use to capture and report compensation of \$25,000 or more to any subaward (i.e., to contractors or subawardees). These awardees are subject to FFATA subaward reporting requirements as outlined in the Office of Management and Budget guidance issued August 27, 2010. The subaward information entered in FSRS will then be displayed on the [USASpending.gov](http://www.USASpending.gov) website furthering Federal spending transparency.

1. For the purposes of OAO awards, the following applicable FSRS definitions will apply: **Awardees** -Entities receiving an OAO award greater than or equal to \$25,000. **Subaward** - A OAO monetary award/funding made to an awardee who in turn awards OAO funds to a subawardee.
 - a. OAO awardees must file a FFATA subaward report by the end of the month following the month in which the awardee awards the subawardee \$25,000 or more. For example, if a subaward was made on October 15, 2012, the awardee has until November 30, 2012 to report the subaward information.

- b. The OAO awardee reports the following information about their subawardees in the FFATA:
 1. Name of entity receiving award
 11. Amount of award
 111. Transaction type - grant
 - 1v. Funding agency- USDA, Departmental Management, Office of Advocacy and Outreach
 - v. Catalog of Federal Domestic Assistance (CFDA) program number - CFDA #10.443, Outreach and Assistance for Socially Disadvantaged Farmers and Ranchers (OASDFR) Grants
 - v1. Award title descriptive of the purpose of the funding action
 - v11. Location of the entity (including congressional district)
 - v111. Place of performance (including congressional district)
 - 1x. Unique identifier of the entity and its parent; and
 - x. Total compensation and names of top five executives

For more detailed information about reporting using the FSRS system, see the learning module that demonstrates the FSRS reporting tool at www.FSRS.gov; click "FSRS Awardee User Demonstration" under Training Materials.

8) PROGRAM INCOME

Program income derived from this award must be managed according to 7 CFR 2500.043, 7 CFR 3019 or 7 CFR 3016. Pursuant to 7 CFR 3019.24 and 7 CFR 3016.25(g), OAO program income earned during the project period shall be retained by the awardee and in accordance with Federal awarding agency regulations or the terms and conditions of the award, shall be used in one or more of the ways listed as follows:

1. Added to funds committed to the project by the Federal awarding agency and recipient and used to further eligible project or program objectives.
2. Used to finance the non-Federal share of the project or program.
3. Deducted from the total project or program allowable cost in determining the net allowable costs on which the Federal share of costs is based.

Unless specifically instructed otherwise, the default program income instruction is item (1) above, which is to add to funds committed to the project by the Federal awarding agency and awardee and used to further eligible project or program objectives.

9) RELEASE OF INFORMATION

The Freedom of Information Act of 1966 (5 U.S.C. 552) and the Privacy Act of 1974 (5 U.S.C. 552a), as implemented by USDA's regulations (7 CFR Part 1), shall govern the release or withholding of information to the public in connection with this award project. The release of information under these laws and regulations applies only to records held by OAO and imposes no requirement on the awardee or on any subawardee to permit or deny public access to their records. Requests for records or the release of information relating to this award should be directed to:

FOIA Officer

Courtney L. Wilkerson, Esq.
Room 209-A Whitten Bldg.
1400 Independence Ave S.W.
Washington, DC 20250
(202) 720-8164

The regulations cited herein do not affect the retention period for project-related records or rights of access to such records or documents by OAO, the Comptroller General, or their authorized representatives.

10) AWARD CLOSEOUT OR TERMINATION

- v. Closeout: Award closeout is the process by which OAO determines that all required project activities have been performed satisfactorily and all necessary administrative actions have been completed. This award and any subcontracts hereunder shall be closed out as soon as possible after expiration or termination of the project. While the awardee may use its own policies and procedures in closing out awards made to its recipients, the closeout of the prime award will be done in accordance with 7 CFR 3019 and 7 CFR 3016. See section 7. Reporting of this document for instructions regarding final performance and financial reports.
- w. Termination: Award termination will be considered pursuant to 7 CFR 3019 or 7 CFR 3016. In such instances, OAO may reimburse the awardee for eligible costs incurred prior to the effective date of the suspension or termination and may allow all necessary and proper costs which the awardee could not reasonably avoid. OAO will withhold further advances and awardees are prohibited from further use of award funds, pending corrective action.

11) OTHER GENERAL TERMS AND CONDITIONS

- x. This agreement shall be effective when executed by both parties.
- y. The award activities approved by OAO shall commence and be completed by the date indicated in the award face sheet, unless earlier terminated under section 10(b) of this award agreement.
- z. The awardee shall use award funds only for the purposes and activities approved by OAO in the OASDFR award budget. Any uses not provided for in the approved budget must be approved in writing by OAO.
- aa. If the award exceeds \$100,000, cumulative transfers among direct cost budget categories totaling more than 5 percent of the total budget must have prior written approval by OAO.
- bb. The results of the program assisted by award funds may be published by the awardee without prior review by OAO, provided that such publications acknowledge the support provided by funds pursuant to the provisions of section 14004 of the Food, Conservation, and Energy Act of 2008 (FCEA), Pub. L 110-246, 122 Stat. 1651, 2205-2206. Awardee will e-mail electronic copies of publication to their project officer and will mail up to five copies of each publication at the request of OAO.
- cc. Pursuant to 7 CFR 3019.24 and 7 CFR 3016.32:
 - 1. Title to equipment acquired by a recipient with Federal funds shall vest in the awardee, subject to conditions of this section.
 - 11. The awardee shall not use equipment acquired with Federal funds to provide

services to non-Federal outside organizations for a fee that is less than private companies charge for equivalent services, unless specifically authorized by Federal statute, for as long as the Federal Government retains an interest in the equipment.

111. The awardee shall use the equipment in the project or program for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds and shall not encumber the property without approval of the Federal awarding agency. When no longer needed for the original project or program, the awardee shall use the equipment in connection with its other federally-sponsored activities, in the following order of priority:
 1. Activities sponsored by the Federal awarding agency which funded the original project, then
 2. Activities sponsored by other Federal awarding agencies.
- dd. Non-confidential information resulting from its activities shall be made available to the general public on an equal basis.
- ee. The awardee will adopt a standard of conduct that provides that, if an employee, officer, or agency of the awardee, or such person's immediate family members conducts business with the awardee, the awardee must not:
 11. Participate in the selection, award, or administration of a contract to such persons for which Federal funds are used;
 111. Knowingly permit the award or administration of the contract to be delivered to such persons or other immediate family members or to any entity (i.e., partnerships, corporations, etc.) in which such persons or their immediate family members have an ownership interest; or
 - 1v. Permit such person to solicit or accept gratuities, favors, or anything of monetary value from any other person receiving OASDFR award assistance.

12) PROGRAMMATIC TERMS AND CONDITIONS

- ff. All award activities shall be limited to those authorized by Section 2501(a)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 and as specified in the Request for Proposals.
- gg. The objective of this project is to enhance coordination of the outreach, technical assistance and education efforts of at least one USDA Program in Agricultural Marketing Services, Farm Service Agencies, Natural Resource Conservation Service, Rural Development, Risk Management, and National Institute of Food and Agriculture.
- hh. The awardee shall carry out the OASDFR award activities and processes as described in the approved statement of work (narrative or program of work) incorporated into this award agreement. Awardees will be bound by the activities and processes contained in the statement of work and the further conditions contained in this award agreement. If the statement of work is inconsistent with this award agreement, then the latter will govern. A change of any activities and processes must be submitted in writing then approved by the OAO approval official or his/her designee.
- ii. See 7.a. for instructions on programmatic reporting.
- jj. The awardee accepts responsibility for accomplishing the OASDFR award program as submitted and included in its proposal, including its statement of work. The awardee shall also:

1. Provide continuing information to OAO on the status of awardee OASDFR award program, related activities, and problems.
11. Inform OAO as soon as the following types of conditions become known:
 1. Problems, delays, or adverse conditions which materially affect the ability to attain program objectives or prevent the meeting of time schedules or goals.
- kk. Modifications of the statement of work, or changes in the awardee's budget may be approved by OAO provided, in OAO's opinion, the modification is justified and there is a likelihood that the awardee can accomplish the goals set out and approved in the statement of work during the period of the modifications.
- ll. Acknowledgement of Support and Disclaimer: The awardee is responsible for assuring that an acknowledgment of OAO support is made during news media interviews, including popular media such as radio, television and news magazines, that discuss in a substantial way work funded by this award. The following acknowledgment of USDA/OAO support must appear in the publication of any material, whether copyrighted or not, and any products produced in electronic formats (e.g., World Wide Web pages, computer programs, etc.) which is substantially based upon or developed under this award:

"This material is based upon work supported by the Office of Advocacy and Outreach, U.S. Department of Agriculture, under Award No. [the awardee should enter the applicable award number here]."In addition, all publications and other materials, except scientific articles or papers published in scientific journals, must contain the following statement:"Any opinions, findings, conclusions, or recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the view of the U.S. Department of Agriculture."

- mm. The awardee agrees to participate in monthly teleconference calls with the USDA programmatic point of contact and other staff as necessary. The schedule for teleconference calls will be determined following signed acceptance of this grant agreement. The purpose of the monthly teleconference calls is to ensure that coordination between USDA and the awardee serves to promote the full range of USDA programs and services.
1. The awardee agrees to consult with the USDA programmatic point of contact and/or the USDA 1994 Program Office regarding the planning of the annual FALCON Conference. Areas to be jointly planned include conference topics, speakers qualifications, and logistics.

13) DATA COLLECTION

- nn. The provisions of 5 CFR Part 1320 apply if this award involves the collection of identical information from ten or more non-Federal persons and the collection of information is conducted or sponsored by USDA. A collection of information undertaken by an awardee is considered to be conducted or sponsored by USDA if: 1) the awardee is conducting the collection of information at the specific

- request of OAO; or 2) the terms and conditions of the award require specific approval by the agency of the collection of information or collection procedures.
- oo. Any data collection activities performed under this award are the responsibility of the awardee, and USDA support of the project does not constitute USDA approval of the survey design, questionnaire content, or data collection procedures. The awardee shall not represent to respondents that such data are being collected for or in association with USDA or any other Federal Government agencies unless such data are sponsored by the Department. However, this requirement is not intended to preclude mention of USDA support of the project in response to an inquiry or acknowledgment of such support in any publication of this data.
 - pp. Awardee will provide information as requested by OAO concerning the awardee's actions in soliciting citizen participation in the application process, including published notices of public meetings, actual public meetings held, and content of written comments received.