

# CERTIFIED COPY OF ORDER

STATE OF MISSOURI }  
County of Boone } ea.

July Session of the July Adjourned

Term. 20 13

In the County Commission of said county, on the 2nd day of July 20 13

the following, among other proceedings, were had, viz:

Now on this day the County Commission of the County of Boone does hereby approve the petition by Michael and Arlene Priest for permission to vacate and replat Lot 21, of Country Farms Subdivision, as shown in Plat Book 11, Page 262 of Boone County Records.

Said vacation is not to take place until the re-plat is approved.

Done this 2nd day of July, 2013.

ATTEST:

Wendy S. Noren  
Wendy S. Noren  
Clerk of the County Commission

Daniel K. Atwill

Daniel K. Atwill  
Presiding Commissioner

Karen M. Miller

Karen M. Miller  
District I Commissioner

Janet M. Thompson

Janet M. Thompson  
District II Commissioner

# CERTIFIED COPY OF ORDER

STATE OF MISSOURI }  
County of Boone } ea.

July Session of the July Adjourned

Term. 20 13

In the County Commission of said county, on the 2nd day of July 20 13

the following, among other proceedings, were had, viz:

Now on this day the County Commission of the County of Boone does hereby approve the request by James E. and Sylvia L. Crane to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 4.13 acres located at 12501 S Easley River Rd., Columbia.

Done this 2nd day of July, 2013.

ATTEST:

Wendy S. Noren  
Wendy S. Noren  
Clerk of the County Commission

Daniel K. Atwill  
Daniel K. Atwill  
Presiding Commissioner

Karen M. Miller  
Karen M. Miller  
District I Commissioner

Janet M. Thompson  
Janet M. Thompson  
District II Commissioner

## Crane Rezoning Request – A-1 to A-2

The minutes for the Planning and Zoning Commission meeting of June 20, 2013, along with the Boone County Zoning Regulations and Subdivision Regulations are entered into the record of this meeting.

The property is located southwest of Columbia just north of Easley and the end of State Highway N and there is a small house on the property. The property is zoned A-1(Agriculture), adjacent zoning to the north and south is also A-1, to the east is A-2(agriculture), and to the west is the Missouri River. This is original 1973 zoning. The small house appears to have been built prior to the adoption of zoning regulations. The applicant would like to be able to subdivide the property to include the house, and is before the commission seeking a rezoning from A-1(Agriculture) to A-2(Agriculture). Staff notified 21 property owners about this request.

The Master Plan designates this property as suitable for agriculture and rural residential land uses. The Master Plan also identifies a “sufficiency of resources” test for determining whether there are sufficient resources available for the needs of the proposal.

The resources necessary to serve the proposed development can be broken down into 3 general categories; utilities, transportation, and public safety services.

Utilities: The subject property is in the Consolidated Public Water Service District #1 service area, the Boone Electric Cooperative service area, and the Southern Boone County Fire Protection District.

Transportation: Access to this property is via Easley River Road from State Route N. This is a publicly-dedicated, publicly-maintained county gravel road.

Public Safety: Southern Boone County Fire Protection District provides fire protection for this property. Their nearest station is in Ashland.

Zoning Analysis: The desire to sever a portion of the parent property for sale to a long-time lessor without encumbering additional property that is not contiguous to the area of interest is quite understandable. While the resources to serve the existing structure are present, due to its continued occupancy, further development will be limited by the size & shape of the tract and limits on existing resources. This rezoning request is reasonable.

Staff recommended approval of the request.

The Planning & Zoning Commission conducted a public hearing on this request during their June 20, 2013 regular meeting. There were ten members of the commission present during the meeting.

Following the public hearing, a motion was made to recommend approval of the request.

That motion carried and so the application comes forward with a recommendation for approval.

**CERTIFIED COPY OF ORDER**

STATE OF MISSOURI }  
 County of Boone } ea.

July Session of the July Adjourned

Term. 20 13

In the County Commission of said county, on the 2nd day of July 20 13

the following, among other proceedings, were had, viz:

Now on this day the County Commission of the County of Boone does hereby receive and accept the following subdivision plats and authorize the Presiding Commissioner to sign them:

Phillipe Road. S1-T49N-R12W. A-2. Doug Fifer, owner. J. Daniel Brush, surveyor.

Whitworth Hills. S30-T46N-R12W. A-2. Tompkins Homes and Development, Inc, owner. David T. Butcher, surveyor.

Whiskey Wolff Creek. S14-T49N-R13<sup>W</sup>~~E~~. R-S. Gregory R. Wolff, owner. Jay Gebhardt, surveyor. <sup>my</sup>

Old Log Cabin. S24-T46N-R13W. A-2. Justin and Laura Crane, owners. Brian David Dollar, surveyor.

Wolf. S30-T48N-R13W. A-2. Adam and Hailey Wolf, owners. J. Daniel Brush, surveyor.

Biggs Road Plat 2. S4-T46N-R12W. A-2. Charlotte Pisarek, owner. Curtis E. Basinger, surveyor.

Done this 2nd day of July, 2013.

ATTEST:

Wendy S. Noren  
 Wendy S. Noren <sup>my</sup>  
 Clerk of the County Commission

Daniel K. Atwill

Daniel K. Atwill  
 Presiding Commissioner

Karen M. Miller

Karen M. Miller  
 District I Commissioner

Janet M. Thompson

Janet M. Thompson  
 District II Commissioner

# CERTIFIED COPY OF ORDER

STATE OF MISSOURI }  
County of Boone } ea.

July Session of the July Adjourned

Term. 20 13

In the County Commission of said county, on the 2nd day of July 20 13

the following, among other proceedings, were had, viz:

Now on this day the County Commission of the County of Boone does hereby approve the attached Extension and Reduction Agreement between the County of Boone and the Columbia Public Schools. The terms of the agreement are stipulated in the attached Extension and Reduction Agreement. It is furthered ordered the Presiding Commissioner is hereby authorized to sign said Agreement.

Done this 2nd day of July, 2013.

ATTEST:

Wendy S. Noren  
Wendy S. Noren  
Clerk of the County Commission

Daniel K. Atwill  
Daniel K. Atwill  
Presiding Commissioner

Karen M. Miller  
Karen M. Miller  
District I Commissioner

Janet M. Thompson  
Janet M. Thompson  
District II Commissioner

**ORIGINAL**

**EXTENSION AND REDUCTION AGREEMENT  
\$389,000 Letter of Credit reduction to \$192,000 – CPS High School Project**

THIS AGREEMENT, effective June 20, 2013, is entered into by and between Boone County, Missouri, through its County Commissions, a political subdivision of the State of Missouri, herein “County”; and the Columbia Public Schools, a political subdivision of the State of Missouri, herein “CPS” and Landmark Bank, herein “Landmark.”

WHEREAS, CPS is conducting a building project to construct a new high school building and associated facilities, the Battle High School Project, herein “Project”; and

WHEREAS, CPS has undertaken certain necessary stormwater infrastructure construction efforts near the site of the Project; and

WHEREAS, Landmark has issued an Irrevocable Letter of Credit to County on behalf of CPS, dated July 14, 2010, in the amount of \$389,000.00 to secure stormwater improvements associated with the Project, which was accepted by County in Commission Order 346-2010; and

WHEREAS, said Letter of Credit contemplates that the parties may agree to extend the expiration date of the Letter of Credit, which currently expires on June 30, 2013; and

WHEREAS, the parties intend through the Extension and Reduction Agreement to extend the expiration date of said Letter of Credit to June 30, 2014 and reduce the Letter of Credit amount to \$192,000.00

NOW, THEREFORE, in consideration of mutual covenants, promises and representation in the agreement the parties agree as follows:

1. The Landmark Letter of Credit dated July 14, 2010, in the amount of \$389,000.00 with an expiration date of July 12, 2012, is attached hereto and incorporated herein by reference.
2. The parties mutually agree to extend the July 14, 2010 Letter of Credit such that the new expiration date will be June 30, 2014.
3. The parties mutually agree to reduce the amount of the July 14, 2010 Letter of Credit from \$389,000.00 to \$192,000.00 in conjunction with the contemplated extension.
4. All other terms of the Letter of Credit and attachments thereto shall remain unchanged and in full effect.
5. This Extension Agreement may be entered into in one or more counterparts which, when taken together, shall constitute the full Agreement of the parties.

SO AGREED.

**ORIGINAL**

**LANDMARK BANK**

By:

\_\_\_\_\_  
Steve Tanzey, Senior Vice President

**COLUMBIA PUBLIC SCHOOLS**

By:

\_\_\_\_\_  
Christine King, Board President

\_\_\_\_\_  
Linda Quinley, CFO/Treasurer

**BOONE COUNTY**

(Commission Order 305-2013 )

By:

\_\_\_\_\_  
Daniel K. Atwill, President Commissioner

ATTEST:

\_\_\_\_\_  
Wendy S. Noren, County Clerk

**APPROVED BY:**

\_\_\_\_\_  
Stan Shawver, Director  
Boone County Resource Management

**Approved as to legal form:**

\_\_\_\_\_  
C.J. Dykhouse, County Counselor

# CERTIFIED COPY OF ORDER

July Session of the July Adjourned

STATE OF MISSOURI }  
County of Boone } ea.

Term. 20 10

In the County Commission of said county, on the 20<sup>th</sup> day of July 20 10

the following, among other proceedings, were had, viz:

Now on this day the County Commission of the County of Boone does hereby accept an Irrevocable Letter of Credit (No. 2100500134) in the amount of \$389,000 as issued by Landmark Bank on behalf of Columbia Public School District for stormwater improvements.

Said Irrevocable Letter of Credit to be entrusted to the safekeeping of the Boone County Treasurer.

Done this 20<sup>th</sup> day of July, 2010.

ATTEST:

Wendy S. Noren  
Wendy S. Noren  
Clerk of the County Commission

Kenneth M. Pearson  
Kenneth M. Pearson  
Presiding Commissioner

Absent  
Karen M. Miller  
District I Commissioner

Skip Elkin  
Skip Elkin  
District II Commissioner



ORIGINAL



**IRREVOCABLE LETTER OF CREDIT**

NO. 2100500134

DATE: July 14, 2010

Amount: \$389,000

County of Boone

Attn: Director, Planning and Building

801 E Walnut St, Rm. 210

Columbia, MO 65201

Ladies and Gentlemen:

We hereby authorize the County of Boone to draw on the Landmark Bank for the account of the Columbia Public School District located at 916 Bernadette Dr Columbia, MO 65203 up to an aggregate amount of \$389,000 available by your drafts at sight. Your drafts must be accompanied by your invoice to Columbia Public School District and accompanied by a Certificate for Drawing in substantially the form set out on Exhibit "A", which is attached hereto and incorporated by reference.

All drafts hereunder must be marked "Drawn under Landmark Bank Letter of Credit #2100500134 dated July 14, 2010."

The amount of each draft drawn under this credit must be endorsed hereon, and the presentation of each draft, if negotiated, shall be a warranty by the negotiating bank that such endorsement has been made and that documents have been forwarded as herein requested. Partial drawings are permitted. All payments under this letter of credit will be made available to you at the counters of the loan issuer or immediately by wire transfer of immediately available funds to the account(s) designated by the Boone County Treasurer.

We hereby engage with the drawers, endorsers, and bona fide holders of drafts drawn under and in compliance with the terms of this credit that the same will be duly honored on due presentation and delivery of documents as specified if presented to this bank on or before July 14, 2012, provided further that upon such expiration, either at July 14, 2012, or such extended period as contemplated herein we shall immediately transfer the balance of the maximum available credit to you at the account then-designated by the Boone County Treasurer.

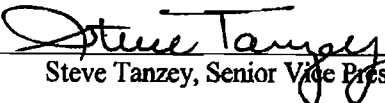
This letter of credit may be extended upon presentation of an agreement to extend, executed by the Columbia Public Schools and the County of Boone, and presented to Landmark Bank within the 60-day period prior to the then-effective date of expiration of this letter of credit.

Upon our receipt, from time to time, from the County of Boone, of a written reduction certificate in substantially the same form as Exhibit "B", which is attached hereto and incorporated herein by reference, we are authorized to reduce the maximum available credit hereunder by the amount stated in such certificate, any such reduction to be effective only at our close of business on the date which we receive said written reduction certificate.

This letter of credit sets forth in full our undertaking, and such undertaking shall not in any way be modified, amended, amplified, or limited by reference to any document, instrument or agreement referred to herein, except that Exhibit "A" and Exhibit "B" attached hereto are incorporated herein by reference as an integral part of this letter of credit.

Except as expressly provided herein, this credit is subject to the Uniform Customs and Practice for Documentary Credits (1993 revision), The International Chamber of Commerce Publication #500.

Sincerely yours,

By:   
Steve Tanzey, Senior Vice President

**CERTIFIED COPY OF ORDER**

STATE OF MISSOURI

} ea.

July Session of the July Adjourned

Term. 20 13

County of Boone

In the County Commission of said county, on the

2nd

day of July

20 13

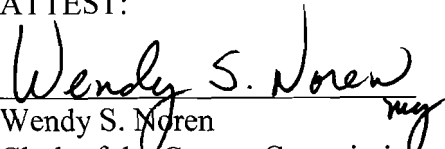
the following, among other proceedings, were had, viz:

Now on this day the County Commission of the County of Boone does hereby approve the following budget revision for the Resource Management Department to purchase one (1) computer with wireless keyboard & mouse.

Department	Account	Department Name	Account Name	Decrease \$	Increase \$
2045	91301	PW – Design & Construction	Computer Hardware		675
2045	92300	PW – Design & Construction	Replacement Machine & Equipment	675	

Done this 2nd day of July, 2013.

ATTEST:

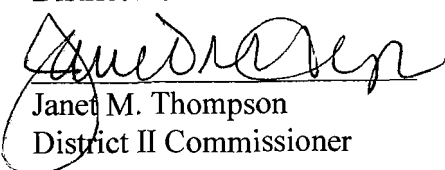
  
Wendy S. Noren  
Clerk of the County Commission



Daniel K. Atwill  
Presiding Commissioner



Karen M. Miller  
District I Commissioner



Janet M. Thompson  
District II Commissioner

**BOONE COUNTY, MISSOURI  
REQUEST FOR BUDGET REVISION**

To: County Clerk's Office  
Comm Order # 306-2013

Return to Auditor's Office  
Please do not remove staple.

**RECEIVED**

6/20/13

EFFECTIVE DATE

JUN 21 2013

FOR AUDITORS USE

BOONE COUNTY AUDITOR

(Use whole \$ amounts)  
Transfer From    Transfer To  
Decrease        Increase

Dept	Account	Fund/Dept Name	Account Name	Transfer From Decrease	Transfer To Increase
2045	91301	PW-Design & Construction	Computer Hardware		675
2045	92300	PW-Design & Construction	Replcment Mach & Equip	675	
				<b>675</b>	<b>675</b>

Describe the circumstances requiring this Budget Revision. Please address any budgetary impact for the remainder of this year and subsequent years. (Use an attachment if necessary):

This is to purchase a computer dedicated to use with the projector we purchased at the end of 2011. IT has determined that a new PC would be a better investment in terms of capability, speed and functionality, than trying to refurbish the old desktop that belonged to the Chief Engineer. We are also requesting a wireless keyboard & mouse.

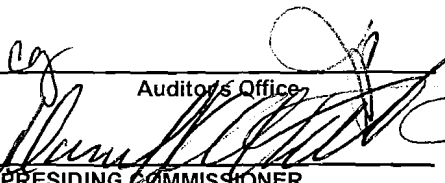
Do you anticipate that this Budget Revision will provide sufficient funds to compete the year? YES or NO  
If not, please explain (use an attachment if necessary):

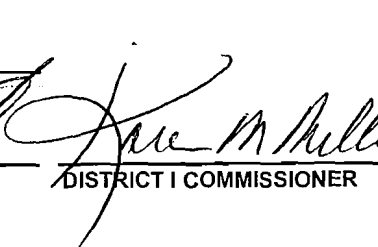
  
Requesting Official

-----  
**TO BE COMPLETED BY AUDITOR'S OFFICE**

- A schedule of previously processed Budget Revisions/Amendments is attached
- Unencumbered funds are available for this budget revision.
- Comments:

*Agenda*

 Auditor's Office  
PRESIDING COMMISSIONER

 DISTRICT I COMMISSIONER

 DISTRICT II COMMISSIONER



State of MO-PVC-ST -- C211034001

June 14, 2013 10:59 AM

Page 1 of 2

Quote Number: 1735790.1

Prepared By

Mayer, Kyle S

701 Fee Fee Rd.

Maryland Heights, MO 63043

Phone:

Fax:

e-mail:

P.O.C.:

Account Manager:

Acct. Mgr. Phone:

Acct. Mgr. e-mail:

Submitted Date:  
Contact:  
Agency/Company:  
Phone:  
Fax:  
e-mail:  
Bid #:  
WWT Quote #:

Fisher, Trudy  
Boone County, MO  
573-886-4315  
tfisher@boonecountymmo.org  
HP Desktop / Monitor  
1735790.1

Kyle.Mayer@wwt.com  
MAYER, KYLE S

Item	Description	Manufacturer	Part Number	Qty	Customer Unit Price	Extended Price	ATS (Days)
1	HP Business Desktop D8C55UT Computer - Intel Pentium 2.80 Ghz - Small Form Factor - 2 GB RAM - 500 GB HDD - DVD-Reader - Intel Graphics Media Accelerator HD Graphics - Genuine Windows 7 Professional 32-bit	HEWLETT PACKARD	D8C55UT#ABA	12	\$533.64	\$8,403.88	
2	HP Business LV2011 20" LED LCD Monitor - 16.9" - 5 ms - Adjustable Display Angle - 1600 x 900 - 200 Nit - 600:1 - VGA - Black - Energy Star 5.0, EPEAT Silver, CECP	HEWLETT PACKARD	A3R82A#ABA	8	\$99.73	\$797.84	
3	HP Business Desktop D8C17UT Desktop Computer - Intel Core i3 3.30 GHz - Convertible Mini-tower - 4 GB RAM - 500 GB HDD - DVD-Writer - Intel HD 2500 Graphics - Genuine Windows 7 Professional 64-bit	HEWLETT PACKARD	D8C17UT#ABA	1	\$647.80	\$647.80	

Subtotal: \$7,849.32  
% Contract Fee (Minimum \$0.00): \$0.00  
Shipping Charges: \$0.00  
Grand Total: \$0.00

\* ATS - Available to Ship

To learn more about WWT's Cisco Authorized Training Courses, Rates, Promotions, go online to <http://www.wwt.com/ciscotraining.html> or call WWT today at (800) 432-7008

Please call 888-234-8698

Option #1 - Sales/Place Order

Shop All Stores

n82e16823109236

Search

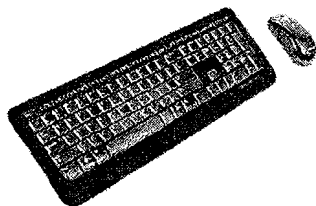
SEARCH

Marketplace

Home > Computer Hardware > Input Devices > Keyboards > Microsoft > (Item#: N82E16823109236)



**Buy with confidence.**  
This product qualifies for the Iron Egg guarantee. We'll match any qualifying competitor's price. Find Out More



**Microsoft 5SH-00001 Black USB RF Wireless Standard Desktop 800 for Business**

+ \$8 off w/ promo code EMCXPVX66, ends 6/26

4 / 5 (59) | Write a Review

In stock. Limit 5 per customer.

- USB RF Wireless
- Battery Life Indicator
- Easy Access hot keys

FREE SHIPPING AVAILABLE

QTY: 1

**\$29.99**

Compare offers from more sellers as low as \$29.99 plus shipping

Protect Your Investment!

1-year extended warranty \$5.99 (more options)

Add to Wish List

Price Alert

FREE 2-Day Shipping [learn more](#) | [sign in](#)

ARE YOU AN E-BLAST INSIDER?

Enter Email Address

SUBSCRIBE



Microsoft 5SH-00001 Black USB RF Wireless Standard

**\$29.99**

SAVE \$5.00



2 Item Combo Rosewill

**\$49.98**



Rosewill R363-M-BK Black Ultra

**\$54.99**



Logitech S120 2.3 Watts (RMS)

**\$14.99**

May We Suggest

SAVE UP TO \$5.00 WHEN YOU PURCHASE THESE ITEMS TOGETHER

Total: **\$29.99**



Microsoft Desktop 400 SMH-00001

**\$19.99**

Is the information in this section helpful? Yes No

INTRODUCTION

Enjoy Reliable Wireless and Precise Control

Control and convenience are at your fingertips with this compact keyboard and reliable mouse. The stream allows you to choose where you want to work. And the desktop is easy to use. —just load batteries, plug in

VIDEOS

Buzz

Works Well, Poor Support  
Rating: 4/5

"We had our receiver plugged into the USB port and one of the times we pulled it out the plug part stayed in the USB port ..."

— 1/12/2012

Nice N Simple  
Rating: 4/5

"Great range. Plug N Play in win 7. Good simple keyboard and mouse."

— JABBA 12/6/2012



Shop without retyping payment details. Secure shopping made faster. Check out with PayPal.

Financing

Newegg Preferred Account

No Payments + No Interest if paid in full in up to 12 Months. Minimum purchase required. Subject to credit approval. See Terms

Bill Me Later

No Payments + No Interest if paid in full in 6 Months on order over \$250. Subject to credit approval. See Terms

Ads by Google (?)

# CERTIFIED COPY OF ORDER

STATE OF MISSOURI }  
County of Boone } ea.

July Session of the July Adjourned

Term. 20 13

In the County Commission of said county, on the 2nd day of July 20 13

the following, among other proceedings, were had, viz:

Now on this day the County Commission of the County of Boone does hereby accept the attached No-Cost Amended Subgrant Award for the Hinkson Creek Urban Retrofit Project. It is furthered ordered the Presiding Commissioner is hereby authorized to sign the Financial Assistance Agreement, Certificate Regarding Debarment and Suspension and Anti-Lobbying Act forms.

Done this 2nd day of July, 2013.

ATTEST:

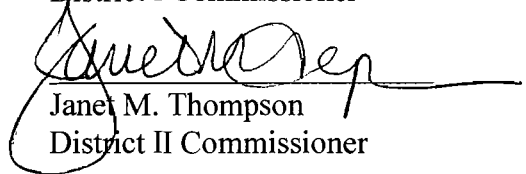
Wendy S. Noren  
Wendy S. Noren  
Clerk of the County Commission



Daniel K. Atwill  
Presiding Commissioner



Karen M. Miller  
District I Commissioner



Janet M. Thompson  
District II Commissioner



Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

[www.dnr.mo.gov](http://www.dnr.mo.gov)

**JUN 12 2013**

Mr. Dan Atwill, Presiding Commissioner  
Boone County Resource Management  
801 E. Walnut, Room 315  
Columbia, MO 65201

Dear Mr. Atwill:

Enclosed for your signature are two copies of the no-cost amended agreement from the Missouri Department of Natural Resources to the Boone County Resource Management (BCRM) for the "Hinkson Creek Urban Retrofit" project. The amendment reflects the change of funding between budget categories. Federal funds in the amount of \$713,266 will continue to support the three-year project from March 1, 2011 through April 30, 2014. A required nonfederal match provided by the recipient of \$523,000 brings the total project cost to \$1,236,266. Federal funding for this project is being provided by a Section 319 Nonpoint Source Implementation Grant.

This project will continue to work towards the goal of reducing flooding, improve water quality and health of the aquatic life of Hinkson Creek by implementing monitoring and retrofit activities identified in the Hinkson Creek Watershed Management Plan. The project will provide information to local citizens, especially the engineering community on the effectiveness of selected stormwater practices by using local examples with quantifiable, repeatable monitoring data, including cost estimates. A 10-acre city-owned site that currently does not treat stormwater runoff will be retrofitted with several stormwater BMPs including bioretention or bioswales, underground detention, and pervious pavement. A large subdivision (+200 homes) was built in the 1980s without stormwater controls; therefore, residents are experiencing problems with erosion from peak flows, flooding and permanently standing water. To reduce peak flows and flooding, this residential subdivision will be retrofitted with 45 rain gardens/rain barrels, 60 tree plantings, and 3 community stormwater treatment features. Since many of these retrofits will occur on private property, this will be done on a volunteer basis, through cost-share with a required maintenance agreement.

Soon after the grant was awarded, project staff determined that the bids for water quality monitoring were higher than anticipated. BCRM staff obtained verbal approval to hire a temporary full-time employee to conduct some of the proposed project coordinating and monitoring tasks in order to reduce the cost of contracted services. This amendment reflects the change of funding from the contractual category to salary in the project budget. Furthermore, due to funding reductions,



MISSOURI DEPARTMENT OF NATURAL RESOURCES  
FINANCIAL ASSISTANCE AGREEMENT

Under the authority of \_\_\_\_\_ and subject to pertinent legislation, regulations and policies applicable to \_\_\_\_\_.

<p>1. Recipient (Name, Address) Boone County Resource Management 801 E. Walnut, Room 315 Columbia, MO 65201</p>	<p>2. Project Number <u>G11-NPS-12</u></p> <p>3. Budget Period <u>March 1, 2011 – April 30, 2014</u></p> <p>4. Project Period <u>March 1, 2011 – April 30, 2014</u></p>
<p>5. Recipient Project Manager <u>Nicki Fuemmeler</u></p> <p>Telephone No. <u>(573) 886-4330</u></p>	<p>6. Type of Assistance (indicate by X) New Award _____ Amendment <u>X</u></p>
<p>7. State Project Manager <u>Valerie Hentges</u></p> <p>Telephone No. <u>(573) 526-1157</u></p>	<p>8. Amendment ID <u># 1 (budget category change)</u></p>

9. Project Title and Description: The **Hinkson Creek Urban Retrofit Project** will reduce flooding, improve water quality and health of the aquatic life of Hinkson Creek by implementing monitoring and retrofit activities identified in the Hinkson Creek Watershed Management Plan.

10. Source of Funding/Year: (I) FY08-09 319

Grant Codes: 780-0140-4461-3476-W8AD

11. Project Funding:

	Amount	Percent
Initial Award	\$ 713,266	58%
Initial Recipient Match	\$ 523,000	42%
Amended Award	\$ 713,266	58%
Amended Recipient Match	\$ 523,000	42%
Total Project Cost	\$1,236,266	100%

12. Amendment (describe): No-cost budget category revisions and consistency adjustments to the current level of partnerships and project involvement. Also, since the initial award the formal name for the sponsoring agency has changed from Boone County Public Works to Boone County Resource Management.

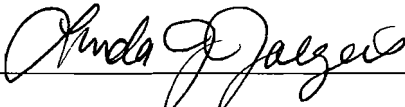
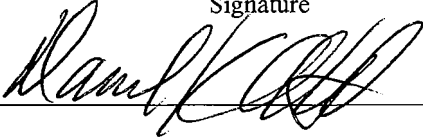
Previous Project and Budget Period: remains unchanged

13. The recipient agrees to administer this agreement in accordance with:

- a. All applicable federal and state regulations including but not limited to OMB Circulars: A-102 & A-133, 2 CFR Part 225
- b. Applicable program guidelines CFDA # 66.460
- c. Recipient application dated \_\_\_\_\_ as negotiated \_\_\_\_\_
- d. Detailed Scope of Work (Attachment # A-1 )
- e. Budget Plan (Attachment # B )
- f. General Terms and Conditions (Attachment # D )
- g. Special Conditions (Attachment # C )
- h. Public Law \_\_\_\_\_ (Attachment # \_\_\_\_\_ )
- i. Suspension/Debarment (Attachment # E )
- j. Certificate Regarding Lobbying (Attachment # H )
- k. Publications (Attachment # \_\_\_\_\_ )
- l. Invoice (Attachment # A-2 )
- m. EPA MBE/WBE Utilization (Attachment # G )
- n. Other Quarterly Report, Attachment A-3; Annual Reporting, Attachment A-4

14. The assistance as described herein is hereby offered and accepted effective upon signature of authorized officials and on the date indicated in Parts 3 and 4 above.

MISSOURI DEPARTMENT OF NATURAL RESOURCES

Department Director or Designee (typed)  <b>Linda J. Jaegers</b> <b>Fiscal and Administrative Manager</b>	Signature  	Date  6/12/13
RECIPIENT ORGANIZATION: <u>Boone County Resource Management</u>		
Name and Title (typed)  <b>Dan Atwill, Presiding Commissioner</b>	Signature  	Date  7-2-13



EPA Project Control Number

United States Environmental Protection Agency  
Washington, DC 20460

### Certification Regarding Debarment, Suspension, and Other Responsibility Matters

The prospective participant certifies to the best of its knowledge and belief that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three year period preceding this proposal been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both.

DANIEL K. ATWILL      PRESIDING COMMISSIONER

Typed Name & Title of Authorized Representative

Signature of Authorized Representative

7-2-13

Date

I am unable to certify to the above statements. My explanation is attached.



Applicant Name: \_\_\_\_\_  
Project/Program Title: \_\_\_\_\_

Attachment H - BCRM  
Hinkson Creek Urban Retrofit Project

## ANTI-LOBBYING ACT OF 1990 APPLICANT CERTIFICATION


This Certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this Certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required Certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The undersigned certifies to the best of his or her knowledge and belief, that:

- (1) *No federal appropriated funds have been or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.*
- (2) *If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.*
- (3) *The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.*

7-2-13

Date

  
Signature of Authorized Representative

(R7PLMG/GRAD:12/94)

## **ATTACHMENT A-1**

### **TERMS OF AGREEMENT**

#### **Amendment #1**

#### **Amended Sections Only**

#### **I. SUBGRANT AWARD**

The Missouri Department of Natural Resources, Division of Environmental Quality, Water Protection Program (WPP), and the Boone County Resource Management (BCRM), formerly Boone County Public Works (BCPW), agree to the plan of work and administrative procedures outlined herein for the "Hinkson Creek Urban Retrofit" project.

- A. The Department of Natural Resources agrees to pay the subgrantee an amount not to exceed \$713,266 during the budget and project periods of March 1, 2011 through April 30, 2014, for tasks specified in the Scope of Services and Schedule of Milestones. BCRM will utilize the \$713,266 for the demonstration of urban best management practices (BMPs).
- B. BCRM will ensure the completion of tasks described and reporting required. The BCRM will provide match in the amount of \$523,000 for the budget and project periods of March 1, 2011 through April 30, 2014.
- C. Conditions set forth in Attachment C, Special Conditions and in Attachment D, General Terms and Conditions, shall be required and will govern the performance of this agreement. Additional subgrant administration requirements are specifically listed in Section 13 of the Financial Assistance Agreement signature page.
- D. A Quality Assurance Project Plan (QAPP) must be developed and approved by the Department before environmental sampling, monitoring, and data collection can be conducted.

#### **IV. PROJECT DESCRIPTION**

The goal of the project is to reduce flooding, improve water quality and health of aquatic life of Hinkson Creek. To do this, Boone County and partners will implement retrofit and monitoring activities identified in the Hinkson Creek Watershed Management Plan. Information will be provided to the engineering community on the effectiveness of selected storm water practices by using local examples with quantifiable, repeatable monitoring data, including cost estimates. The critical target is the engineering community. Many design engineers are unwilling to experiment with infiltration techniques not previously tested in our heavy clay soils. Therefore, engineers often design detention basins to address most stormwater problems. This project will provide costs estimates, water quality reduction and infiltration data that explore other stormwater treatment options. Public works department employees will benefit from this project through hands-on demonstrations and construction. The residents of Columbia will also benefit from demonstrations, educational programs and flood reduction.

The project will retrofit a 10-acre city-owned site, which currently does not treat stormwater runoff, with at least six stormwater BMPs including bioretention or bioswales, underground detention, and pervious pavement. Additionally, the project will stabilize an actively eroding channel via installation of a 300 ft-long step-pool storm-conveyance system.

The project will also address a large subdivision (+200 homes) built in the 1960-80s without stormwater controls. Residents are experiencing problems with erosion from peak flows, flooding and permanently standing water. To reduce peak flows and flooding, this residential subdivision will be retrofitted with 45 rain gardens and/or rain barrels, 60 tree plantings, and 3 community stormwater treatment features over the 3-year grant period. Many of these retrofits will occur on private property, on a volunteer basis, through cost-share with a required maintenance agreement.

The project also includes a monitoring component that will quantify the effectiveness of stormwater treatments at the retrofitted sites. The monitoring will measure pollutant loads as well as peak flows. To quantify the effectiveness of the commercial site stormwater treatments with retrofit construction, the site will be equipped with monitoring equipment to measure water quality and quantity at the inlet and outlet of the appropriate BMPs to determine the reduction in pollutant load. To quantify the reduction in peak flow and runoff, a large residential subdivision will be equipped with a single climate station and a flow gauge during the first year of the project. These gauges will monitor rainfall and stream response prior, during, and post construction, for the rain gardens/barrels, community stormwater features and tree plantings. As funding allows, rain gardens implemented in the residential subdivision will be equipped with pressure transducers and infiltrometers to quantify infiltration. A climate station will record weather at this site.

Kick-off meetings, workshops and other events will train at least 50 city staff and contractor participants on the proper installation and maintenance of stormwater BMPs. By the end of the project, the engineering community will receive quantifiable evidence validating BMPs as well as design specifications and cost estimates. Pollution (load) reduction information will also be provided for the BMPs implemented, e.g., bioswales/bioretention, step pools, and underground detention. This information will help educate to the engineering community through presentations, newsletters, and workshops on the effectiveness of the BMPs. BCRM staff will develop a stewardship program to engage residents in cooperative planning and management of the subdivision retrofits.

An interactive website will be created to provide an opportunity for residents and visitors to learn about the effects of stormwater runoff and ways to reduce their impact. This, along with promotions that include videos, personal appearances, tours, stream clean-ups, and handouts will promote and encourage individuals to visit and explore the watershed, creating a sense of personal ownership and lifelong stewardship of the watershed and the aquatic community.

#### Amendment #1 Update:

- Bids for Water Quality Monitoring were higher than anticipated. BCRM Staff obtained verbal approval to hire a temporary full-time employee to conduct some of the proposed

project coordinating and monitoring tasks in order to reduce the cost of contracted services.

- The Department and BCRM staff noted several numerical inconsistencies between Section V. Scope of Services and Section VI. Schedule of Milestones.
- The Missouri River Communities Network (MRCN) was unable to secure Clean Water Americorps members that were necessary for the completion of tasks assigned to them. MRCN completed some of the tasks originally assigned to it. Responsibility for the tasks originally assigned to MRCN/Clean Water Americorps have been transferred to BCRM.
- Due to funding reductions, JobPoint was unable to enter into a MOU with the BCRM. Aspects of this project have been referred back to BCRM or project partners.

## **V. SCOPE OF SERVICES**

### **Boone County Resource Management (BCRM) shall:**

- conduct steering committee meetings;
- complete quarterly reporting and invoicing, track the project objectives, and ensure the goals of the project are met on schedule;
- develop (and submit to Department) bid specifications and contract for flow and water quality monitoring;
- develop and submit QAPP to the Department;
- coordinate with the Department, and other project sponsors/partners, developing memorandums of understanding (MOU) when appropriate;
- ensure products carry appropriate credit language and are submitted to the Department for approval prior to distribution;
- develop maintenance agreements for all privately owned BMPs;
- incorporate the local rain garden specifications into the County design manuals;
- conduct engineering workshop and tour;
- provide all documentation to the Department, including monitoring data, design specification(s) (for modeling purposes), load reductions, final products and reports;
- provide oversight and coordination for residential subdivision Stewardship Project;
- implement and monitor BMPs installed at commercial and subdivision sites;
- design and implement rain garden study;
- provide staff with training and resources needed to create a successful stewardship program for the residents of the subdivision;
- install 45 rain gardens and/or rain barrels;
- plant 60 trees;
- construct three community stormwater features;
- conduct soil testing as needed;
- develop outreach materials and conduct a kick-off meeting for residential projects;
- develop outreach materials and conduct one workshop each for rain garden, rain barrels, soils, trees, native plants, stream physics and buffers;
- develop project website, incorporating local rain garden specifications;
- develop newsletters; and
- develop photo journal.

**The City of Columbia shall:**

- design the commercial site stormwater BMPs, oversee construction and ensure that the projects are functioning once construction is complete;
- work with the BCRM engineers to design three community stormwater features for the residential subdivision;
- develop (and submit to Department) bid specifications and contract for all construction contracts greater than or equal to \$3,000;
- assist stormwater educator in workshops for City staff;
- evaluate data from three different rain garden designs to develop local design specifications including infiltration rates, sizing, and soil mix;
- incorporate the local rain garden specifications into the City design manuals; and
- work with the Project Manager to oversee volunteer opportunities to reduce runoff and control nonpoint source pollution.

**The Columbia Stormwater Educator shall:**

- develop curriculums on installation and maintenance of stormwater BMPs for City employee(s) and contractor(s) workshops;
- conduct training events with the City employee(s) and contractor(s);
- conduct education and awareness events that will target residents, students and visitors to the downtown area;
- develop photo journal;
- design and install BMP signs; and
- update curriculums to include lessons learned during the project.

**VI. SCHEDULE OF MILESTONES**

<b>Milestone</b>	<b>Responsible Party</b>	<b>Projected Completion Date(s) or Completion Dates (in italics) as of September 2012 QR</b>
<b>Task #1</b> Select diverse steering committee members; Conduct quarterly meetings	BCRM	March 31, 2011  quarterly
<b>Task #2</b> Bid and contract flow and water quality monitoring	BCRM	<i>December 14, 2011</i>
<b>Task #3</b> Develop MOUs with project partners	BCRM; Partners	<i>City: January 31, 2012; As needed</i>
<b>Task #4</b> Develop educational materials and presentations for project kick-off	City of Columbia BCRM	Ongoing



<b>Milestone</b>	<b>Responsible Party</b>	<b>Projected Completion Date(s) or Completion Dates (in italics) as of September 2012 QR</b>
<b>Task #5</b> Finalize commercial building engineering design (Phase I & Phase II)	City of Columbia	<i>Phase I: July 2011 Phase II: May 2013</i>
<b>Task #6</b> Develop Draft QAPP and submit to DNR for review Finalize QAPP	BCRM	<i>January 2012 June 2012</i>
<b>Task #7</b> Train AmeriCorps staff (As of August 31, 2011, AmeriCorps positions not filled with MRCN)	MRCN BCRM	<i>April 30, 2011</i>
<b>Task #8</b> Install preconstruction flow gauges and climate stations	BCRM; Contractor	<i>September/October 2011</i>
<b>Task #9</b> Conduct City Public Works kickoff meeting	City of Columbia	<i>October 27, 2011</i>
<b>Task #10</b> Conduct residential subdivision kickoff meeting	BCRM	<i>July 16, 2011</i>
<b>Task #11</b> Field train sampling crew	Contractor	<i>August 31, 2011; September 2012</i>
<b>Task #12</b> Construct step-pool conveyance, bioswale and bioretention	City of Columbia	<i>May 23, 2011; October 25, 2011</i>
<b>Task #13</b> Develop rain garden/rain barrel workshop materials Conduct 2 workshops	BCRM; MRCN	<i>August 20, 2011; April 14, 2011</i>
<b>Task #14</b> Conduct soil testing at residential subdivision	BCRM	<i>April 2012</i>
<b>Task #15</b> Install 15 rain barrels/gardens and plant 20 trees at residential subdivision	BCRM MRCN	<i>37 rain barrels; 0 rain gardens – April 2012; 18 trees – July 2012; Ongoing = Task #21 &amp; 24</i>
<b>Task #16</b> Train City of Columbia staff	City of Columbia	<i>April 2012; Ongoing</i>
<b>Task #17</b> Install post-construction monitoring at commercial and residential sites	BCRM; Contractor	<i>Phase I: September 28, 2012; Phase II: September 2013</i>
<b>Task #18</b> Develop maintenance agreements (enter into a maintenance agreement for each landowner cost share/demo)	BCRM	<i>November 7, 2011; Ongoing</i>

<b>Milestone</b>	<b>Responsible Party</b>	<b>Projected Completion Date(s) or Completion Dates (in italics) as of September 2012 QR</b>
<b>Task #19</b> Phase II: Construct season 2 BMPs at commercial site; porous pavement underground detention and 2 rain gardens	City of Columbia	August 31, 2013
<b>Task #20</b> Phase II: Conduct 1 workshop on soils and 1 workshop on trees	BCRM	Soils: May 2013; Trees: <i>April 28, 2012</i>
<b>Task #21</b> Install 15 rain barrels/gardens, 2 community stormwater features and 20 trees in residential subdivision	BCRM; Residents	July 31, 2013
<b>Task #22</b> Conduct engineer workshop and tour	BCRM	November 30, 2012
<b>Task #23</b> Conduct 1 workshop on native plants and 1 workshop stream dynamics	BCRM	September 30, 2013
<b>Task #24</b> Install 15 rain barrels/gardens, 1 community stormwater feature and 20 trees in residential subdivision	BCRM; Residents	October 31, 2013
<b>Task #25</b> Develop local rain garden design specifications based on data gathered in project	City of Columbia	November 30, 2013
<b>Task #26</b> Precipitation event sampling (about 30/yr.)	BCRM	Ongoing
<b>Task #27</b> Develop and maintain project website	BCRM	July 2013; Ongoing
<b>Task #28</b> Develop Photo Journal	BCRM; City of Columbia	Ongoing
<b>Task #29</b> Develop newsletters	BCRM	<i>August 2011; April 2012;</i> Ongoing
<b>Task #30</b> Submit draft monitoring report Submit final monitoring report	BCRM	November 30, 2013 December 31, 2013
<b>Task #31</b> Submit quarterly reports and monitoring data	BCRM	January 15; April 15; July 15; October 15, of each project year
<b>Task #32</b> Submit annual reports with load reductions	BCRM	October 15, of each project year

<b>Milestone</b>	<b>Responsible Party</b>	<b>Projected Completion Date(s) or Completion Dates (in italics) as of September 2012 QR</b>
<b>Task#33</b> Submit draft final report Submit final report	BCRM	March 31, 2014 April 30, 2014

Evaluation/Feedback Mechanisms:

1. A pre- and post-survey will be given to participants of workshops to develop an understanding of the public’s perception of implementing storm water retention practices.
2. A pre- and post-test will be administered to participants attending the kick-off and wrap-up meetings to assess knowledge gained from lessons presented during any storm water education activities.
3. Education/Outreach efforts will be quantified by amount of materials distributed and information requested.
4. Water quality monitoring will indicate BMP load reduction effectiveness.
5. The project will also use the water quality data collected to model the impact of the BMPs at the watershed level.

BMP Operation and Maintenance:

Sub-recipient will assure continued proper operation and maintenance of all nonpoint source management practices that have been implemented and funded under this agreement. Such practices shall be operated and maintained for an appropriate number of years in accordance with commonly accepted standards. The sub-recipient shall include a provision in every applicable sub-agreement or contract awarded under this subgrant requiring that the management practices for the project be properly operated and maintained.

Measures of Success:

By the end of the project, the participants from the residential subdivision will have a better understanding of stormwater issues, including hydrology, infiltration, and runoff. They will understand how changes at the lot level can reduce runoff for downstream neighbors and how they can take action to capture runoff from their property. Surveys and questionnaires will be used to capture change in knowledge from the kick-off meeting to the wrap-up meeting. The long-term measure of success for this project will be to provide an example of how to develop a successful stewardship program which could be transferred to other watersheds.

As a result of implementing the project objectives, two areas will be retrofitted to reduce nonpoint source pollution to local streams. It is anticipated that these practices will help reduce runoff and flooding and remove pollutants from stormwater. The project will calculate load reduction data to determine the BMP’s effectiveness and report this data to the Department annually.

The performance information gathered from the monitoring aspect of this project will be provided to local stormwater managers and engineers. This information will assist in decision-making and expand the use of practices throughout the community. Finally, success will be

measured by improving the general public understanding of the principles of implementing nonpoint source pollution reduction practices on a lot-by-lot basis.

List of Products

- QAPP(s) BMP performance Level II, Soil testing, Level IV
- Kick-off meetings (2) with residents and city staff
- Wrap-up meetings (2) with residents and city staff
- Workshops (8) (Subdivision residents, City employees & engineers)
- Soil Tests (as needed)
- Newsletters (4)
- News releases (3)
- Signs for BMPs (3)
- Community stormwater BMPs (3)
- Maintenance Agreements (as needed)
- Commercial site retrofit BMPs (3), including a step-pool conveyance system (300 linear feet)
- Trainings (3) (MRCN, Lab & Field crews, Public Works staff)
- Web pages (4)
- Photo journal
- Rain Gardens or Rain Barrels (45)
- Tree Plantings (at least 60 trees)
- Quarterly Reports (12)
- Precipitation and Flow Data (continuous and event based)
- Performance data for rain garden BMPs
- Design specifications for rain gardens
- Monitoring report (2)
- Final report

**VII. PROJECT BUDGET**

**Hinkson Creek Urban Retrofit  
Boone County Public Works**

March 1, 2011– April 30, 2014

---

Total Federal Contribution	\$ 713,266
Total Nonfederal Contribution	523,000
<b>Total Project Cost</b>	<b>\$1,236,266</b>

---

(See Attachment B for budget breakout.)

## VIII. PAYMENT SCHEDULE

- A. Reimbursement to the subgrantee for the tasks described in the Scope of Services will be made according to the following schedule:

MAXIMUM EXPENSES	REIMBURSEMENT SCHEDULE	SUBMIT TO	PROJECT PERIOD	INVOICE FORMAT
\$713,266	Quarterly	DNR Fiscal Account Clerk	3/1/2011– 4/30/2014	Attachment A-2

- B. Requests for reimbursement must be accompanied by a summary of the federal expenditures by budget category. For match reporting only, detailed documentation (such as paid bills, time sheets, receipts, invoices, cost-share/incentive agreements, etc.) must be provided for cost-share and in-kind services. The Department reserves the right to require submittal of documentation for projects that have failed to meet grant requirements. Expenditures must be incurred within the budget period March 1, 2011 through April 30, 2014. See Attachment A-2, Invoice and Match Report, and Attachment D, General Terms and Conditions, for additional requirements.
- C. Invoices, including expenditure summaries, must be submitted at a minimum frequency of semi-annually. Final reimbursement will be made to the subgrantee upon documentation of adequate match and completion of all required quarterly reports and the final project report/evaluation. The subgrantee must request final reimbursement no later than 60 calendar days after the project end date at which time any remaining balance of project funds will be deobligated.
- D. Match expenditures and documentation shall be submitted with quarterly invoices at least twice per year in accordance with the federal and match percentage ratio as described in section #11 of the Financial Assistance Agreement signature page. Failure to provide match in proportion to the federal expenses biannually, at minimum, may result in denial of federal reimbursement or the department requesting a refund of federal funds.
- E. Up to twenty percent (20%) of the total federal award amount may be withheld pending satisfactory completion of the final project report/evaluation and submission to the Department.
- F. See Attachment D, General Terms and Conditions, for additional requirements.

## IX. REPORTING REQUIREMENTS

- A. Quarterly progress reports will be due January 15, April 15, July 15, and October 15 of each calendar year of the project period. Please send one **electronic** copy via the Internet to [valerie.hentges@dnr.mo.gov](mailto:valerie.hentges@dnr.mo.gov). Reports will describe project status, compare progress to

scheduled milestones, and explain any variances from expected progress. The reports shall follow the format shown on Attachment A-3, Quarterly Report.

- B. An **electronic** copy of an annual report must be submitted to the Department's project manager by October 15<sup>th</sup> each year throughout the project period and at the close of the project. The reports shall follow the format shown on Attachment A-4, Nonpoint Source Annual Report Worksheet.
- C. An **electronic** copy of the final product and final project report must be submitted to the Department's project manager by April 30, 2014, with a draft due by March 31, 2014. The final report, at a minimum, should describe accomplishments, how the goals/objectives described in the subgrant agreement were met, describe the tasks completed, products produced, and an assessment of the impact of the project in addressing nonpoint source concerns. The report should make recommendations, where relevant, on how the results or experiences of the project could be applied elsewhere. A final budget should also be included that describes the funds spent, the match contribution, and leftover funds, if any.
- D. A copy of the annual audit report or relevant portions of the audit report that pertains to the project award are to be submitted to the Department's project manager, if required under the federal Office of Management and Budget (OMB) Circular A-133, Single Audit Act, as described in the Department's General Terms and Conditions, Attachment D.
- E. Recipients are allowed to earn program income in order to defray the cost of project activities funded by a 319 grant. Program income must be documented and reported through the receipt and expenditure invoicing process. Program income generated from supported activities including fees for services, rental income acquired under the grant, proceeds from the sale of articles fabricated under the grant, interest income and registration fees for a 319 sponsored event such as conferences, workshops, and training are some examples that must be reported.
- F. Recipients must request any needed time extension to the award no later than 90 days prior to the current project period expiration date. Failure to request an extension in this timely manner may result in denial of the extension request.

Reviewed Date: \_\_\_\_\_

GRTS Entry: \_\_\_\_\_

Funding Source(s)

MoDNR Project Manager

**QUARTERLY PROGRESS  
REPORT TO MODNR**

Reporting Period: \_\_\_\_\_

To: \_\_\_\_\_

Date Submitted to DNR Project Manager: \_\_\_\_\_

Project Name:  
Project Number

Project Administrator:  
Phone number:

e-mail address:

Sponsoring Agency  
Name and Address:

Project Period:

	<b>Grant Federal Funding</b>	<b>Grant Match</b>
Project Budget:	\$ _____	\$ _____
Project Expenditures to Date:	\$ _____	\$ _____
Balance:	\$ _____	\$ _____

Overall Project Progress Comments for this quarter: \_\_\_\_\_

Milestones/Tasks Comments for this quarter: \_\_\_\_\_

**TASK #1**

Responsible Party: \_\_\_\_\_

Projected Completion Date: \_\_\_\_\_

% Completed to date: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Please provide details regarding the progress / completion of this task: \_\_\_\_\_

**TASK #2**

Responsible Party: \_\_\_\_\_

Projected Completion Date: \_\_\_\_\_

% Completed to date: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Please provide details regarding the progress / completion of this task: \_\_\_\_\_

**TASK #3**

Responsible Party: \_\_\_\_\_

Projected Completion Date: \_\_\_\_\_

% Completed to date: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Please provide details regarding the progress / completion of this task: \_\_\_\_\_

**TASK #4**

Responsible Party: \_\_\_\_\_

Projected Completion Date: \_\_\_\_\_

% Completed to date: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Please provide details regarding the progress / completion of this task: \_\_\_\_\_

**TASK #5**

Responsible Party: \_\_\_\_\_

Projected Completion Date: \_\_\_\_\_

% Completed to date: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Please provide details regarding the progress / completion of this task: \_\_\_\_\_

**TASK #6**

Responsible Party: \_\_\_\_\_

Projected Completion Date: \_\_\_\_\_

% Completed to date: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Please provide details regarding the progress / completion of this task: \_\_\_\_\_

**TASK #7**

Responsible Party: \_\_\_\_\_

Projected Completion Date: \_\_\_\_\_

% Completed to date: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Please provide details regarding the progress / completion of this task: \_\_\_\_\_

**TASK #8**

Responsible Party: \_\_\_\_\_

Projected Completion Date: \_\_\_\_\_

% Completed to date: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Please provide details regarding the progress / completion of this task: \_\_\_\_\_

**TASK #9**

Responsible Party: \_\_\_\_\_

Projected Completion Date: \_\_\_\_\_

% Completed to date: \_\_\_\_\_ Date Completed: \_\_\_\_\_



Please provide details regarding the progress / completion of this task: \_\_\_\_\_

**TASK #10**

Responsible Party: \_\_\_\_\_

Projected Completion Date: \_\_\_\_\_

% Completed to date: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Please provide details regarding the progress / completion of this task: \_\_\_\_\_

**TASK #11**

Responsible Party: \_\_\_\_\_

Projected Completion Date: \_\_\_\_\_

% Completed to date: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Please provide details regarding the progress / completion of this task: \_\_\_\_\_

**TASK #12**

Responsible Party: \_\_\_\_\_

Projected Completion Date: \_\_\_\_\_

% Completed to date: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Please provide details regarding the progress / completion of this task: \_\_\_\_\_

**TASK #13**

Responsible Party: \_\_\_\_\_

Projected Completion Date: \_\_\_\_\_

% Completed to date: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Please provide details regarding the progress / completion of this task: \_\_\_\_\_

**TASK #14**

Responsible Party: \_\_\_\_\_

Projected Completion Date: \_\_\_\_\_

% Completed to date: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Please provide details regarding the progress / completion of this task: \_\_\_\_\_

**TASK #15**

Responsible Party: \_\_\_\_\_

Projected Completion Date: \_\_\_\_\_

% Completed to date: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Please provide details regarding the progress / completion of this task: \_\_\_\_\_

**TASK #16**

Responsible Party: \_\_\_\_\_

Projected Completion Date: \_\_\_\_\_

% Completed to date: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Please provide details regarding the progress / completion of this task: \_\_\_\_\_

**TASK #17**

Responsible Party: \_\_\_\_\_

Projected Completion Date: \_\_\_\_\_

% Completed to date: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Please provide details regarding the progress / completion of this task: \_\_\_\_\_

**TASK #18**

Responsible Party: \_\_\_\_\_

Projected Completion Date: \_\_\_\_\_

% Completed to date: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Please provide details regarding the progress / completion of this task: \_\_\_\_\_

**TASK #19**

Responsible Party: \_\_\_\_\_

Projected Completion Date: \_\_\_\_\_

% Completed to date: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Please provide details regarding the progress / completion of this task: \_\_\_\_\_

**TASK #20**

Responsible Party: \_\_\_\_\_

Projected Completion Date: \_\_\_\_\_

% Completed to date: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Please provide details regarding the progress / completion of this task: \_\_\_\_\_

**TASK #21**

Responsible Party: \_\_\_\_\_

Projected Completion Date: \_\_\_\_\_

% Completed to date: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Please provide details regarding the progress / completion of this task: \_\_\_\_\_

**TASK #22 Required Reporting**

Responsible Party: \_\_\_\_\_

Projected Completion Date: As Described in Table Below

Report Type	Project Period	Projected Completion Date	Date Completed	Percent Completed
Quarterly (1 of 8)				%
Quarterly (2 of 8)				%
Quarterly (3 of 8)				%
Quarterly (4 of 8)				%
Quarterly (5 of 8)				%
Quarterly (6 of 8)				%
Quarterly (7 of 8)				%

Quarterly (8 of 8)				%
Invoice ( 1 of 8)*				%
Invoice (2 of 8)*				%
Invoice (3 of 8)*				%
Invoice (4 of 8)*				%
Invoice (5 of 8)*				%
Invoice (6 of 8)*				%
Invoice (7 of 8)*				%
Invoice (8 of 8)*				%
Annual & MBE/WBE (1 of 3)				%
Annual & MBE/WBE (2 of 3)				%
Annual & MBE/WBE (3 of 3)				%
"Draft" Final to MDNR				%
Final Report				%

\* This information can be submitted to Diane Muenks.

In the table below, please list the names of all project partners, their roles, and general activities during this reporting period. *Insert additional rows as necessary.*

Project Partner	Role in Project	General Activity Conducted

Note: This form is authorized for reproduction.  
Instructions for completing form on following page

## Instructions for Completing the Quarterly Report

**Funding Source(s):** This can be found in section #10 of the Subgrant Assistance Agreement.

**Reporting Period - from - to:** Identify the date periods this report covers and as indicated in your grant agreement.

**Project Name:** Use the same name that is listed on the Subgrant Assistance Agreement.

**Project Administrator:** The sponsoring agency project manager.

**Telephone and e-mail address:** Self-explanatory.

**Sponsoring Agency Name, and Address:** Self-explanatory.

**Project Period:** The date the project begins and ends, as identified on the Subgrant Assistant Agreement.

**Project Budget:** Funds awarded to date. These are the same figures as stated in section #11 of Subgrant Assistance Agreement. These amounts may change when there are amendments to the budget.

**Project Expenditures to Date:** Federal and match expenditures to date, **not** just for the quarter.

**Balance:** Budget to date minus expenditures to date.

**Overall Project Progress:** Brief summary of how the project is doing overall, e.g. behind schedule and why, on schedule, ahead of schedule, etc. Please date all comments.

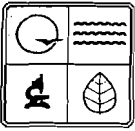
**Milestones/Tasks:** List the task titles and number them #1, #2, #3, etc. for the tasks in the project workplan in the Subgrant Assistance Agreement. Do not list one type of task more than once. For instance, if you will conduct several workshops at different times, list one task called *Workshops* with all workshop titles and completion dates listed under the task; and even though you will have, for example, 12 quarterly reports due in a 3-year period there should only be one task called *Quarterly Reports*.

**Comments:** Comments can be made under any task for extra information you wish to report for that task, problems with the task, detail of activity, etc. Please date all comments.

**Projected Completion Date:** The anticipated completion date as identified in the workplan of the Subgrant Assistance Agreement.

**Date Completed:** The date the task is completed. It should be left blank until completed.

**%(percent)Completed:** The percent of the task is complete at the end of the quarter being reported.



**Attachment A-4**  
**Missouri Department of Natural Resources**  
**Section 319 Nonpoint Source (NPS) Annual Report Worksheet**

As part of the § 319 NPS reporting requirements, project administrators are to complete an annual report worksheet for all active § 319 NPS projects. A final annual report worksheet may also be required at the close of the project.

The worksheet information will be compiled into one annual report to be submitted to EPA as part of State's grant conditioned reporting requirements. The annual report focuses on goals of the Nonpoint Source Management Plan, which outlines the challenges that Missouri faces with nonpoint source pollution. Identifying challenges and/or tracking activities by watershed will help to identify areas of the state where progress is being made toward reducing nonpoint source pollution in watersheds, and identify areas where watershed protection and restoration efforts might be lacking.

**Instructions:**

***\*Please report only those NPS activities that are specific to the project and within the federal fiscal year.***

***\*Complete the sections as they apply to your project.***

***\*Round to the nearest whole number.***

***\*Submit worksheet to your MoDNR project manager by: October 15, 2012***

Fiscal Year: 2012 (October 1, 2011 through September 30, 2012 )

Project Name:

Project Administrator:

Project Number: (example: G0# - NPS - ##)

Project Coverage:

Choose **one** by placing an "x" in the appropriate box:

Statewide Project

Regional Project

*(For regional projects: list counties that fall within the regional project boundaries)*

*(For regional projects: list 8 digit hydrologic unit(s) that fall within the regional project boundaries)*

Watershed Specific Project

*(For watershed specific projects: list the 8-digit HUC unit for this project)*

Project Type:

Choose **all that apply** by indicating the percentages as they apply to project. The % total should add to 100.

% Information/Education

% Monitoring

% Implementation

% Demonstration

0 % total - automatically calculates a total percentage based on the values entered above

**NPS Planning Activities**

(Between October 1st of last year and ending September 30th of the current year)

**Group Formation**

\_\_\_\_\_ # of groups formed to address regional or local NPS issues

*Please list the name(s) of group(s) formed:*

\_\_\_\_\_ # of meetings held

\_\_\_\_\_ Average number of attendees

**Planning Documents**

0 total # of planning documents produced - *this field will automatically calculate a total based on the values entered below.*

Of the total planning documents produced how many were:

**- Approved Watershed Management Plans**

\_\_\_\_\_ # of watershed management plans (WMP) produced (*without EPA's 9 key elements*)

\_\_\_\_\_ Total acres addressed by WMP(s)

*Please list the name(s) of WMP's produced for this HUC*

\_\_\_\_\_ # of WMP(s) approved by MoDNR (*with EPA's 9 key elements*)

\_\_\_\_\_ Total acres address by WMP(s)

*Please list the name(s) of the WMP's produced for this HUC*

**- Approved Source Water Protection Plans**

\_\_\_\_\_ # of source water protection plans (SWPP) produced

\_\_\_\_\_ Total acres addressed in SWPP

*Please list the name(s) of SWPP plans produced for this HUC*

**- Other Plans**

\_\_\_\_\_ # of other plans produced

\_\_\_\_\_ Total acres addressed in plan

*Please list the names of the other plan(s) produced for this HUC*

**NPS Total Maximum Daily Load (TMDL) Activities**

(Between October 1st of last year and ending September 30th of the current year)

**TMDL Activities**

*List the 303(d) impaired water bodies addressed in project*

\_\_\_\_\_ # of TMDL action plans developed?

*Please list the names of the TMDL action plan(s) produced*

\_\_\_\_\_ # of TMDL action plans implemented?

\_\_\_\_\_ # of BMPs applied toward TMDL action plan

\_\_\_\_\_ # of acres treated in the TMDL action plan

\_\_\_\_\_ # of stream miles originally listed on 303(d) list for NPS impairment  
now in compliance with Water Quality Standards due to this 319 project

\_\_\_\_\_ # of lake acres originally listed on 303(d) list for NPS impairment  
now in compliance with Water Quality Standards due to this 319 project

**NPS Information/Education Activities***(Between October 1st of last year and ending September 30th of the current year)*

<b>Field Days</b>	<b>Public Service Announcements (PSAs)/Informational Videos</b>
_____ # of field days conducted	_____ # produced
_____ # of field day participants	_____ # of times aired/shown/distributed
<b>Training Workshops</b>	<b>Newsletters/Newsletter Articles</b>
_____ # of training workshops conducted	_____ # of newsletters/articles produced
_____ # of training workshop participants	_____ # of newsletters/articles distributed
<b>Field Demonstrations</b>	<b>Web Site Development</b>
_____ # of demonstration sites displayed	_____ # Web pages produced
_____ # of demonstration participants	<i>List URL address(es):</i>
<b>Geographical Information</b>	
_____ # of watershed maps/shape files produced	_____ Total # of pages viewed
_____ # of maps as part of an GIS interactive system?	
<b>Brochures/Fact sheets/Curriculums</b>	<b>Clean-up Events (stream, sink hole, etc.)</b>
_____ # produced	_____ # of clean-up events conducted
_____ # distributed	_____ # of clean-up event participants
	_____ Estimated tons of trash collected

**NPS Monitoring/Assessment Activities***(Between October 1st of last year and ending September 30th of the current year)*

<b>Quality Assurance Project Plans (QAPPs)</b>
_____ # of QAPPs produced?
_____ # of QAPP revisions conducted
<b>Stream Teams/Training</b>
_____ # of Stream Teams formed
_____ # of water quality training sessions conducted
_____ # of volunteers trained to conduct water quality monitoring
<b>Water Quality Monitoring</b>
_____ # of stream/lake sampling sites
_____ # of times sampling sites were sampled
_____ # of water quality parameters analyzed
<i>Please list the parameters analyzed (e.g. pH, conductivity, temperature, dissolved oxygen, total nitrogen, total phosphorus)</i>

**Groundwater Activities***(Between October 1st of last year and ending September 30th of the current year)*

<b>Groundwater Wells</b>
_____ # of wells tested or monitored to determine water quality
_____ # of wells decommissioned or certified as properly plugged
_____ # of karst/sinkhole protection activities conducted
_____ # of projects involved in NPS groundwater contamination remediation activities?
<i>Please list activity(ies)</i>

**Best Management Practices (BMPs) Activities**

*(Between October 1st of last year and ending September 30th of the current year)*

**BMPs**

\_\_\_\_\_ # of BMPs implemented

*Please list the type(s) of BMP(s) implemented*

\_\_\_\_\_ # of acres impacted

*Please list the NPS pollutant(s) impacted by BMP(s)*

**Quantify Load Reductions**

\_\_\_\_\_ Total tons of soil saved

0 Total pounds of nutrients reduced: \_\_\_\_\_ lbs Nitrogen \_\_\_\_\_ lbs Phosphorus

\_\_\_\_\_ Total pounds of pesticides reduced

*Specify pesticide(s)*

\_\_\_\_\_ Other load reductions:

*Please specify model(s) or method used to calculate load reductions*

**Agricultural Activities**

*(Between October 1st of last year and ending September 30th of the current year)*

**Comprehensive Nutrient Management Plans (CNMP)**

\_\_\_\_\_ # of CNMP developed

\_\_\_\_\_ # of CNMP updated

\_\_\_\_\_ # of CNMP implemented

\_\_\_\_\_ # of acres impacted by CNMP

\_\_\_\_\_ # of animals impacted by CNMP

**Animal Waste Facilities**

\_\_\_\_\_ # of animals waste facilities built/constructed

*Please list type and number of each facility constructed*

\_\_\_\_\_ # pounds of manure transferred out of watershed

**Brief**

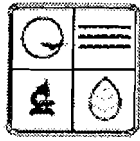
**Comments:**

*text limited*

*box*

Thank you for all your time and efforts in completing this form.





Missouri  
Department of  
Natural Resources

Guidelines for Planning Information Activities

Maximizing the effectiveness of information activities requires considerable thought and planning. Choosing whether to use written or audio-visual material and how the project should look depend largely on the purpose of the project. The following steps describe issues and details to decide before any information piece is produced.

Definitions:

**Information** is the range of printed, spoken, recorded, taped, and displayed communications, and other materials that may be used in media relations, or in a marketing or education program.

**Education** is systematic instruction delivered to a targeted audience that facilitates learning through defined objectives, measured content, review, and evaluation.

**Objective** is a clearly stated goal that defines the desired result of the information or education program in terms of changes in behavior of the targeted audience.

**Target Audience** is the specific group of people to receive information or education.

**Time Line** is a schedule of deadlines to encourage the development of realistic objectives and to determine progress over a short period of time.

**Information Plan**

1. Define problem to be solved or situation to be changed
2. Set objective(s)
3. Determine target audience(s)
4. Choose most effective tool to convey message
5. Determine content
6. Define method of evaluation effectiveness of tool

**Implementation Plan**

1. Determine budget (consider the following):
  - research costs
  - production and duplication or printing costs
  - distribution costs (shipment, postage; see "Distribution Plan" below)
2. Set time line

**Distribution Plan**

1. Determine total number to be printed or copied
2. Determine possible methods and logistics for distribution
3. Decide most effective way to distribute materials or services
4. Define method of evaluating effectiveness of distribution

## ATTACHMENT C

### **Materials Development**

#### Information and Awareness Tools:

- fact sheets
- technical bulletins
- brochures
- news releases
- public service announcements
- paid advertisements
- newsletters
- periodicals
- audio-visual productions
- posters
- exhibits
- public meetings
- displays

### **Creation**

1. Use most effective writing style and graphics to reach target audience
2. Review for technical content
3. Edit writing and graphics

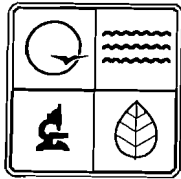
#### \* Identifying the department

Credit Missouri Department of Natural Resources as a funding source when applicable. Use full name of the department and its logo. Camera-ready copies of logo are available from Division of Environmental Quality, (573) 751-4465. (See "Missouri Department of Natural Resources Grants: Identifying the Department in Grant Projects for Public Distribution.")

#### \* Using recycled materials

Any printed materials should be produced on recycled paper stock if at all possible.

#### \* Should be addressed in grant applications.



## Missouri Department of Natural Resources Grants

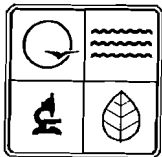
### Identifying the Department in Grant Projects for Public Distribution

Recipients of grant funds from the Missouri Department of Natural Resources should identify the department as a funding source on all grant projects for public distribution. On most projects, identification should include the department's logo with the full-department name. This applies to publications, news releases, videos, displays and all other projects from which information may be obtained by reading, watching, or simply seeing the material. Camera-ready copies of the logo may be obtained by calling the Department of Natural Resources at (573) 751-4465.

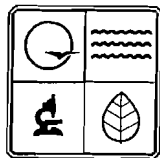
For other projects, such as audiocassette tapes and news releases, the department should be identified audibly by including its full name. See the following guidelines for specific directions.

### Logo Usage

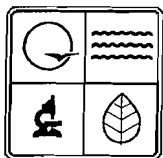
**Logo:** The Missouri Department of Natural Resources logo includes the full name of the department and the quadrangular graphic. The name should be placed below or to the right of the graphic. See examples below.



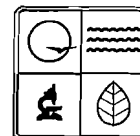
Missouri Department of Natural Resources



Missouri Department of Natural Resources



Missouri  
Department of  
Natural Resources



Missouri Department  
of Natural Resources

**Placement:** The logo should be readily visible, either on the front or back cover of publications with separate covers. On folded publications, the logo should be visible on the back outer panel.

The logo should be aired at the end of video tapes long enough for easy visibility by viewers.

**Size:** Type size for the text of the logo in publications should be no smaller than 10 points. The logo art should be in proportion to the type size, as shown in examples above. When other sources of funding also are identified, the Missouri Department of Natural Resources logo shall be no smaller than the type size of other funding sources listed.

The logo should be aired at the end of videotapes large enough for easy visibility by viewers.

**Additional:** When space allows, the following verbiage should precede the logo: "This project Credit: was funded by the..."

**Note:** When only a portion of the project is funded by department grant funds, "funded" may be replaced with "funded in part."

#### Audible Identification of the Department

**Name:** The department should be identified as follows:

The Missouri Department of Natural Resources

**Credit:** The following verbiage should be announced at the beginning and end of the project:

"This project was funded by the Missouri Department of Natural Resources."

**Note:** When only a portion of the project is funded by department grant funds, "funded" may be replaced with "funded in part."

## MISSOURI DEPARTMENT OF NATURAL RESOURCES

### GUIDELINES FOR PLANNING INFORMATION AND EDUCATION ACTIVITIES

#### Key Definitions

*Information* is the range of printed, spoken, recorded and displayed communications that may be used in public relations, marketing or education.

*Education* is the systematic instruction of a determined concept using the methods and theories of teaching and learning.

The distinguishing characteristic of education is *instruction*.

#### Information

- A. Information
  - 1. Define the problem to be solved or situation to be changed
  - 2. Set the objective(s)
  - 3. Determine the target audience(s)
  - 4. Determine the message content
  - 5. Choose the most effective instrument(s) to convey the message
  - 6. Determine the method of evaluating the effectiveness of the instrument(s)
  
- B. Informational instruments
  - 1. Fact sheets
  - 2. Technical bulletins
  - 3. Brochures
  - 4. News releases
  - 5. Public service announcements
  - 6. Paid advertisements
  - 7. Newsletters
  - 8. Periodicals
  - 9. Audio-visual productions
  - 10. Posters
  - 11. Exhibits/displays
  - 12. Public meetings

- C. Implementation plan
  - 1. Determine the budget
  - 2. Set a time line
  - 3. Use the most effective writing style and graphics to reach the target audience
  - 4. Establish the method to evaluate the effectiveness of the instrument(s)
- D. Distribution plan
  - 1. Determine the number to be printed or copied
  - 2. Determine the production/printing costs
  - 3. Determine the method and logistics for distribution
  - 4. Determine the distribution costs (shipment, postage)

### **Education**

- A. Instructional plan
  - 1. Determine the concept(s) (What to teach?)
  - 2. Set the objective(s) (What results from teaching?)
  - 3. Determine the target audience(s) (Whom to teach?)
  - 4. Choose the instructional methods (How to teach?)
  - 5. Select resources (What will help in teaching?)
  - 6. Define the method of evaluation (How successful was the teaching?)
- B. Educational instruments
  - 1. Workshops
  - 2. Seminars
  - 3. In-service training
  - 4. Development of curriculum/resource materials
  - 5. Training on curriculum/resource materials
  - 6. Demonstration projects
- C. Implementation plan
  - 1. Determine the budget
  - 2. Set a time line
  - 3. Determine the logistics for the delivery of instruction
  - 4. Establish the method to evaluate the effectiveness of instruction

## Glossary

*Concept* - the main topic to be learned in an education program.

*Education* - the systematic instruction of a determined concept using the methods and theories of teaching and learning. Focus is on the abstract, higher-order thinking skills.

*Evaluation* - the process for determining the effectiveness of the information or education program in fulfilling the objective.

*Information* - the range of printed, spoken, recorded and displayed communications that may be used in public relations, marketing or education.

*Instructional Methods* - the methods used in the instruction of a concept to the target audience in an education program.

*Objective* - a clearly stated goal that defines the desired result of an information or education program.

*Resources* - the educational materials, equipment, facilities, individuals and funding to implement an educational program.

*Target Audience* - the specific group of people to receive information or education.

*Training* - a form of education that focuses on the vocational / technical skills.

*Time Line* - a schedule of deadlines to encourage the development of realistic objectives and to determine the progress over a period of time.

### **Common Problems with Information and Education Proposals**

1. The project author is unable to distinguish information and education. Often an information- or awareness-based project is labeled an education program.
2. The project attempts to re-create something already available ("reinventing the wheel"). Do research and use or modify quality programs in existence.
3. The project objectives are missing, unclear, or unrealistic.
4. An educational project develops an instructional instrument, but does not educate a targeted audience.
5. The project is advocacy rather than education. Education efforts need to teach the learner *how to think, not what to think*.
6. Information and education plans fail to include objectives, target audiences, methods/instruments, evaluation procedures, a detailed budget and time line.

For more information, contact Greg Anderson, Nonpoint Source Program Coordinator, Water Protection Program, Missouri Department of Natural Resources, at (573) 526-1386 or [greg.anderson@dnr.mo.gov](mailto:greg.anderson@dnr.mo.gov).



**ATTACHMENT C**

**MISSOURI DEPARTMENT OF NATURAL RESOURCES**

**Federal Subgrants  
SPECIAL TERMS AND CONDITIONS**

Any recipient employed under this agreement shall comply with the following special terms and conditions. It is understood that no recipient will receive payment unless the following conditions are complied with. These terms and conditions are in addition to all other terms and conditions contained in the financial assistance agreement.

**I. PUBLIC INFORMATION GUIDELINE REQUIREMENTS:**

1. The subgrantee must agree that all statements, press releases, requests for proposals, bid solicitations, and other documents describing the program/project for which funds are being awarded, will include a statement of the percentage of the total cost of the program/project which is financed with Environmental Protection Agency Region VII money, the dollar amount of Region VII funds for the program/project, and that the funds are provided through the Missouri Department of Natural Resources (DNR). On-the-ground projects must have a sign bearing this information and the names of other project partners.
2. All public information projects, including but not limited to, publications and audio-visual projects, must meet Department of Natural Resources quality standards, as outlined in the style sheet (attached) and the department's style manual. All recommendations made by a departmental review of the publications must be followed by the subgrantee. Unless otherwise specified in the Attachment A-1, Terms of Agreement, the subgrantee will provide to DNR five copies of printed materials and ten copies of videos produced. (Technical manuals and sound/slide series are excluded.)

See Attachment D, General Terms and Conditions for additional publication requirements

**II. ADMINISTRATION REQUIREMENTS:**

1. Audit Requirements. Audits must report on fair presentation of the organizations financial statements in conformity with generally accepted accounting principles, the internal control structure, and compliance with applicable laws and regulations. The audits must be conducted in accordance with generally accepted auditing standards as promulgated by the American Institute of Certified Public Accountants.

The amended Single Audit Act of 1996 (revised June 27, 2003), which applies to all non-federal entities expending \$500,000 or more in federal awards in a fiscal year, takes effect for fiscal years beginning after December 31, 2003. This statutory requirement supersedes any other effective date in federal agency guidance, so the same effective date will apply to all agencies and all recipients of federal funds.

- a. Private For-Profit Organizations. Recipients having federal expenditures in excess of \$500,000 in a fiscal year must provide a copy of an independent auditor's report. For audit fiscal years before December 31, 2003, an audit is required when expenditures in a fiscal year are in excess \$300,000.
- b. Universities and Non-Profit Organizations. Universities or Non-Profit recipients must submit a copy of an independent audit as prescribed in OMB circular A-133 if applicable. If circular A-133 does not apply, Universities or Non-Profit recipients having federal expenditures in excess of \$500,000 in a fiscal year must provide a copy of an independent auditor's report. For audit fiscal years before December 31, 2003, an audit is required when expenditures in a fiscal year are in excess \$300,000.

- c. Government Organizations. Units of state or local governments must provide the department a copy of an independent auditor's report for expenditures in excess of \$500,000 in a fiscal year. For audit fiscal years before December 31, 2003, an audit is required when expenditures in a fiscal year are in excess \$300,000.
  - d. Audit waiver. Grant awards primarily for the purchase of equipment (i.e., when equipment purchases make up 80% of the total project costs) will not require an audit irrespective of the amount of the award.
  - e. Review of Expenditures Less Than \$500,000 (or \$300,000 prior to December 31, 2003):  
The recipient may be asked to provide documentation of project activity, financial statements, reports of various aspects of compliance at the request of the department if their expenditures are below the \$500,000 (or \$300,000 prior to December 31, 2003) threshold in a fiscal year. On-site monitoring and reviews by the department will be conducted if necessary that focus on compliance and controls over compliance. Any findings noted during the process will be handled in the same manner as any exceptions noted under a single or program-specific audit.
  - f. Recipients of federal funds, which are reviewed by the DNR or its representative, shall address all deficiencies identified in the review to the satisfaction of the DNR. Recipients failing to address deficiencies identified in the review will not be eligible to receive any further funding, and may be required to repay any and all disbursements of federal grant funds awarded by the DNR.
2. Bid Procedures. Bids for purchases of goods or services must be solicited whenever the total purchase is expected to cost more than \$3,000 within a year from any one vendor. For instance:
- a. if one item purchased costs more than \$3,000;
  - b. if several items purchased on a single invoice from one vendor, such as building supplies and tools, total more than \$3,000; or
  - c. if several purchases are made at various times within one year from the same vendor total more than \$3,000; for instance, purchase of rock in April for \$1,000, again in July for \$1,500, and again in September for \$1,075 from the same vendor.

The greater than \$3,000 bid limit is the limit established under the procurement requirements of the State of Missouri, Office of Administration, Purchasing Division. Therefore, the greater than \$3,000 limit will be used for any federal funds passed through to subgrantees for purchasing purposes within federal grant projects. If federal funds are passed from the subgrantee to any other participant to spend on the project, then the participant is to follow the same guidelines. A minimum of three bids is to be solicited.

A recipient of federal grant funds is required under Title 40 part 33, to make a "good faith effort" with disadvantaged business enterprises when procuring construction, equipment, services and supplies under an EPA financial assistance agreement. Minority and women business enterprises are to be solicited in the bid process whenever possible. The bidding process is mandatory for purchases reimbursed with federal grant funds as well as purchases used to meet required match commitments. Further bid procedure and purchasing guidelines are found in the appropriate OMB circulars of Administrative Requirement of Grants and Agreements under Competition and Procurement procedures.

- 3. Payment to Consultants – Participation in the salary rate (excluding overhead) paid to individual consultants retained by recipients or by a recipient's contractors or subcontractors shall be limited with federal funds to the maximum daily rate for Level IV of the Executive Schedule (formerly GS-18), to be adjusted annually. (Recipients may pay more than this amount, however, not with federal funds). This limit applies to

consultation services of designated individuals with specialized skills who are paid at a daily or hourly rate. As of January 1, 2009, the limit is \$587.20 per day and \$73.40 per hour. This rate does not include transportation and subsistence costs for travel performed (the recipient will pay these in accordance with their normal travel reimbursement practices).

Subgrantees with firms for services which are awarded using the procurement requirements in 40 CFR 30 or 31, as applicable, are not affected by this limitation unless the terms of the contract provide the recipient with responsibility for the selection, direction, and control of the individuals who will be providing services under the contract at an hourly or daily rate of compensation. See 40 CFR 31.36(j) or 30.27(b).

4. Travel. Travel will be conducted according to the recipient's written travel policy and procedures with the following additional limitations imposed by the Grantee (DNR) and conditions based on Internal Revenue Service guidelines:
  - a. Out-of-state travel must be approved in advance of travel by the designated DNR Project Manager. Recipient must provide a written justification for purpose of the trip and how it relates to the scope of the project. The subgrantee shall not incur out-of-state travel expenses on project business until receiving written approval by the DNR Project Manager.
    - Travel expenses are limited to actual expenses that are "reasonable and necessary." The method of travel shall be that which is more economical and advantageous to the grant funds.
    - For out-of-state trips in a vehicle where it makes more sense to drive than fly, meals will not be reimbursed unless the employee is in 12-hour or overnight travel status as specified below (b).
    - Travel by personal vehicle, instead of air travel, shall be limited to the subgrantee's established mileage allowance as stated in their written travel policy (not to exceed the federal rate) plus any actual expenses that would have been allowed or provided if taking air transportation.
    - If traveling by air, the total allowable costs cannot exceed the reasonable coach fare available at the time to the same destination.
    - No meals, additional lodging, or incidentals will be reimbursed for personal extended stays while traveling.
    - Reimbursement for travel outside the state by train or bus instead of air travel shall be limited to the actual cost of the train or bus fare plus any actual expenses that would have been allowed or provided if taking air transportation.
  - b. Meal costs will be allowed during project related travel only if there are twelve or more continuous hours of travel involved. Recipient will indicate on the travel expense voucher "twelve hour status" and provide time records as supporting documentation. Twelve-hour travel status includes the allowable breaks for meals in the recipient's travel policy.

Eligible meal is defined as follows:

- When overnight lodging is indicated:
    - Breakfast* – is eligible on the day of departure if travel status begins two hours before employee's normal work schedule start time plus any other day until employee returns.
    - Lunch* – is eligible on the day of departure if travel status begins no later than 10:00 a.m. plus any other day where travel status continues past 2:00 p.m. until employee returns.
    - Dinner* – is eligible on the day of departure if travel status begins no later than 5:00 p.m. plus any other day where travel status continues past 7:00 p.m. until employee returns.
  - When employee is in twelve-hour travel status, eligible meals are the same as above.
- c. Reimbursement will be provided for reasonable meal and hotel expense as specified in the Federal Travel Regulations or recipient's Travel policy, whichever is less. The website link provided can be utilized as reference for Federal Domestic Per Diem Rates. (<http://www.gsa.gov/mie>).

5. Food. Food purchases, other than eligible meals as described in the Travel condition above, for events, meetings, tours, field days, etc., shall not be purchased until receiving written approval by the DNR Project Manager. The events must fit the scope of work and provide a benefit to the success of the project. Effective cost control is a management issue, therefore, subgrant recipients are expected to establish sufficient and effective controls to ensure agency provided food expenses are incurred only when appropriate and in conformance with this condition.

The department may allow subgrant agencies to provide food in conjunction with official grant business and grant sponsored activities within parameters outlined below:

- a. Food at Official Business Functions

- 1) Subgrantees may purchase food in conjunction with its official grant business functions when it is determined that providing food or beverage service (no alcohol permitted) will promote the efficient conduct of a specific project activity (i.e., field days, training sessions, board and commission meetings, demonstration tours).
- 2) During meeting breaks, light snacks and beverages may be provided. Costs for snacks and beverages should be at a nominal charge per person.
- 3) Lunch or dinner may be provided if there is a substantial reason for doing so which demonstrates a benefit to the project scope of work and be a reasonable cost.
- 4) Official business functions must include more than just attendance of employees of the subgrantee. Food will not be allowed for the agency's general staff meeting function of day-to-day operation.
- 5) Lunch expense will not automatically be allowed prior to or when following a project related meeting. Typically lunch expenses are allowed when a meeting extends through the typical lunch periods or an all day meeting, training, etc.

- b. Food at Other Agency Sponsored Activities

- 1) Subgrantees may purchase light refreshments in conjunction with field day activities, tours, sponsored workshops, sponsored conference, or like activity. Costs for such events should be at a nominal charge per person.
- 2) Lunch or Dinner may be provided for similar events if there is a substantial reason for doing so which demonstrates a benefit to the project scope of work and be a reasonable cost.

- c. Meals Provided to Public Officials

Food expenditures bestowed on public officials may need to be reported to the Missouri Ethics Commission as lobbying expenses as provided in RSMo 105.470-473.

6. Third-Party Volunteer Match (effective for projects awarded on/after January 1, 2011)

- a. Employees of other organizations: When an employer other than a grantee, subgrantee, or cost-type contractor furnishes free of charge the services of an employee in the employee's normal line of work, the services will be valued at the employee's regular rate of pay exclusive of the employee's fringe benefits and overhead costs. (federal code of regulations 40 CFR 31.24)

- b. Volunteers performing tasks/duties outside of their professional capacity shall be valued at the rates listed below by labor category.

Four general categories have been created to capture the typical volunteer tasks/duties performed in subgrant projects. These rates will apply for volunteers meeting the criteria under (b.) above. The two references below will be used when updating these rates based on the most current data reported by the Independent Sector and the Bureau of Labor Statistics.

Independent Sector ([http://www.independentsector.org/volunteer\\_time](http://www.independentsector.org/volunteer_time)) is currently reporting the 2010 dollar value of a volunteer hour (\$18.80). *Check website annually for updated rate.*

The Bureau of Labor Statistics ([www.bls.gov/oes/current/oes\\_mo.htm](http://www.bls.gov/oes/current/oes_mo.htm)) mean hourly wages are from the May 2009 Missouri State Occupational Employment and Wage Estimates. *Please refer to this website for the most current wages for Missouri.*

*Technical Administration:* (must show previous knowledge/education/skill level where applicable).  
Examples: steering/stakeholder committee; Board of Directors; trained Stream Team Volunteer Water Quality Monitors; nutrient and pest management plan development/writer and soil testing; Geographic Information Systems (GIS) mapping/location; modeling  
Wage: Current Independent Sector volunteer wage for the state of Missouri

*Design:* (must show previous knowledge/education/skill level where applicable).  
Examples: best management practice (BMP) design; website development/design/maintenance; educational programs, curriculum design and/or educational presenter; and newsletter or brochure development.  
Wage: Current Independent Sector volunteer wage for the state of Missouri

*Laborer:* Examples: BMP installation; e.g., rain garden planting, storm drain stenciling, tree planting, litter pick-ups; survey/data collector/documenting BMPs; set-up/take down.

Wage: *(Use aggregate total of below three occupations as per the Bureau of Labor Statistics)*

Building and Grounds Cleaning and Maintenance Occupations

- ❖ Occupation Code: 37-2012 – Maids and Housekeeping Cleaners (set-up/take down)
- ❖ Occupation Code: 37-3011 – Landscaping and Groundskeeping Workers

Transportation and Material Moving Occupations

- ❖ Occupation Code: 53-7081 – Refuse and Recyclable Material Collectors

*Administrative:* Examples: Clerical, e.g., reporting, mailings, receptionist, and other general office work; Fiscal, e.g., invoicing, bills, documentation tracking, procurement, fiscal and fund reports, payroll, minority business enterprises/women business enterprises (MBE/WBE) documentation.

Wage: *(Use aggregate total of the below occupation as per the Bureau of Labor Statistics)*

Office and Administration Support Occupations

- ❖ Occupation Code: 43-0000 – Office and Administration Support Occupations

These wages will be updated and provided to grant recipients as the sources of rate information is updated.

The Bureau of Labor Statistics has hourly wages by occupation that were used to determine the value of the specialized skills in section (b) above. The wages are based on Missouri specific wages.

(<http://www.bls.gov/bls/blswage.htm>)



**Attachment D**  
**MISSOURI DEPARTMENT OF NATURAL RESOURCES**  
**Federal Subgrants**  
**General Terms and Conditions**

**I. Administrative Requirements**

These general terms and conditions highlight requirements which are especially pertinent to federal subgrants made by the Missouri Department of Natural Resources (MDNR). These general terms and conditions do not set out all of the provisions of the applicable laws and regulations, nor do they represent an exhaustive list of all requirements applicable to this award. These terms and conditions are emphasized here because they are frequently invoked and their violation is of serious concern.

In addition to these terms and conditions, the subgrantee must comply with all governing requirements of their subgrant, including the federal Common Rule (adopted by federal agencies and contained in specific Codes of Federal Regulation, for each federal agency, under the title "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments"). The Common Rule is fully incorporated by reference into these terms and conditions. The common rule as codified by the federal granting agency can be found at <http://www.whitehouse.gov/omb/grants/chart.html>

- A. **Method of Payment.** The subgrantee will be reimbursed by the MDNR for all allowable expenses incurred in performing the scope of services. The subgrantee shall report project expenses and submit to the MDNR original invoices for payment as required by division/program per the subgrant agreement. The form must be completed with the MDNR invoiced amount and local share detailed. Invoices must provide a breakdown of project expenses by the budget categories contained in the subgrant budget. Invoices must be received by the MDNR per the subgrant agreement. No reimbursements will be made for expenditures incurred after the closing budget date unless a budget time period extension has been granted by the MDNR prior to the closing date.
1. Payments under non-construction grants will be based on the grant sharing ratio as applied to the total project cost for each invoice submitted unless the subgrant specifically provides for advance payments. Advance payments may only be made upon a showing of good cause or special circumstances, as determined by the MDNR. Advance payments will only be made on a monthly basis to cover estimated expenditures for a 30-day period or as otherwise agreed. The MDNR will not advance more than 25% of the total amount of the grant unless the recipient demonstrates good cause.
  2. All reimbursement requests must have the following certification by the authorized subgrantee official: I certify that to the best of my knowledge and belief the data above are correct and that all outlays were made or will be made in accordance with the subgrant and that payment is due and has not been previously requested.
- B. **Retention and Custodial Requirements for Records.** The subgrantee shall retain financial records, supporting documents, and other records pertinent to the subgrant for a period of three years starting from the date of submission of the final financial status report. Authorized representatives of federal awarding agencies, the Comptroller General of the United States, and the MDNR shall have access to any pertinent books, documents, and records of subgrantees in order to conduct audits or examinations. The subgrantee agrees to allow monitoring and auditing by the MDNR and/or authorized representative. If any litigation, claim, negotiation, audit, or other action involving the records has been started before the expiration of the 3-year period, the subgrantee shall retain records until completion of the action and resolution of all issues which arise from it, or until the end of the regular 3-year period, whichever is later.

C. **Program Income.**

1. Subgrantees are encouraged to earn income to defray program costs. Program income means income from fees for services performed, from the use or rental of real or personal property acquired with grant funds, from the sale of commodities or items fabricated under the subgrant, and from payments of principal and interest on loans made with subgrant funds. Program income does not include items such as interest on grant funds, rebates, credits, discounts, or refunds.
2. Program income shall be deducted from outlays, which may be both state and subgrantee unless the MDNR, with approval of the federal awarding agency, as negotiated with the subgrantee, specifies an alternative method in the subgrant. The default deductive alternative requires that program income be deducted from total allowable costs to determine the net amount to which the respective matching ratios are applied. For example, 50/50 share ratio subgrant with total allowable costs of \$10,000 that earns \$1,000 in program income would result in \$4,500 net share and a \$4,500 net sub-grant share.

D. **Match or Cost Share Funding.** In general, match or cost sharing represents that portion of project costs not borne by state appropriations. The matching share will usually be prescribed as a minimum percentage. In-kind (noncash) contributions are allowable project costs when they directly benefit and are specifically identifiable to the project or program. Any in-kind match must be assigned a fair market value stated in dollars and the rationale used to calculate the value must be provided. Neither costs nor the values of third party in-kind contributions count towards satisfying a cost sharing or matching requirement of a grant agreement if they have been or will be counted towards satisfying a cost sharing or matching requirement of another federal subgrant agreement, a federal procurement contract, or any other award of federal funds. Federal funds from another federal grant or subgrant shall not count towards satisfying a cost sharing or matching requirement of a grant agreement.

1. Match or cost share funding will be established by the MDNR through negotiation with the subgrantee. Signature by both the MDNR and subgrantee on the subgrant signature form firmly affixes the match or cost sharing ratios. Full expenditure of subgrantee match or cost share funding is required over the life of the subgrant. Subgrantee must invoice the MDNR, as required by the particular subgrant, and provide financial records for total expenditure of state and match or cost share funding. The MDNR will reimburse the subgrantee for its percentage portion agreed to less any negotiated withholding.
2. Failure to provide 100% of the match or cost share ratio of total expenditures as identified in the subgrant may cause the subgrantee to become ineligible to receive additional financial assistance from the MDNR. Failure to provide the required match may result in other enforcement remedies as stated in Y. for non-compliance.

E. **Financial Management Systems.** The financial management systems of subgrantees must meet the following standards:

1. **Financial Reporting.** Accurate, current, and complete disclosure of financial results of financially assisted activities must be made in accordance with the financial reporting requirements of the subgrant;
2. **Accounting Records.** Maintain records which adequately identify the source and application of funds provided for financially assisted activities. These records must contain information pertaining to subgrant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income;
3. **Internal Control.** Effective control and accountability must be maintained for all subgrantee cash, real and personal property, and other assets. Subgrantees must



- adequately safeguard all such property and must assure that it is used solely for authorized purposes;
4. **Budget Control.** Actual expenditures or outlays must be compared with budgeted amounts for each subgrant;
  5. **Allowable Costs.** Applicable OMB cost principles, federal agency program regulations, and the subgrant scope of work will be followed in determining the reasonableness, allowability, and allocability of costs;
  6. **Source Documentation.** Accounting records must be supported by such source documentation as canceled checks, paid bills, payrolls, time and attendance records, contract, and subgrant award document. The documentation must be made available by the subgrantee at the MDNR's request;
  7. The subgrantee shall have procedures in place to minimize the time lapsed between money disbursed by the MDNR and money spent by the subgrantee.
- F. **Reporting of Program Performance.** Subgrantee shall submit to the MDNR a performance report for each program, function, or activity as specified by the subgrant or at least annually and/or after completion of the project. Performance report requirements, if not expressly stated in the scope of work, should include, at a minimum, a comparison of actual accomplishments to the goals established, reasons why goals were not met, including analysis and explanation of cost overruns or higher unit cost when appropriate, and other pertinent information. Representatives of the MDNR shall have the right to visit the project site(s) during reasonable hours for the duration of the contract period and for three years thereafter.
- G. **Budget and Scope of Work Revisions.** Subgrantees are permitted to rebudget within the approved direct cost budget to meet unanticipated requirements. However, subgrantee must request approval in writing to revise budgets and scopes of work under the following conditions:
1. For non-construction grants, subgrantees shall obtain the prior approval of the MDNR, unless waived by the MDNR, for cumulative transfers among direct cost categories, or, if applicable, among separately budgeted programs, projects, functions or activities when the accumulative amounts of such transfers exceed or are expected to exceed 10% of the current total approved budget whenever the MDNR's share exceeds \$100,000.
  2. For construction and non-construction projects, subgrantees shall obtain prior written approval from the MDNR for any budget revision which would result in the need for additional funds.
  3. For combined non-construction and construction projects, the subgrantee must obtain prior written approval from the MDNR before making any fund or budget transfer from the non-construction to construction or vice versa.
  4. Subgrantees under non-construction projects must obtain prior written approval from the MDNR whenever contracting out, subgranting, or otherwise obtaining a third party to perform activities which are central to the purpose of the award.
  5. Changes to the scope of services described in the subgrant must receive prior approval from the MDNR. Approved changes in the scope of work or budget shall be incorporated by written amendment to the subgrant.
  6. Extending the grant past the original completion date requires approval of the MDNR.
- H. **Equipment Use.** Subgrantee agrees that any equipment purchased pursuant to this agreement shall be used for the performance of services under this agreement during the term of this

agreement. The equipment shall not be moved from the State of Missouri without approval from the MDNR. The following standards shall govern the utilization and disposition of equipment acquired with subgrant funds:

1. Title to equipment acquired under this subgrant will vest with the subgrantee on acquisition. Equipment means an article of nonexpendable, tangible personal property having a useful life of more than one year and an acquisition cost \$5,000 and greater.
  - a. Equipment shall be used by the subgrantee in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by MDNR funds. When no longer needed for the original program or project, the equipment may be used in other activities currently or previously supported by the MDNR or the federal agency. If the MDNR puts subgrantee on notice that it believes grant assets are not being used for the intended purpose, subgrantee shall not sell, give away, move or abandon the assets without the MDNR's prior written approval.
  - b. The subgrantee shall also make equipment available for use on other projects or programs currently or previously supported by the MDNR, providing such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use shall be given to other programs or projects supported by the MDNR. User fees should be considered if appropriate.
  - c. The subgrantee must not use equipment acquired with MDNR funds to provide services for a fee to compete unfairly with private companies that provide equivalent services, unless specifically permitted or contemplated by state or federal law. This fee may be considered program income under Section C above.
  - d. When acquiring replacement equipment, the subgrantee may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property, subject to the approval of the MDNR.
2. Equipment Management. Subgrantee's procedures for managing equipment, whether acquired in whole or in part with subgrant funds, will, at a minimum, meet the following requirements until disposition takes place:
  - a. Subgrantee must maintain property records that include a description of the equipment, a serial number or other identification number, the source of property, the acquisition date, cost of the property, percentage of federal or state participation in the cost of the property, and the location, use and condition of the property.
  - b. A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.
  - c. A control system must be developed to ensure adequate safeguards to prevent against loss, damage, or theft of the property. Any loss, damage, or theft shall be reported to and investigated by local authorities. The subgrantee shall procure and maintain insurance covering loss or damage to equipment purchased with a sub-grant award, with financially sound and reputable insurance companies or through self-insurance, in such amounts and covering such risks as are usually carried by companies engaged in the same or similar business and similarly situated.

- d. Subgrantee must develop adequate maintenance procedures to keep the property in good condition.
  - e. If the subgrantee is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.
3. Disposition. When original or replacement equipment acquired under a subgrant is no longer needed for the original project or program or for other activities currently or previously supported by the MDNR, subgrantee shall dispose of the equipment as follows:
- a. Items of equipment with a current per-unit fair market value of less than \$5,000 may be retained, sold or otherwise disposed of with no further obligation to the MDNR.
  - b. For items of equipment with a current per unit fair market value of \$5,000 or more, the MDNR shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the MDNR's share of the equipment.
  - c. In cases where a subgrantee fails to take appropriate disposition actions, the MDNR may direct the subgrantee how to dispose of the equipment.
  - d. If the MDNR puts subgrantee on notice that it believes grant assets are not being used for the intended purpose, subgrantee shall not sell, give away, move or abandon the asset without MDNR's written approval.
- I. **Supplies.** Title to supplies acquired under a subgrant will vest, upon acquisitions, in the subgrantee.
- If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate fair market value upon termination or completion of the award, and if the supplies are not needed for any other federally sponsored programs or projects, the subgrantee shall compensate the department for its share.
- J. **Inventions and Patents.** If any subgrantee produces subject matter, which is or may be patentable in the course of work sponsored by this subgrant, subgrantee shall promptly and fully disclose such subject matter in writing to the MDNR. In the event that the subgrantee fails or declines to file Letters of Patent or to recognize patentable subject matter, the MDNR reserves the right to file the same. The MDNR grants to the subgrantee the opportunity to acquire an exclusive license, including the right to sublicense, with a royalty consideration paid to the MDNR. Payment of royalties by subgrantee to the MDNR will be addressed in a separate royalty agreement.
- K. **Copyrights.** Except as otherwise provided in the terms and conditions of this subgrant, the author or the subgrantee is free to copyright any books, publications, or other copyrightable material developed in the course of this subgrant; however, the MDNR and federal awarding agency reserve a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, with the approval of MDNR, the work for government purposes.
- L. **Prior Approval for Publications.** The subgrantee shall submit to the MDNR two draft copies of each publication and other printed materials which are intended for distribution and are financed, wholly or in part, by subgrant funds. The subgrantee shall not print or distribute any publication until receiving written approval by the grant manager.
- M. **Mandatory Disclosures.** Subgrantee agrees that all statements, press releases, requests for proposals, bid solicitations, and other documents describing the program/project for which funds

are now being awarded will include a statement of the percentage of the total cost of the program/project which is financed with federal and state money, and the dollar amount of federal and state funds for the program/project.

N. **Procurement Standards.** Subgrantees shall use their own procurement procedures provided that procurement conforms to standards set forth in the "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments."

1. No work or services, paid for wholly or in part with state or federal funds, will be contracted without the written consent of the MDNR. See G.4.
2. Subgrantee agrees that any contract, interagency agreement, or equipment to be procured under this award which was not included in the approved work plan must receive formal MDNR approval prior to expenditure of funds associated with that contract, interagency agreement, or equipment purchase.

O. **Audit Requirements.** The MDNR has the right to conduct audits of recipients at any time. The subgrantee shall arrange for independent audits as prescribed in OMB Circular A-133, Single Audit Act Amendments of 1996, as applicable. Audits must confirm that records accurately reflect the operations of the subgrantee, the internal control structure provides reasonable assurance that assets are safeguarded, and subgrantee is in compliance with applicable laws and regulations. When the subgrantee has its yearly audit conducted by a governmental agency or private auditing firm, the relevant portion(s) of the audit report will be submitted to the MDNR. Other portions of the audit shall be made available at the MDNR's request.

P. **Allowability of Costs.** Allowability of costs shall be determined in accordance with cost principles contained in OMB Circular No. A-87 for state and local governments, and Circular No. A-122 for nonprofit organizations.

Q. **Conflicts of Interest.** No party to this subgrant, nor any officer, agent, or employee of either party to this subgrant, shall participate in any decision related to such subgrant which could result in a real or apparent conflict of interest, including any decision which would affect their personal or pecuniary interest, directly or indirectly.

The subgrantee is advised that, consistent with Chapter 105, RSMo, no state employee shall perform any service for consideration paid by the subgrantee for one year after termination of the employee's state employment by which the former state employee attempts to influence a decision of a state agency. A state employee who leaves state employment is permanently banned from performing any service for any consideration in relation to any case, decision, proceeding, or application in which the employee personally participated during state employment.

R. **State Appropriated Funding.** The subgrantee agrees that funds expended for the purposes of this subgrant must be appropriated and made available by the Missouri General Assembly for each fiscal year included within the subgrant period, as well as being awarded by the federal or state agency supporting the project. Therefore, the subgrant shall automatically terminate without penalty or termination costs if such funds are not appropriated and/or granted. In the event that funds are not appropriated and/or granted for the subgrant, the subgrantee shall not prohibit or otherwise limit the MDNR's right to pursue alternate solutions and remedies as deemed necessary for the conduct of state government affairs. The requirements stated in this paragraph shall apply to any amendment or the execution of any option to extend the subgrant.

S. **Eligibility, Debarment and Suspension.** By applying for this award, the subgrantee verifies that it, its board of directors, and all of its principals are currently in compliance with all state and federal environmental laws and court orders issued pursuant to those laws, and that all environmental violations have been resolved (for example, no pending or unresolved Notices of Violation (NOV)) at the time of application. If compliance issues exist, subgrantee shall disclose to the MDNR all pending or unresolved violations noted in an NOV, administrative order, or civil

and criminal lawsuit, but only where those alleged violations occurred in the past two years in the State of Missouri. The MDNR will not make any award at any time to any party which is debarred or suspended, under federal or state authority, or is otherwise excluded from or ineligible for participation in federal assistance under Executive Order 12549, "Debarment and Suspension." Subgrantee shall complete a Debarment/Suspension form when required by the MDNR. Furthermore, subgrantee is also responsible for written debarment/suspension certification of all subcontractors receiving funding through a federally funded grant.

- T. **Restrictions on Lobbying.** No portion of this award may be expended by the recipient to pay any person for influencing or attempting to influence the executive or legislative branch with respect to the following actions: awarding of a contract; making of a grant; making of a loan; entering into a cooperative agreement; or the extension, continuation, renewal, amendment or modification of any of these as prohibited by Section 319, Public Law 101-121 (31 U.S.C. 1352).

In accordance with the Byrd Anti-Lobbying Amendment, any recipient who makes a prohibited expenditure under Title 40 CFR Part 34 or fails to file the required certification or lobbying forms shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure.

- U. **Recycled Paper.** Consistent with Federal Executive Order 13101 and 13423 and EPA Executive Order 1000.25, the subgrantee shall use recycled paper consisting of at least 30% post consumer fiber and double sided printing for all reports which are prepared as a part of this grant award and delivered to the MDNR. The subgrantee must use recycled paper for any materials that it produces and makes available to any parties. The chasing arrows symbol representing the recycled content of the paper will be clearly displayed on at least one page of any materials provided to any parties.

- V. **Contracting with Small and Minority Firms, Women's Business Enterprise, and Labor Surplus Area Firms.** In accordance with Missouri Executive Order No. 05-30 and federal administrative provisions, all subgrantees shall make every feasible effort to target the percentage of goods and services procured from certified minority business enterprises (MBE) and women business enterprises (WBE) to 10% and 5%, respectively, when utilizing subgrant funds to purchase supplies, equipment, construction and services related to this subgrant.

1. The subgrantee agrees to take all necessary affirmative steps required to assure that small and minority firms and women's business enterprises are used when possible as sources when procuring supplies, equipment, construction and services related to the subgrant. The subgrantee agrees to include information about these requirements in solicitation documents. Affirmative steps shall include:
  - a. Placing qualified minority business and women's business enterprises on solicitation lists;
  - b. Ensuring that minority business and women's business enterprises are solicited whenever they are potential sources;
  - c. Dividing total requirements, when economically feasible, into small tasks or quantities to permit maximum participation by minority business and women's business enterprises;
  - d. Establishing delivery schedules, where the requirements of work will permit participation by minority business and women's business enterprises;
  - e. Using the services of the Small Business Administration and the Minority Business Development Agency of the U.S. Department of Commerce, and;

- f. Requiring any prime contractor or other subgrantee, if subgrants are to be allowed, to take the affirmative steps in subparagraphs a. through e. of this section.
  2. For EPA subgrants, the subgrantee agrees to submit to the MDNR grants manager a completed Form 5700-52A, U. S. Environmental Protection Agency MBE/WBE Utilization Under Federal Grants, Cooperative Agreement, and Interagency Agreements within 30 days after the end of each federal/state fiscal year or as determined by the MDNR.
  3. For EPA subgrants, the subgrantee agrees to include disadvantaged business enterprises in the affirmative steps indicated above.
- W. **Disputes.** Subgrantee and the MDNR should attempt to resolve disagreements concerning the administration or performance of the subgrant. If an agreement cannot be reached, the MDNR program director will provide a written decision. Such decision of the program director shall be final unless a request for review is submitted to the division director within ten (10) business days after the program director's decision. Such request shall include: (1) a copy of the program director's final decision; (2) a statement of the amount in dispute; (3) a brief description of the issue(s) involved; and (4) a concise statement of the objections to the final decision. A decision by the division director shall constitute final MDNR action.
- X. **Termination**
  1. **Termination for Cause.** The MDNR may terminate any subgrant, in whole or in part, at any time before the date of completion whenever it is determined that the subgrantee has failed to comply with the terms and conditions of the subgrant. The MDNR shall promptly notify the subgrantee in writing of such a determination and the reasons for the termination, together with the effective date. The MDNR reserves the right to withhold all or a portion of grant funds if the subgrantee violates any term or condition of this subgrant.
  2. **Termination for Convenience.** Both the MDNR and subgrantee may terminate the subgrant, in whole or in part, when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds.
  3. This agreement is not transferable to any person or entity.
- Y. **Enforcement; Remedies for Noncompliance.** If a subgrantee falsifies any award document or materially fails to comply with any term of a grant, award, or subgrant, the MDNR may take one or more of the following actions, as appropriate:
  1. Suspend or terminate, in whole or part, the current award or grant.;
  2. Disallow all or part of the cost of the activity or action not in compliance;
  3. Temporarily withhold cash payments pending subgrantee's correction of the deficiency;
  4. Withhold further awards from the subgrantee;
  5. Order subgrantee not to transfer ownership of assets purchased with grant money without prior MDNR approval; or
  6. Take other remedies that may be legally available, including cost recovery, breach of contract, and suspension or debarment.
- Z. **Subgrantee's Signature.** The subgrantee's signature on the application and the award documents signifies the subgrantee's agreement to all of the terms and conditions of the award.

- AA. **Human Trafficking.** This requirement applies to non-profit recipients or subrecipients. The subgrantee, their employees, subrecipients under this award, and subrecipients' employees may not engage in severe forms of trafficking in persons during the period of time that the award is in effect; procure a commercial sex act during the period of time that the award is in effect; or use forced labor in the performance of the award or subawards under the award. The department has the right to terminate unilaterally: (1) implement section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), noncompliance that are available to the subgrantee under this award.
- BB. **Illegal Immigration.** As per HB 1549, 1771, 19395 & 2366 - Section 67.307 2. Any municipality that enacts or adopts a sanctuary policy will be ineligible for moneys provided through grants administered by any state agency or department until the policy is repealed or is no longer in effect.
- CC. **Illegal Immigration – Missouri Statutes – RSMo 285.525 – 285.550 Effective January 1, 2009.** Effective January 1, 2009 and pursuant to RSMo 285.530 (1), no business entity or employer shall knowingly employ, hire for employment, or continue to employ an unauthorized alien to perform work within the state of Missouri.
- DD. **Management Fees.** Management fees or similar charges in excess of the direct costs and approved indirect rates are not allowable. The term “management fees or similar charges” refers to expenses added to the direct costs in order to accumulate and reserve funds for ongoing business expenses, unforeseen liabilities, or for other similar costs which are not allowable under this agreement. Management fees or similar charges may not be used to improve or expand the project funded under this agreement, except to the extent the authorized as a direct cost of carrying out the scope of work.
- EE. **Federal Funding Accountability and Transparency Act (FFATA) Requirements.** If the original award amount is less than \$25,000 and an amendment increases the award amount to \$25,000 or greater, the subrecipient must submit the following to the MDNR prior to MDNR signing the amendment (Subrecipient Informational Form – see Attachment 1):
- location of the entity receiving the award and primary location of performance under the award, including city, state, congressional district and county
  - a unique identifier of the entity receiving the award – DUNS #
  - a unique identifier of the parent entity of the recipient
  - names and total compensation for the five most highly compensated officers for the preceding completed fiscal year
- FF. **Executive Compensation.** If FFATA reporting requirements apply and if the award period will exceed 12 months, the subrecipient must provide to the MDNR updated compensation information for their five most highly compensated officers using the Subrecipient Informational Form for every 12 month period of the award agreement (Attachment 1).

## II. Statutory Requirements

Subgrantees must comply with all federal state and local laws relating to employment, construction, research, environmental compliance, and other activities associated with grants from the MDNR. Failure to abide by these laws is sufficient grounds to cancel the award. For a copy of state and federal laws that typically apply to grants from the MDNR, contact the MDNR grants manager.

Any subgrantee, in connection with its application for financial assistance, shall include a certification that the subgrantee, its board of directors and principals are in compliance with the specific federal and state laws set out below. Further, the subgrantee shall report to the MDNR any instance in which the subgrantee or any member of its board of directors or principals is determined by any administrative agency or by any court in connection with any judicial proceeding to be in noncompliance with any of the specific federal or

state laws set forth below. Such report shall be submitted within ten (10) working days following such determination. Failure to comply with the reporting requirement may be grounds for termination of this subgrant or suspension or debarment of the subgrantee

A. Laws and regulations related to nondiscrimination:

1. 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;
2. Title VII of the Civil Rights Act of 1964 found at 42 U.S.C. §2000(e) et.seq. which prohibits discrimination on the basis of race, color, religion, national origin, or sex;
3. Title IX of the Education Amendments of 1972, as amended (U.S.C. §§ 1681-1683 and 1685-1686) which prohibits discrimination on the basis of sex;
4. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability;
5. Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 621-634), which prohibits discrimination on the basis of age;
6. Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse;
7. Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
8. 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;
9. 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;
10. Chapter 213 of the Missouri Revised Statutes which prohibits discrimination on the basis of race, color, religion, national origin, sex, age, and disability.
11. The Americans with Disabilities Act (P. L. 101-336), 42 U. S. C. §12101 et seq., relating to nondiscrimination with respect to employment, public services, public accommodations and telecommunications.
12. Any other nondiscrimination provisions in the specific statute(s) and regulations under which application for federal assistance is being made.
13. The requirements of any other nondiscrimination statute(s) and regulations which may apply to the application.

B. State and Federal Environmental Laws:

1. The Federal Clean Air Act, 42 U.S.C. § 7606, as amended, prohibiting award of assistance by way of grant, loan, or contract to noncomplying facilities.
2. The Federal Water Pollution Control Act, 33 U.S.C. § 1368, as amended, prohibiting award of assistance by way of grant, loan, or contract to noncomplying facilities.



3. The National Environmental Policy Act of 1969, 42 U.S.C. § 4321 et seq., as amended, particularly as it relates to the assessment of the environmental impact of federally assisted projects.
  4. The National Historic Preservation Act of 1966, 16 U.S.C. § 470 et seq., as amended, relating to the preservation of historic landmarks.
  5. Earthquakes - Seismic Building and Construction Ordinances, §§ 319.200 - 319.207, RSMo (Cum. Supp. 1990), relating to the adoption of seismic design and construction ordinances by certain cities, towns, villages and counties.
  6. The Missouri Clean Water Law, Sections 644.006 to 644.141, RSMo.
  7. The Missouri Hazardous Waste Management Law, Section, 260.350 to 260.430, RSMo.
  8. The Missouri Solid Waste Management Law, Sections 260.200 to 260.245, RSMo.
  9. The Missouri Air Conservation Law, Sections 643.101 to 643.190, RSMo.
- C. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. §§ 4601 and 4651 et seq., relating to acquisition of interest in real property or any displacement of persons, businesses, or farm operations.
- D. The Hatch Act, 5 U.S.C. § 1501 et seq., as amended, relating to certain political activities of certain State and local employees.
- E. The Archaeological and Historic Preservation Act of 1974 (Public Law 93-291) relating to potential loss or destruction of significant scientific, historical, or archaeological data in connection with federally assisted activities.
- F. The Wild and Scenic Rivers Act of 1968 (16 U.S.C. § 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
- G. The flood insurance purchase requirements of § 102(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) which requires Subgrantees in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
- H. The Privacy Act of 1974, P.L. 93-579, as amended prohibiting the maintenance of information about any individual in a manner which would violate the provision of the Act.
- I. Public Law 93-348 regarding the protection of human subjects involved in research, development and related activities supported by this award of assistance.
- J. The Laboratory Animal Welfare Act of 1966 (P. L. 89-544), 7 U.S.C. § 2131 et seq., pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
- K. The following additional requirements apply to projects that involve construction:
1. The Davis-Bacon Act, as amended, 40 U.S.C. § 276a et seq., respecting wage rates for federally assisted construction contracts in excess of \$2000.
  2. The Copeland (Anti-Kickback) Act, 18 U.S.C. § 874, 40 U.S.C. § 276c.
  3. The Contract Work Hours and Safety Standards Act, 40 U.S.C. § 327 et seq.

4. Convict labor shall not be used on construction projects unless by convicts who are on work release, parole, or probation.
  5. The Lead-Based Paint Poisoning Prevention Act (42 U.S.C. § 4801 et seq.) which prohibits the use of lead paint in construction or rehabilitation of residence structures.
- L. Trafficking Victims Protection Act of 2000, Section 106, as amended (22 U.S.C. 7104(g) relating to termination of contract award based should any employee of the department, recipient or subrecipient violate this act.
- M. Missouri House Bill 1549, 1771, 1395 & 2366 – Illegal Aliens and Immigration Status Verification – This bill change the laws regarding illegal aliens and immigration status verification. Effective January 1, 2009, no business entity or employer shall knowingly employ, hire for employment, or continue to employ an unauthorized alien to perform working within the state of Missouri.
- N. Federal Funding Accountability and Transparency Act of 2006 (S. 2590) – Required information on federal awards be made available to the public via a single searchable website. Federal awards include grants, subgrants, loans, awards, cooperative agreements and other forms of financial assistance. House Resolution 2646, Amended 09/30/2008
- O. Information on Statutory Authorization

Public Improvement, Recreation/Education, Bruce Watkins, RSMO. 253.220

<http://www.moga.mo.gov/statutes/C200-299/2530000220.HTM>

Soil Conservation Research, RSMO. 278.080

<http://www.moga.mo.gov/statutes/C200-299/2780000080.HTM>

Cost Share Program, RSMO. 278.080

<http://www.moga.mo.gov/statutes/C200-299/2780000080.HTM>

Disbursements to Soil Districts, RSMO. 278.080, 278.120

<http://www.moga.mo.gov/statutes/C200-299/2780000080.HTM>

<http://www.moga.mo.gov/statutes/C200-299/2780000120.HTM>

Soil Conservation Expenditure Loans, RSMO. 278.080

<http://www.moga.mo.gov/statutes/C200-299/2780000080.HTM>

Soil Conservation Demonstrations, RSMO. 278.080

<http://www.moga.mo.gov/statutes/C200-299/2780000080.HTM>

Recovered Materials Market Development, RSMO. 260.335

<http://www.moga.mo.gov/statutes/C200-299/2600000335.HTM>

Water Pollution Control Loans, RSMO. 644.122

<http://www.moga.mo.gov/statutes/C600-699/6440000122.HTM>

Energy Set-Aside Program, RSMO. 640.665

<http://www.moga.mo.gov/statutes/C600-699/6400000665.HTM>

Public Improvement Expenditures, MO Botanical Garden & Jefferson Landing, RSMO. 253.220

<http://www.moga.mo.gov/statutes/C200-299/2530000220.HTM>

Storm Water Grants, RSMO. 644.031

<http://www.moga.mo.gov/statutes/C600-699/6440000031.HTM>

**Wastewater Treatment Grants, RSMO. 644.026**  
<http://www.moga.mo.gov/statutes/C600-699/6440000026.HTM>

**Rural Water and Sewer Grants, RSMO. 644.026**  
<http://www.moga.mo.gov/statutes/C600-699/6440000026.HTM>

**Outdoor Recreation Sub-Grants, RSMO. 258.083**  
<http://www.moga.mo.gov/statutes/C200-299/2580000083.HTM>

**Information on Statutory Authorization Energy Conservation - Schools/Hospitals, RSMO. 640.653**  
<http://www.moga.mo.gov/statutes/C600-699/6400000653.HTM>

**Energy Conservation - Local Governments/Non-Profit, RSMO. 640.653**  
<http://www.moga.mo.gov/statutes/C600-699/6400000653.HTM>

**Waste Management Grants, RSMO. 260.335**  
<http://www.moga.mo.gov/statutes/C200-299/2600000335.HTM>

**Environmental Grants, RSMO. 260.273-342**  
<http://www.moga.mo.gov/STATUTES/C260.HTM>

**Historic Preservation Sub-Grants, RSMO. 253.408-415**  
<http://www.moga.mo.gov/STATUTES/C253.HTM>

**Clean Air Act Grants and Sub-Grants, RSMO. 643.010-190**  
<http://www.moga.mo.gov/STATUTES/C643.HTM>



**Attachment 1  
SUBRECIPIENT INFORMATIONAL FORM  
Federal Funding Accountability and Transparency Act 2006**

Subrecipient Name: _____			
Address: _____			
City: _____		State: _____	
Zip + 4: _____		Congressional District: _____	
DUNS #: _____		CCR Expiration Date: _____	
Name of Parent Entity: _____			
Parent Entity DUNS #: _____			
Primary Location of Performance:			
Address: _____			
City: _____		State: _____	
Zip + 4: _____		Congressional District: _____	
Subrecipient's annual gross revenues exceed 80% or more in Federal funding	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Subrecipient's annual gross revenues equal or exceed \$25,000,000 in federal funding	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Public does not have access to information about the compensation of the senior executive through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a) or section 6104 of the Internal Revenue Code of 1986.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
<p>If the answer to all the above was "Yes", provide the five most highly compensated officers' names and compensation for the calendar year in which this sub-agreement is being made. Compensation is defined as the cash and noncash dollar value earned by the executive during the sub-recipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):</p> <p>(1) salary and bonus</p> <p>(2) awards of stock, stock options, and stock appreciation rights (use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with FAS 123R)</p> <p>(3) earnings for services under non-equity incentive plans (this does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees)</p> <p>(4) change in pension value (this is the change in present value of defined benefit and actuarial pension plans)</p> <p>(5) above-market earnings on deferred compensation which are not tax-qualified</p> <p>(6) other compensation (examples: severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property if the aggregate value for the executive exceeds \$10,000)</p>			
<b>Subrecipient's Highly Compensated Officers</b>	<b>Officer's Names</b>		<b>Officer's Compensation</b>
	1.		
	2.		
	3.		
	4.		
5.			
Comments:			
Prepared by:			
Name: _____			
Title: _____			
Email: _____			
Phone Number: _____			
Authorized Signature:		Date:	
Printed Name:			



\_\_\_\_\_  
EPA Project Control Number  
\_\_\_\_\_

United States Environmental Protection Agency  
Washington, DC 20460

**Certification Regarding  
Debarment, Suspension, and Other Responsibility Matters**

The prospective participant certifies to the best of its knowledge and belief that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three year period preceding this proposal been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both.

\_\_\_\_\_  
Typed Name & Title of Authorized Representative

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

I am unable to certify to the above statements. My explanation is attached.

# **federal register**

---

**Thursday  
May 26, 1988**

---

**Part VII**

## **Environmental Protection Agency**

---

**40 CFR Part 32  
Debarment and Suspension Under EPA  
Assistance, Loan and Benefit Programs**

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 32**

[FRL-3350-8]

**FOR FURTHER INFORMATION CONTACT:** Robert Meunier or David Sims, at (202) 475-8025.

**ADDITIONAL SUPPLEMENTARY**

**INFORMATION:** On May 26, 1987, the Office of Management and Budget (OMB), issued Governmentwide guidelines governing debarment and suspension by Executive Branch agencies under nonprocurement programs. On October 20, 1987, many agencies joined in proposing a common rule to implement the guidelines. The Environmental Protection Agency (EPA) also published its proposed rule at that time, but not as part of the common rule (52 FR 3916-). Since then, OMB has amended the guidelines and determined that all agencies will join the common rule in order to ensure greater uniformity. Comments on EPA's proposed rule were considered in preparing a final common rule and are addressed in the common preamble.

EPA is adopting several additions to the common rule. Under the common rule, agencies have the option to insert additional agency-specific examples to the definitions. The definitions of "debarring official" and "suspending official" under the common rule are being amended by adding subparagraphs (g)(3) and (t)(3) to § 32.105 to designate the Director, Grants Administration Division, as the Agency's debarring and suspending official. In addition, EPA is amending the definition of "Principal" at § 32.105(p) by adding bid and proposal estimators and preparers as an agency-specific example.

Sections 32.110(a)(2)(iv) and 32.200(c)(5) of the final common rule exempt transactions pursuant to national or agency-recognized emergencies or disasters from the effect of a suspension or debarment. This exemption does not apply to transactions under any programs carried out by EPA. Accordingly, § 32.110(a)(2)(iv)(A) and § 32.200(c)(5)(i) are added to clarify these exemptions. In special cases, EPA is authorized to permit a debarred, suspended or voluntarily excluded person to participate in a particular covered transaction by granting an exception under § 32.215.

EPA is adding subparagraph (d) to § 32.115 stating that while Part 32 does not apply to direct Federal procurement activities, which are governed by the

Federal Acquisition Regulation (FAR), 48 CFR Subpart 9.4, it is EPA's policy, for purposes of rational and efficient management, to integrate its administration of these two complementary programs.

One commenter sought clarification about whether a person could be debarred or suspended for violating environmental laws. An environmental violation could give rise to a debarment or suspension action under several of the causes at § 32.305, where there is a reasonable connection between the offense committed and future performance under an EPA assistance program. For example, a conviction of civil judgment for falsely certifying hazardous waste disposal manifests could result in debarment under § 32.305(a)(3). The unauthorized disposal of hazardous wastes, such as through "midnight dumping", could result in debarment under § 32.305 (a)(4) or (d). Failure to comply with environmental requirements incorporated into a public contract could result in debarment under § 32.305(b).

The common rule requires a hearing only where there exists a genuine dispute as to facts material to a proposed debarment or suspension. EPA is adding language to §§ 32.313 and 32.412, permitting a respondent to request a hearing regardless of whether there are "material facts" in dispute. This reflects EPA's policy and current practice of affording all respondents the same procedural options for the resolution of pertinent issues. A request for hearing upon suspension, however, is still subject to denial under § 32.412(b)(1)(ii), where pending or contemplated legal proceedings would be prejudiced.

Also, the common rule makes no provision for post-determination review of debarment or suspension decisions. EPA is opting to retain its current post-determination review procedures by adding §§ 32.330 and 32.425, which permit a party to request the debarring/suspending official to reconsider a decision to debar or suspend due to an error of fact or law. EPA is also adding §§ 32.335 and 32.430, which permit discretionary review of debarment and suspension decisions by the Director of EPA's Office of Administration, upon a written appeal filed within 30 calendar days of receipt of the debarring or suspending official's determination. We note that several comments to the proposed common rule recommended that an administrative review process be provided.

The common rule states generally that the "Agency" is authorized to settle debarment and suspension actions. At

EPA this authority is vested in the Director, Grants Administration Division, as the debarring and suspending official. Accordingly, EPA is adding subparagraph (1) to § 32.315(a) to reflect this responsibility.

The proposed common rule contained a certification requirement which encompassed a range of important information from which to determine the current eligibility or potential responsibility of the prospective participant. In the final common rule, there are separate certifications, one for primary covered transactions (e.g., assistance recipients) and one for lower-tier covered transactions (e.g., contractors, subcontractors, suppliers). The lower-tier certification is an abbreviated version of the primary-tier certification.

Because EPA is most vulnerable to waste, fraud or abuse at the lower-tier level, EPA is expanding the certification for lower-tier participants by requiring them to certify to much of the same information provided in the certification submitted by primary participants. Accordingly, paragraph (3) and subparagraphs (a) (b) and (c) are being added to the lower-tier certification form.

**List of Subjects in 40 CFR Part 32**

Administrative practice and procedure, Assistance programs—environmental protection, Technical assistance.

Lee M. Thomas,  
Administrator.

Dated: May 11, 1988.

Title 40 of the Code of Federal Regulations is amended as set forth below.

1. Part 32 is revised to read as set forth at the end of this document:

**PART 32—GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NON-PROCUREMENT)****Subpart A—General**

Sec.  
32.100 Purpose.  
32.106 Definitions.  
32.110 Coverage.  
32.115 Policy.

**Subpart B—Effect of Action**

32.200 Debarment or suspension.  
32.205 Ineligible persons.  
32.210 Voluntary exclusion.  
32.215 Exemption provision.  
32.220 Continuation of covered transactions.  
32.225 Failure to adhere to restrictions.

**Subpart C—Debarment**

32.300 General.  
32.305 Causes for debarment.



- 32.310 Procedures.
- 32.311 Investigation and referral.
- 32.312 Notice of proposed debarment.
- 32.313 Opportunity to contest proposed debarment.
- 32.314 Debarring official's decision.
- 32.315 Settlement and voluntary exclusion.
- 32.320 Period of debarment.
- 32.325 Scope of debarment.
- 32.330 Reconsideration.
- 32.335 Appeal.

**Subpart D—Suspension**

- 32.400 General.
- 32.405 Causes for suspension.
- 32.410 Procedures.
- 32.411 Notice of suspension.
- 32.412 Opportunity to contest suspension.
- 32.413 Suspending official's decision.
- 32.415 Period of suspension.
- 32.420 Scope of suspension.
- 32.425 Reconsideration.
- 32.430 Appeal.

**Subpart E—Responsibilities of GSA, Agency and Participants**

- 32.500 GSA responsibilities.
- 32.505 EPA responsibilities.
- 32.510 Participants' responsibilities.

**Appendix A—Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions****Appendix B—Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower-Tier Covered Transaction**

Authority: Executive Order 12549; 7 U.S.C. 139 et seq.; 18 U.S.C. 2001 et seq.; 20 U.S.C. 4011 et seq.; 33 U.S.C. 1251 et seq.; 42 U.S.C. 300f, 4901, 6901, 7401, 9801 et seq.

**Subpart A—General****§ 32.100 Purpose.**

(a) Executive Order 12549 provides that, to the extent permitted by law, Executive departments and agencies shall participate in a governmentwide system for nonprocurement debarment and suspension. A person who is debarred or suspended shall be excluded from Federal financial and nonfinancial assistance and benefits under Federal programs and activities. Debarment or suspension of a participant in a program by one agency shall have governmentwide effect.

(b) These regulations implement section 3 of Executive Order 12549 and the guidelines promulgated by the Office of Management and Budget under section 6 of the Executive Order by:

- (1) Prescribing the programs and activities that are covered by the governmentwide system;
- (2) Prescribing the governmentwide criteria and governmentwide minimum due process procedures that each agency shall use;

(3) Providing for the listing of debarred and suspended participants, participants declared ineligible (see definition of "ineligible" in § 32.105(i)), and participants who have voluntarily excluded themselves from participation in covered transactions

(4) Setting forth the consequences of a debarment, suspension, determination of ineligibility, or voluntary exclusion; and

(5) Offering such other guidance as necessary for the effective implementation and administration of the governmentwide system.

(c) Although these regulations cover the listing of ineligible participants and the effect of such listing, they do not prescribe policies and procedures governing declarations of ineligibility.

**§ 32.105 Definitions.**

(a) *Adequate evidence.* Information sufficient to support the reasonable belief that a particular act or omission has occurred.

(b) *Affiliate.* Persons are affiliates of each another if, directly or indirectly, either one controls or has the power to control the other, or a third person controls or has the power to control both. Indicia of control include, but are not limited to: interlocking management or ownership, identity of interests among family members, shared facilities and equipment, common use of employees, or a business entity organized following the suspension or debarment of a person which has the same or similar management, ownership, or principal employees as the suspended, debarred, ineligible, or voluntarily excluded person.

(c) *Agency.* Any executive department, military department or defense agency or other agency of the executive branch, excluding the independent regulatory agencies.

(d) *Civil judgment.* The disposition of a civil action by any court of competent jurisdiction, whether entered by verdict, decision, settlement, stipulation, or otherwise creating a civil liability for the wrongful acts complained of; or a final determination of liability under the Program Fraud Civil Remedies Act of 1988 (31 U.S.C. 3801-12).

(e) *Conviction.* A judgment of conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, including a plea of nolo contendere.

(f) *Debarment.* An action taken by a debarring official in accordance with these regulations to exclude a person from participating in covered transactions. A person so excluded is "debarred."

(g) *Debarring official.* An official authorized to impose debarment. The debarring official is either:

- (1) The agency head, or
- (2) An official designated by the agency head.

(3) The Director, Grants Administration Division, is the authorized debarring official.

(h) *Indictment.* Indictment for a criminal offense. An information or other filing by competent authority charging a criminal offense shall be given the same effect as an indictment.

(i) *Ineligible.* Excluded from participation in Federal nonprocurement programs pursuant to a determination of ineligibility under statutory, executive order, or regulatory authority, other than Executive Order 12549 and its agency implementing regulations; for example, excluded pursuant to the Davis-Bacon Act and its implementing regulations, the equal employment opportunity acts and executive orders, or the environmental protection acts and executive orders. A person is ineligible where the determination of ineligibility affects such person's eligibility to participate in more than one covered transaction.

(j) *Legal proceedings.* Any criminal proceeding or any civil judicial proceeding to which the Federal Government or a State or local government or quasi-governmental authority is a party. The term includes appeals from such proceedings.

(k) *Nonprocurement List.* The portion of the *List of Parties Excluded from Federal Procurement or Nonprocurement Programs* compiled, maintained and distributed by the General Services Administration (GSA) containing the names and other information about persons who have been debarred, suspended, or voluntarily excluded under Executive Order 12549 and these regulations, and those who have been determined to be ineligible.

(l) *Notice.* A written communication served in person or sent by certified mail, return receipt requested, or its equivalent, to the last known address of a party, its identified counsel, its agent for service of process, or any partner, officer, director, owner, or joint venturer of the party. Notice, if undeliverable, shall be considered to have been received by the addressee five days after being properly sent to the last address known by the agency.

(m) *Participant.* Any person who submits a proposal for, enters into, or reasonably may be expected to enter into a covered transaction. This term also includes any person who acts on

behalf of or is authorized to commit a participant in a covered transaction as an agent or representative of another participant.

(n) *Person*. Any individual, corporation, partnership, association, unit of government or legal entity, however organized, except: foreign governments or foreign governmental entities, public international organizations, foreign government owned (in whole or in part) or controlled entities, and entities consisting wholly or partially of foreign governments or foreign governmental entities.

(o) *Preponderance of the evidence*. Proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.

(p) *Principal*. Officer, director, owner, partner, key employee, or other person within a participant with primary management or supervisory responsibilities; or a person who has a critical influence on or substantive control over a covered transaction, whether or not employed by the participant. Persons who have a critical influence on or substantive control over a covered transaction are:

(1) Principal investigators.

(2) Bid and proposal estimators and preparers.

(q) *Proposal*. A solicited or unsolicited bid, application, request, invitation to consider or similar communication by or on behalf of a person seeking to participate or to receive a benefit, directly or indirectly, in or under a covered transaction.

(r) *Respondent*. A person against whom a debarment or suspension action has been initiated.

(s) *State*. Any of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency of a State, exclusive of institutions of higher education, hospitals, and units of local government. A State instrumentality will be considered part of the State government if it has a written determination from a State government that such State considers that instrumentality to be an agency of the State government.

(t) *Suspending official*. An official authorized to impose suspension. The suspending official is either:

(1) The agency head, or

(2) An official designated by the agency head.

(3) The Director, Grants Administration Division, in the authorized suspending official.

(u) *Suspension*. An action taken by a suspending official in accordance with these regulations that immediately excludes a person from participating in covered transactions for a temporary period, pending completion of an investigation and such legal, debarment, or Program Fraud Civil Remedies Act proceedings as may ensue. A person so excluded is "suspended."

(v) *Voluntary exclusion or voluntarily excluded*. A status of nonparticipation or limited participation in covered transactions assumed by a person pursuant to the terms of a settlement.

(w) *EPA*. Environmental Protection Agency.

(x) *Agency Asst. Administrator of the Environmental Protection Agency*.

**§ 32.110 Coverage.**

(a) These regulations apply to all persons who have participated, are currently participating or may reasonably be expected to participate in transactions under Federal nonprocurement programs. For purposes of these regulations such transactions will be referred to as "covered transactions."

(1) *Covered transaction*. For purposes of these regulations, a covered transaction is a primary covered transaction or a lower tier covered transaction. Covered transactions at any tier need not involve the transfer of Federal funds.

(i) *Primary covered transaction*. Except as noted in paragraph (a)(2) of this section, a primary covered transaction is any nonprocurement transaction between an agency and a person, regardless of type, including: grants, cooperative agreements, scholarships, fellowships, contracts of assistance, loans, loan guarantees, subsidies, insurance, payments for specified use, donation agreements and any other nonprocurement transactions between a Federal agency and a person. Primary covered transactions also include those transactions specially designated by the U.S. Department of Housing and Urban Development in such agency's regulations governing debarment and suspension.

(ii) *Lower tier covered transaction*. A lower tier covered transaction is:

(A) Any transaction between a participant and a person other than a procurement contract for goods or services, regardless of type, under a primary covered transaction.

(B) Any procurement contract for goods or services between a participant and a person, regardless of type, expected to equal or exceed the Federal procurement small purchase threshold

fixed at 10 U.S.C. 2304(g) and 41 U.S.C. 253(g) (currently \$25,000) under a primary covered transaction.

(C) Any procurement contract for goods or services between a participant and a person under a covered transaction, regardless of amount, under which that person will have a critical influence on or substantive control over that covered transaction. Such persons are:

(1) Principal investigators.

(2) Provider of federal'-required audit services.

(2) *Exceptions*. The following transactions are not covered:

(i) Statutory entitlements or mandatory awards (but not subtier awards thereunder which are not themselves mandatory), including deposited funds insured by the Federal Government;

(ii) Direct awards to foreign governments or public international organizations, or transactions with foreign governments or foreign governmental entities, public international organizations, foreign government owned (in whole or in part) or controlled entities, entities consisting wholly or partially of foreign governments or foreign governmental entities;

(iii) Benefits to an individual as a personal entitlement without regard to the individual's present responsibility (but benefits received in an individual's business capacity are not excepted);

(iv) Federal employment;

(A) For the purpose of this paragraph, no transactions under EPA assistance programs are deemed to be pursuant to agency-recognized emergencies or disasters.

(v) Transactions pursuant to national or agency-recognized emergencies or disasters;

(vi) Incidental benefits derived from ordinary governmental operations; and

(vii) Other transactions where the application of these regulations would be prohibited by law.

(b) *Relationship to other sections*.

This section describes the types of transactions to which a debarment or suspension under the regulations will apply. Subpart B, "Effect of Action," § 32.200, "Debarment or suspension," sets forth the consequences of a debarment or suspension. Those consequences would obtain only with respect to participants and principals in the covered transactions and activities described in § 32.110(a). Sections 32.325, "Scope of debarment," and 32.420, "Scope of suspension," govern the extent to which a specific participant or organizational elements of

a participant would be automatically included within a debarment or suspension action, and the conditions under which affiliates or persons associated with a participant may also be brought within the scope of the action.

(c) *Relationship to Federal procurement activities.* Debarment and suspension of Federal procurement contractors and subcontractors under Federal procurement contracts are covered by the Federal Acquisition Regulation (FAR), 48 CFR Subpart 9.4.

**§ 32.115 Policy.**

(a) In order to protect the public interest, it is the policy of the Federal Government to conduct business only with responsible persons. Debarment and suspension are discretionary actions that, taken in accordance with Executive Order 12549 and these regulations, are appropriate means to implement this policy.

(b) Debarment and suspension are serious actions which shall be used only in the public interest and for the Federal Government's protection and not for purposes of punishment. Agencies may impose debarment or suspension for the causes and in accordance with the procedures set forth in these regulations.

(c) When more than one agency has an interest in the proposed debarment or suspension of a person, consideration shall be given to designating one agency as the lead agency for making the decision. Agencies are encouraged to establish methods and procedures for coordinating their debarment or suspension actions.

(d) While Part 32 does not apply to direct Federal procurement activities, which are governed by the Federal Acquisition Regulations (FAR) at 48 CFR Subpart 9.4, it is EPA's policy to integrate its administration of these two complementary debarment and suspension programs.

**Subpart B—Effect of Action**

**§ 32.200 Debarment or suspension.**

(a) *Primary covered transactions.* Except to the extent prohibited by law, persons who are debarred or suspended shall be excluded from primary covered transactions as either participants or principals throughout the executive branch of the Federal Government for the period of their debarment or suspension. Accordingly, no agency shall enter into primary covered transactions with such debarred or suspended persons during such period, except as permitted pursuant to § 32.215.

(b) *Loser tier covered transactions.* Except to the extent prohibited by law, persons who have been debarred or suspended shall be excluded from participating as either participants or principals in all lower tier covered transactions (see § 32.110(a)(1)(ii)) for the period of their debarment or suspension.

(c) *Exceptions.* Debarment or suspension does not affect a person's eligibility for:

(1) Statutory entitlements or mandatory awards (but not subtler awards thereunder which are not themselves mandatory), including deposited funds insured by the Federal Government;

(2) Direct awards to foreign governments or public international organizations, or transactions with foreign governments or foreign governmental entities, public international organizations, foreign government owned (in whole or in part) or controlled entities, and entities consisting wholly or partially of foreign governments or foreign governmental entities;

(3) Benefits to an individual as a personal entitlement without regard to the individual's present responsibility (but benefits received in an individual's business capacity are not excepted);

(4) Federal employment;

(5) Transactions pursuant to national or agency-recognized emergencies or disasters;

(i) For the purposes of this paragraph, no transactions under EPA assistance programs are deemed agency-recognized emergencies or disasters.

(6) Incidental benefits derived from ordinary governmental operations; and

(7) Other transactions where the application of these regulations would be prohibited by law.

**§ 32.205 Ineligible persons.**

Persons who are ineligible, as defined in § 32.105(i), are excluded in accordance with the applicable statutory, executive order, or regulatory authority.

**§ 32.210 Voluntary exclusion.**

Persons who accept voluntary exclusions under § 32.315 are excluded in accordance with the terms of their settlements. EPA shall, and participants may, contact the original action agency to ascertain the extent of the exclusion.

**§ 32.216 Exception provision.**

EPA may grant an exception permitting a debarred, suspended, or voluntarily excluded person to

participate in a particular covered transaction upon a written determination by the agency head or an authorized designee stating the reason(s) for deviating from the Presidential policy established by Executive Order 12549 and § 32.200 of this rule. However, in accordance with the President's stated intention in the Executive Order, exceptions shall be granted only infrequently. Exceptions shall be reported in accordance with § 32.505(a).

(a) The Director, Grants Administration Division, is the official authorized to grant exceptions.

**§ 32.220 Continuation of covered transactions.**

(a) Notwithstanding the debarment, suspension, determination of ineligibility, or voluntary exclusion of any person by an agency, agencies and participants may continue covered transactions in existence at the time the person was debarred, suspended, declared ineligible, or voluntarily excluded. A decision as to the type of termination action, if any, to be taken should be made only after thorough review to ensure the propriety of the proposed action.

(b) Agencies and participants shall not renew or extend covered transactions (other than no-cost time extensions) with any person who is debarred, suspended, ineligible, or voluntarily excluded, except as provided in § 32.215.

**§ 32.225 Failure to adhere to restrictions.**

Except as permitted under § 32.215 or § 32.220 of these regulations, a participant shall not knowingly do business under a covered transaction with a person who is debarred or suspended, or with a person who is ineligible for or voluntarily excluded from that covered transaction. Violation of this restriction may result in disallowance of costs, annulment or termination of award, issuance of a stop work order, debarment or suspension, or other remedies, as appropriate. A participant may rely upon the certification of a prospective participant in a lower tier covered transaction that it and its principals are not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction (see Appendix B), unless it knows that the certification is erroneous. An agency has the burden of proof that such participant did knowingly do business with such a person.

**Subpart C—Debarment**

**§ 32.300 General.**

The debarment official may debar a person for any of the causes in § 32.305, using procedures established in §§ 32.310 through 32.314. The existence of a cause for debarment, however, does not necessarily require that the person be debarred; the seriousness of the person's acts or omissions and any mitigating factors shall be considered in making any debarment decision.

**§ 32.305 Causes for debarment.**

Debarment may be imposed in accordance with the provisions of §§ 32.300 through 32.314 for:

(a) Conviction of or civil judgment for:  
 (1) Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement or transaction;

(2) Violation of Federal or State antitrust statutes, including those proscribing price fixing between competitors, allocation of customers between competitors, and bid rigging;

(3) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, or obstruction of justice; or

(4) Commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of a person.

(b) Violation of the terms of a public agreement or transaction so serious as to affect the integrity of an agency program, such as:

(1) A willful failure to perform in accordance with the terms of one or more public agreements or transactions;

(2) A history of failure to perform or of unsatisfactory performance of one or more public agreements or transactions; or

(3) A willful violation of a statutory or regulatory provision or requirement applicable to a public agreement or transaction.

(c) Any of the following causes:

(1) A nonprocurement debarment by any Federal agency taken before October 1, 1988, the effective date of these regulations, or a procurement debarment by any Federal agency taken pursuant to 48 CFR Subpart 9.4;

(2) Knowingly doing business with a debarred, suspended, ineligible, or voluntarily excluded person, in connection with a covered transaction, except as permitted in § 32.215 or § 32.220;

(3) Failure to pay a single substantial debt, or a number of outstanding debts (including disallowed costs and overpayments, but not including sums owed the Federal Government under the Internal Revenue Code) owed to any Federal agency or instrumentality, provided the debt is uncontested by the debtor or, if contested, provided that the debtor's legal and administrative remedies have been exhausted; or

(4) Violation of a material provision of a voluntary exclusion agreement entered into under § 32.315 or of any settlement of a debarment or suspension action.

(d) Any other cause of so serious or compelling a nature that it affects the present responsibility of a person.

**§ 32.310 Procedures.**

EPA shall process debarment actions as informally as practicable, consistent with the principles of fundamental fairness, using the procedures in §§ 32.311 through 32.314.

**§ 32.311 Investigation and referral.**

Information concerning the existence of a cause for debarment from any source shall be promptly reported, investigated, and referred, when appropriate, to the debarment official for consideration. After consideration, the debarment official may issue a notice of proposed debarment.

**§ 32.312 Notice of proposed debarment.**

A debarment proceeding shall be initiated by notice to the respondent advising:

(a) That debarment is being considered;

(b) Of the reasons for the proposed debarment in terms sufficient to put the respondent on notice of the conduct or transaction(s) upon which it is based;

(c) Of the cause(s) relied upon under § 32.305 for proposing debarment;

(d) Of the provisions of § 32.311 through § 32.314, and any other EPA procedures, if applicable, governing debarment decisionmaking; and

(e) Of the potential effect of a debarment.

**§ 32.313 Opportunity to contest proposed debarment.**

(a) *Submission in opposition.* Within 30 days after receipt of the notice of proposed debarment, the respondent may submit, in person, in writing, or through a representative, information and argument in opposition to the proposed debarment.

(1) If the respondent desires a hearing, it shall submit a written request to the debarment official within the 30-day period following receipt of the notice of proposed debarment.

(b) *Additional proceedings as to disputed material facts.* (1) In actions not based upon a conviction or civil judgment, if the debarment official finds that the respondent's submission in opposition raises a genuine dispute over facts material to the proposed debarment, respondent(s) shall be afforded an opportunity to appear with a representative, submit documentary evidence, present witnesses, and confront any witness the agency presents.

(2) A transcribed record of any additional proceedings shall be made available at cost to the respondent, upon request, unless the respondent and the agency, by mutual agreement, waive the requirement for a transcript.

**§ 32.314 Debarment official's decision.**

(a) *No additional proceedings necessary.* In actions based upon a conviction or civil judgment, or in which there is no genuine dispute over material facts, the debarment official shall make a decision on the basis of all the information in the administrative record, including any submission made by the respondent. The decision shall be made within 45 days after receipt of any information and argument submitted by the respondent, unless the debarment official extends this period for good cause.

(b) *Additional proceedings necessary.* (1) In actions in which additional proceedings are necessary to determine disputed material facts, written findings of fact shall be prepared. The debarment official shall base the decision on the facts as found, together with any information and argument submitted by the respondent and any other information in the administrative record.

(2) The debarment official may refer disputed material facts to another official for findings of fact. The debarment official may reject any such findings, in whole or in part, only after specifically determining them to be arbitrary and capricious or clearly erroneous.

(3) The debarment official's decision shall be made after the conclusion of the proceedings with respect to disputed facts.

(c) (1) *Standard of proof.* In any debarment action, the cause for debarment must be established by a preponderance of the evidence. Where the proposed debarment is based upon a conviction or civil judgment, the standard shall be deemed to have been met.

(2) *Burden of proof.* The burden of proof is on the agency proposing debarment.

(d) *Notice of debarring official's decision.* (1) If the debarring official decides to impose debarment, the respondent shall be given prompt notice:

- (i) Referring to the notice of proposed debarment;
- (ii) Specifying the reasons for debarment;
- (iii) Stating the period of debarment, including effective dates; and
- (iv) Advising that the debarment is effective for covered transactions throughout the executive branch of the Federal Government unless an agency head or an authorized designee makes the determination referred to in § 32.215.

(2) If the debarring official decides not to impose debarment, the respondent shall be given prompt notice of that decision. A decision not to impose debarment shall be without prejudice to a subsequent imposition of debarment by any other agency.

**§ 32.315 Settlement and voluntary exclusion.**

(a) When in the best interest of the Government, EPA may, at any time, settle a debarment or suspension action.

(b) If a participant and the agency agree to a voluntary exclusion of the participant, such voluntary exclusion shall be entered on the Nonprocurement List (see Subpart E).

(1) The debarring and suspending official is the official authorized to settle debarment or suspension actions.

**§ 32.320 Period of debarment.**

(a) Debarment shall be for a period commensurate with the seriousness of the cause(s). Generally, a debarment should not exceed three years. Where circumstances warrant, a longer period of debarment may be imposed. If a suspension precedes a debarment, the suspension period shall be considered in determining the debarment period.

(b) The debarring official may extend an existing debarment for an additional period, if that official determines that an extension is necessary to protect the public interest. However, a debarment may not be extended solely on the basis of the facts and circumstances upon which the initial debarment action was based. If debarment for an additional period is determined to be necessary, the procedures of §§ 32.311 through 32.314 shall be followed to extend the debarment.

(c) The respondent may request the debarring official to reverse the debarment decision or to reduce the period or scope of debarment. Such a

request shall be in writing and supported by documentation. The debarring official may grant such a request for reasons including, but not limited to:

- (1) Newly discovered material evidence;
- (2) Reversal of the conviction or civil judgment upon which the debarment was based;
- (3) Bona fide change in ownership or management;
- (4) Elimination of other causes for which the debarment was imposed; or
- (5) Other reasons the debarring official deems appropriate.

**§ 32.325 Scope of debarment.**

(a) *Scope in general.* (1) Debarment of a person under these regulations constitutes debarment of all its divisions and other organizational elements from all covered transactions, unless the debarment decision is limited by its terms to one or more specifically identified individuals, divisions or other organizational elements or to specific types of transactions.

(2) The debarment action may include any affiliate of the participant that is specifically named and given notice of the proposed debarment and an opportunity to respond (see §§ 32.311 through 32.314).

(b) *Imputing conduct.* For purposes of determining the scope of debarment, conduct may be imputed as follows:

(1) *Conduct imputed to participant.* The fraudulent, criminal or other seriously improper conduct of any officer, director, shareholder, partner, employee, or other individual associated with a participant may be imputed to the participant when the conduct occurred in connection with the individual's performance of duties for or on behalf of the participant, or with the participant's knowledge, approval, or acquiescence. The participant's acceptance of the benefits derived from the conduct shall be evidence of such knowledge, approval, or acquiescence.

(2) *Conduct imputed to individuals associated with participant.* The fraudulent, criminal, or other seriously improper conduct of a participant may be imputed to any officer, director, shareholder, partner, employee, or other individual associated with the participant who participated in, knew of, or had reason to know of the participant's conduct.

(3) *Conduct of one participant imputed to other participants in a joint venture.* The fraudulent, criminal, or other seriously improper conduct of one participant in a joint venture, grant pursuant to a joint application, or similar arrangement may be imputed to

other participants if the conduct occurred for or on behalf of the joint venture, grant pursuant to a joint application, or similar arrangement may be imputed to other participants if the conduct occurred for or on behalf of the joint venture, grant pursuant to a joint application, or similar arrangement or with the knowledge, approval, or acquiescence of these participants. Acceptance of the benefits derived from the conduct shall be evidence of such knowledge, approval, or acquiescence.

**§ 32.330 Reconsideration.**

Any party to the action may petition the debarring official to reconsider a debarment determination for alleged errors of fact or law. The petition for reconsideration must be in writing and filed within 10 calendar days from the date of the party's receipt of the determination.

**§ 32.335 Appeal.**

(a) The debarment determination under § 32.314 shall be final. However, any party to the action may request the Director, Office of Administration (OA Director), to review the findings of the debarring official by filing a request with the OA Director within 30 calendar days of the party's receipt of the debarment determination, or its reconsideration. The request must be in writing and set forth the specific reasons why relief should be granted.

(b) A review under this section shall be at the discretion of the OA Director. If a review is granted, the debarring official may stay the effective date of a debarment order pending resolution of the appeal. If a debarment is stayed, the stay shall be automatically lifted if the OA Director affirms the debarment.

(c) The review shall be based solely upon the record. The OA Director may set aside a determination only if it is found to be arbitrary, capricious, and abuse of discretion, or based upon a clear error of law.

(d) The OA Director's subsequent determination shall be in writing and mailed to all parties.

(e) A determination under § 32.314 or a review under this section shall not be subject to a dispute or a bid protest under Parts 30, 31 or 33 of this subchapter.

**Subpart D—Suspension****§ 32.400 General.**

(a) The suspending official may suspend a person for any of the causes in § 32.405 using procedures established in §§ 32.410 through 32.413.

(b) Suspension is a serious action to be imposed only when:

(1) There exists adequate evidence of one or more of the causes set out in § 32.405, and

(2) Immediate action is necessary to protect the public interest.

(c) In assessing the adequacy of the evidence, the agency should consider how much information is available, how credible it is given the circumstances, whether or not important allegations are corroborated, and what inferences can reasonably be drawn as a result. This assessment should include an examination of basic documents such as grants, cooperative agreements, loan authorizations, and contracts.

**§ 32.405 Causes for suspension.**

(a) Suspension may be imposed in accordance with the provisions of §§ 32.400 through 32.413 upon adequate evidence:

(1) To suspect the commission of an offense listed in § 32.305(a); or

(2) That a cause for debarment under § 32.305 may exist.

(b) Indictment shall constitute adequate evidence for purposes of suspension actions.

**§ 32.410 Procedures.**

(a) *Investigation and referral.* Information concerning the existence of a cause for suspension from any source shall be promptly reported, investigated, and referred, when appropriate, to the suspending official for consideration. After consideration, the suspending official may issue a notice of suspension.

(b) *Decisionmaking process.* EPA shall process suspension actions as informally as practicable, consistent with principles of fundamental fairness, using the procedures in § 32.411 through § 32.413.

**§ 32.411 Notice of suspension.**

When a respondent is suspended, notice shall immediately be given:

(a) That suspension has been imposed;

(b) That the suspension is based on an indictment, conviction, or other adequate evidence that the respondent has committed irregularities seriously reflecting on the propriety of further Federal Government dealings with the respondent;

(c) Describing any such irregularities in terms sufficient to put the respondent on notice without disclosing the Federal Government's evidence;

(d) Of the cause(s) relied upon under § 32.405 for imposing suspension;

(e) That the suspension is for a temporary period pending the completion of an investigation or ensuing legal, debarment, or Program Fraud Civil Remedies Act proceedings;

(f) Of the provisions of § 32.411 through § 32.413 and any other EPA procedures, if applicable, governing suspension decisionmaking; and

(g) Of the effect of the suspension.

**§ 32.412 Opportunity to contest suspension.**

(a) *Submission in opposition.* Within 30 days after receipt of the notice of suspension, the respondent may submit, in person, in writing, or through a representative, information and argument in opposition to the suspension.

(1) If the respondent desires a hearing, it shall submit a written request to the suspending official within the 30-day period following receipt of the notice of suspension.

(b) *Additional proceedings as to disputed material facts.* (1) If the suspending official finds that the respondent's submission in opposition raises a genuine dispute over facts material to the suspension, respondent(s) shall be afforded an opportunity to appear with a representative, submit documentary evidence, present witnesses, and confront any witness the agency presents, unless:

(i) The action is based on an indictment, conviction or civil judgment, or

(ii) A determination is made, on the basis of Department of Justice advice, that the substantial interests of the Federal Government in pending or contemplated legal proceedings based on the same facts as the suspension would be prejudiced.

(2) A transcribed record of any additional proceedings shall be prepared and made available at cost to the respondent, upon request, unless the respondent and the agency, by mutual agreement, waive the requirement for a transcript.

**§ 32.413 Suspending official's decision.**

The suspending official may modify or terminate the suspension (for example, see § 32.320(c) for reasons for reducing the period or scope of debarment) or may leave it in force.

However, a decision to modify or terminate the suspension shall be without prejudice to the subsequent imposition of suspension by any other agency or debarment by any agency. The decision shall be rendered in accordance with the following provisions:

(a) *No additional proceedings necessary.* In actions: based on an indictment, conviction, or civil judgment; in which there is no genuine dispute over material facts; or in which additional proceedings to determine disputed material facts have been denied on the basis of Department of Justice advice, the suspending official shall make a decision on the basis of all the information in the administrative record, including any submission made by the respondent. The decision shall be made within 45 days after receipt of any information and argument submitted by the respondent, unless the suspending official extends this period for good cause.

(b) *Additional proceedings necessary.*

(1) In actions in which additional proceedings are necessary to determine disputed material facts, written findings of fact shall be prepared. The suspending official shall base the decision on the facts as found, together with any information and argument submitted by the respondent and any other information in the administrative record.

(2) The suspending official may refer matters involving disputed material facts to another official for findings of fact. The suspending official may reject any such findings, in whole or in part, only after specifically determining them to be arbitrary or capricious or clearly erroneous.

(c) *Notice of suspending official's decision.* Prompt written notice of the suspending official's decision shall be sent to the respondent.

**§ 32.415 Period of suspension.**

(a) Suspension shall be for a temporary period pending the completion of an investigation or ensuing legal, debarment, or Program Fraud Civil Remedies Act proceedings, unless terminated sooner by the suspending official or as provided in paragraph (b) of this section.

(b) If legal or administrative proceedings are not initiated within 12 months after the date of the suspension notice, the suspension shall be terminated unless an Assistant Attorney General or United States Attorney requests its extension in writing, in which case it may be extended for an additional six months. In no event may a

suspension extend beyond 18 months, unless such proceedings have been initiated within that period.

(c) The suspending official shall notify the Department of Justice of an impending termination of a suspension, at least 30 days before the 12-month period expires, to give that Department an opportunity to request an extension.

**§ 32.420 Scope of suspension.**

The scope of a suspension is the same as the scope of a debarment (see § 32.325), except that the procedures of §§ 32.410 through 32.413 shall be used in imposing a suspension.

**§ 32.425 Reconsideration.**

Any party to the action may petition the suspending official to reconsider a suspension determination for alleged errors of fact or law. The petition for reconsideration must be in writing and filed within 10 calendar days from the date of the party's receipt of the suspension determination.

**§ 32.430 Appeal.**

(a) The suspension determination under § 32.413 shall be final. However, any party to the action may request the Director, Office of Administration (OA Director), to review the findings of the suspending official by filing a request with the OA Director within 30 calendar days of the party's receipt of the suspension determination, or its reconsideration. The request must be in writing and set forth the specific reasons why relief should be granted.

(b) A review under this section shall be at the discretion of the OA Director. If a review is granted, the suspending official may stay the effective date of a suspension order pending resolution of appeal. If a suspension is stayed, the stay shall be automatically lifted if the OA Director affirms the suspension.

(c) The review shall be based solely upon the record. The OA Director may set aside a determination only if it is found to be arbitrary, capricious, an abuse of discretion, or based upon a clear error of law.

(d) The OA Director's subsequent determination shall be in writing and mailed to all parties.

(e) A determination under § 32.413 or a review under this section shall not be subject to a dispute or a bid protest under Parts 30, 31, or 33 of this subchapter.

**Subpart E—Responsibilities of GSA, Agency and Participants**

**§ 32.500 GSA responsibilities.**

(a) In accordance with the OMB guidelines, GSA shall compile, maintain, and distribute a list of all persons who have been debarred, suspended, or voluntarily excluded by agencies under Executive Order 12549 and these regulations, and those who have been determined to be ineligible.

(b) At a minimum, this list shall indicate:

- (1) The names and addresses of all debarred, suspended, ineligible, and voluntarily excluded persons, in alphabetical order, with cross-references when more than one name is involved in a single action;
- (2) The type of action;
- (3) The cause for the action;
- (4) The scope of the action;
- (5) Any termination date for each listing; and
- (6) The agency and name and telephone number of the agency point of contact for the action.

**§ 32.505 EPA responsibilities.**

(a) The agency shall provide GSA with current information concerning debarments, suspension, determinations of ineligibility, and voluntary exclusions it has taken. Until February 18, 1989, the agency shall also provide GSA and OMB with information concerning all transactions in which EPA has granted exceptions under § 32.215 permitting participation by debarred, suspended, or voluntarily excluded persons.

(b) Unless an alternative schedule is agreed to by GSA, the agency shall advise GSA of the information set forth in § 32.500(b) and of the exceptions granted under § 32.215 within five working days after taking such actions.

(c) The agency shall direct inquiries concerning listed persons to the agency that took the action.

(d) Agency officials shall check the Nonprocurement List before entering covered transactions to determine whether a participant in a primary transaction is debarred, suspended, ineligible, or voluntarily excluded (Tel. #).

(e) Agency officials shall check the Nonprocurement List before approving principals or lower tier participants where agency approval of the principal

or lower tier participant is required under the terms of the transaction, to determine whether such principals or participants are debarred, suspended, ineligible, or voluntarily excluded.

**§ 32.510 Participants' responsibilities.**

(a) *Certification by participants in primary covered transactions.* Each participant shall submit the certification in Appendix A to this Part for it and its principals at the time the participant submits its proposal in connection with a primary covered transaction, except that States need only complete such certification as to their principals. Participants may decide the method and frequency by which they determine the eligibility of their principals. In addition, each participant may, but is not required to, check the Nonprocurement List for its principals (Tel. #). Adverse information on the certification will not necessarily result in denial of participation. However, the certification, and any additional information pertaining to the certification submitted by the participant, shall be considered in the administration of covered transactions.

(b) *Certification by participants in lower tier covered transactions.* (1) Each participant shall require participants in lower tier covered transactions to include the certification in Appendix B to this Part for it and its principals in any proposal submitted in connection with such lower tier covered transactions.

(2) A participant may rely upon the certification of a prospective participant in a lower tier covered transaction that it and its principals are not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction by any Federal agency, unless it knows that the certification is erroneous. Participants may decide the method and frequency by which they determine the eligibility of their principals. In addition, a participant may, but is not required to, check the Nonprocurement List for its principals and for participants (Tel. #).

(c) *Changed circumstances regarding certification.* A participant shall provide immediate written notice to EPA if at any time the participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances. Participants in lower tier covered transactions shall provide the same updated notice to the participant to which it submitted its proposals.



### Appendix A—Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions

#### Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List (Tel. \*).

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

#### Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently ~~initiated for~~ or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

### Appendix B—Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions

#### Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List (Tel. \*).



8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

*Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions*

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

(3) The prospective lower-tier participant also certifies that it and its principals:

(a) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State anti-trust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(b) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (3)(a) of this certification; and

(c) Have not within a three-year period preceding this proposal had one or more public transactions (Federal, State or local) terminated for cause or default. Where the prospective lower-tier participant is unable to certify to any of the above, such prospective participant shall attach an explanation to this proposal.



**DNR/Water Protection Program**  
**Simplified Version of**  
**Instructions for Completing the MBE/WBE Form for Subgrantees (5700-52A)**  
**(Minority Business Enterprise/Women Business Enterprise)**

- 1A. **Federal Fiscal Year** is the federal year you are reporting the current quarter or annual data for. (For instance, if the report is for Jul-Sept 1997 the fiscal year would be FY97 since the federal fiscal year runs October through September. October 1997 through September 1998 would be FY98 and so on).
- 1B. **Reporting Quarter** is the quarter you are reporting on or check annual if you report once per year, which is allowable and acceptable for 604b and 319 grant projects. (104b projects must report quarterly).
- 1C. **Revision** is for if you need to revise a prior report already submitted. Send copy of the previous report that is needing corrected highlighting the item and explain the correction in Block No. 6 and attach to a new revised form 5700-52A.
- 2A. **Federal Financial Assistance Agency** - insert Missouri Department of Natural Resources, PO Box 176, Jefferson City, MO 65102.
- 2B. **Reporting Contact** is the DNR WPCP project manager
- 2C. **Phone:** DNR project manager's phone number.
- 3A. **Reporting Recipient** is the agency the subgrant was awarded.
- 3B. **Reporting Contact** is the recipient contact person (project manager)
- 3C. **Phone:** Recipient Project Manager phone number.
- 4A. **Financial Assistance Agreement ID Number** is the number assigned the subgrant, which can be found on the Subgrant Assistance Agreement page, block #2 or on the Minigrant Assistance Agreement page, under Minigrant Number.
- 4B. **Federal Financial Assistance Program** is the type of grant funds awarded for the project and year if known (for example: FY93-319 grant, FY96-604b grant, 104b grant, etc.) You can locate this information on the Assistance Agreement documents under Source of Funding/Yr.
- 5A. **Total Assistance Agreement Amount for EPA share** - is the total in block #11 of the Assistance Award Agreement under Initial Award or Amended Award whichever is the current award amount and for Minigrants it is under section Project Funding: Award. **Recipient share** - is the Initial Recipient Match or Amended Recipient match in block #11, whichever is current and on Minigrants it is the line for Recipient Match.
- 5B. **Self-explanatory.**
- 5C. **Total Procurement Amount This Reporting Period** is actual dollars spent in the reporting period by the Recipient (excluding salaries, fringe, and indirect).
- 5D. **Self-explanatory.**
- 5E. **Actual MBE/WBE Procurement Accomplished This Reporting Period** is the actual dollars spent for a MBE or a WBE in the listed categories by the recipient. This does not include salary, fringe or indirect of recipients award budget. Some Travel and Other expense may fit under Services.
6. **Additional Comments or Explanations** are self-explanatory. If no MBE/WBE activity, must include comment.

7. **Name of Authorized Representative** is authority figure who signed the federal assistance award agreement.
8. **Signature of Authorized Representative** is authority figure who signed the federal assistance award agreement.

**Part II.**

**Recipient** is the subgrantee and other two choices are anyone the recipient has subcontracted with.

The rest of the Part II form is self-explanatory.

If you have any questions in regard to completing this form, please contact the DNR project manager.

**MBE/WBE certified vendors can be looked up at Website:** <http://www.SBA.gov>

**Vendors can also register as a MBE or WBE at this site.**

**Another helpful site is on the Missouri State Website:** <http://www.oa.mo.gov/purch/vendor.html> **then go to MBE/WBE Information under Quick Links**

**Attachment G – BCRM**  
**Hinkson Creek Urban Retrofit Project**

OMB CONTROL NO. 2090-0030  
 APPROVED: 05/01/2008  
 APPROVAL EXPIRES: 12/22/2013

**U.S. ENVIRONMENTAL PROTECTION AGENCY**  
**MBE/WBE UTILIZATION UNDER FEDERAL GRANTS**  
**AND COOPERATIVE AGREEMENTS**

**PART I. (Reports are required even if no procurements are made during the reporting period.)**

1A. FEDERAL FISCAL YEAR (Oct. 1-Sep 30)  20_____	1B. REPORTING PERIOD (Check ALL appropriate boxes) <input type="checkbox"/> 1 <sup>st</sup> (Oct-Dec) <input type="checkbox"/> 2 <sup>nd</sup> (Jan-Mar) <input type="checkbox"/> 3 <sup>rd</sup> (Apr-Jun) <input type="checkbox"/> 4 <sup>th</sup> (Jul-Sep) <input type="checkbox"/> Semi-Annual (Oct-Mar) <input type="checkbox"/> Semi-Annual (Apr-Sep) <input type="checkbox"/> Annual <input type="checkbox"/> Check if this is the last report for the project (Project completed).																				
1C. REVISION OF A PRIOR REPORT? Y or N   Year: _____ Quarter: _____	BRIEFLY DESCRIBE THE REVISIONS YOU ARE MAKING:																				
2A. EPA FINANCIAL ASSISTANCE OFFICE ADDRESS ( ATTN: DBE Coordinator)		3A. RECIPIENT NAME AND ADDRESS																			
2B. EPA DBE COORDINATOR  Name:  E-mail:	2C. PHONE:  Fax:	3B. RECIPIENT REPORTING CONTACT:  Name:  E-mail:	3C. PHONE:  Fax:																		
4A. FINANCIAL ASSISTANCE AGREEMENT ID NUMBER (SRF State Recipients, refer to Instructions for Completion of blocks 4A, 5A and 5C.)		4B. FEDERAL FINANCIAL ASSISTANCE PROGRAM TITLE or CFDA NUMBER:																			
5A. TOTAL ASSISTANCE AGREEMENT AMOUNT (SRF State Recipients, refer to Instructions for Completion of blocks 4A, 5A and 5C.)  EPA Share: \$ _____  Recipient Share: \$ _____		5B. If NO procurement and NO accomplishments were made this reporting period (by the recipients, sub-recipients, loan recipients, and prime contractors), CHECK and SKIP to Block No. 7. ( <u>Procurements</u> are all expenditures through contract, order, purchase, lease or barter of supplies, equipment, construction, or services needed to complete Federal assistance programs. <u>Accomplishments</u> , in this context, are procurements made with MBEs and/or WBEs.  <input type="checkbox"/>																			
5C. <b>Total Procurements This Reporting Period</b> (Only include amount not reported in any prior reporting period)  Total Procurement Amount \$ _____ (Include total dollar values awarded by recipient, sub-recipients and SRF loan recipients, including MBE/WBE expenditures.)																					
5D. Were sub-awards issued under this assistance agreement? Yes <input type="checkbox"/> No <input type="checkbox"/> Were contracts issued under this assistance agreement ? Yes <input type="checkbox"/> No <input type="checkbox"/>																					
5E. <b>MBE/WBE Accomplishments This Reporting Period</b>  Actual MBE/WBE Procurement Accomplished: (Include total dollar values awarded by recipient, sub-recipients, SRF loan recipients and Prime Contractors.) <table border="1" style="width:100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width:15%;"></th> <th style="width:20%; text-align: center;"><u>Construction</u></th> <th style="width:20%; text-align: center;"><u>Equipment</u></th> <th style="width:20%; text-align: center;"><u>Services</u></th> <th style="width:20%; text-align: center;"><u>Supplies</u></th> <th style="width:5%; text-align: center;"><u>Total</u></th> </tr> </thead> <tbody> <tr> <td><b>\$MBE:</b></td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> <td align="right">0.00</td> </tr> <tr> <td><b>\$WBE:</b></td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> <td align="right">0.00</td> </tr> </tbody> </table>					<u>Construction</u>	<u>Equipment</u>	<u>Services</u>	<u>Supplies</u>	<u>Total</u>	<b>\$MBE:</b>	_____	_____	_____	_____	0.00	<b>\$WBE:</b>	_____	_____	_____	_____	0.00
	<u>Construction</u>	<u>Equipment</u>	<u>Services</u>	<u>Supplies</u>	<u>Total</u>																
<b>\$MBE:</b>	_____	_____	_____	_____	0.00																
<b>\$WBE:</b>	_____	_____	_____	_____	0.00																
6. COMMENTS: (If no MBE/WBE procurements were accomplished during the reporting period, please explain what steps you are taking to achieve the MBE/WBE Program requirements specified in the terms and conditions of the Assistance Agreement.)																					
7. NAME OF RECIPIENT'S AUTHORIZED REPRESENTATIVE		TITLE																			
8. SIGNATURE OF RECIPIENT'S AUTHORIZED REPRESENTATIVE		DATE																			

**PART II.**

**MBE/WBE PROCUREMENTS MADE DURING REPORTING PERIOD**

**EPA Financial Assistance Agreement Number: \_\_\_\_\_**

1. Procurement Made By			2. Business Enterprise		3. \$ Value of Procurement	4. Date of Procurement MM/DD/YY	5. Type of Product or Services <sup>A</sup> (Enter Code)	6. Name/Address/Phone Number of MBE/WBE Contractor or Vendor
Recipient	Sub-Recipient and/or SRF Loan Recipient	Prime	Minority	Women				

Type of product or service codes:

1 = Construction

2 = Supplies

3 = Services

4 = Equipment

Note: Refer to Terms and conditions of your Assistance Agreement to determine the frequency of reporting. Recipients are required to submit MBE/WBE reports to EPA beginning with the Federal fiscal year quarter the recipients receive the award, continuing until the project is completed.

# Instructions:

## A. General Instructions:

MBE/WBE utilization is based on 40 CFR Part 33. EPA Form 5700-52A must be completed by recipients of Federal grants, cooperative agreements, or other Federal financial assistance which involve procurement of supplies, equipment, construction or services to accomplish Federal assistance programs.

Recipients are required to report 30 days after the end of each federal fiscal quarter, semiannually, or annually, per the terms and conditions of the financial assistance agreement.

	Quarterly Reporting Due Date	Semiannual Reporting Due Date	Annual Reporting Due Date
Agreements awarded prior to May 27, 2008	January 30, April 30, July 30, October 30	N/A	October 30
Agreements awarded on or after May 27, 2008	N/A	April 30, October 30	October 30

MBE/WBE program requirements, including reporting, are material terms and conditions of the financial assistance agreement.

## B. Definitions:

**Procurement** is the acquisition through contract, order, purchase, lease or barter of supplies, equipment, construction or services needed to accomplish Federal assistance programs.

A **contract** is a written agreement between an EPA recipient and another party (also considered "prime contracts") and any lower tier agreement (also considered "subcontracts") for equipment, services, supplies, or construction necessary to complete the project. This definition excludes written agreements with another public agency. This definition includes personal and professional services, agreements with consultants, and purchase orders.

A **minority business enterprise (MBE)** is a business concern that is (1) at least 51 percent owned by one or more minority individuals, or, in the case of a publicly owned business, at least 51 percent of the stock is owned by one or more minority individuals; and (2) whose daily business operations are managed and directed by one or more of the minority owners. In order to qualify and participate as an MBE prime or subcontractor for EPA

recipients under EPA's DBE Program, an entity must be properly certified as required by 40 CFR Part 33, Subpart B.

U.S. citizenship is required. Recipients shall presume that minority individuals include Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, or other groups whose members are found to be disadvantaged by the Small Business Act or by the Secretary of Commerce under section 5 of Executive order 11625. The reporting contact at EPA can provide additional information.

A **woman business enterprise (WBE)** is a business concern that is, (1) at least 51 percent owned by one or more women, or, in the case of a publicly owned business, at least 51 percent of the stock is owned by one or more women and (2) whose daily business operations are managed and directed by one or more of the women owners. In order to qualify and participate as a WBE prime or subcontractor for EPA recipients under EPA's DBE Program, an entity must be properly certified as required by 40 CFR Part 33, Subpart B.

Business firms which are 51 percent owned by minorities or women, but are in fact managed and operated by non-minority individuals do not qualify for meeting MBE/WBE procurement goals. U.S. Citizenship is required.

## Good Faith Efforts

A recipient is required to make the following good faith efforts whenever procuring construction, equipment, services, and supplies under an EPA financial assistance agreement. These good faith efforts for utilizing MBEs and WBEs must be documented. Such documentation is subject to EPA review upon request:

1. Include of MBEs/WBEs on solicitation lists.
2. Assure that MBEs/WBEs are solicited once they are identified.
3. Divide total requirements into smaller tasks to permit maximum MBE/WBE participation, where feasible.
4. Establish delivery schedules which will encourage MBE/WBE participation, where feasible.
5. Encourage use of the services of the U.S. Department of Commerce's Minority Business Development Agency (MBDA) and the U.S. Small Business Administration to identify MBEs/WBEs.

6. Require that each party to a subgrant, subagreement, or contract award take the good faith efforts outlined here.

**C. Instructions for Part I:**

- 1a. Specify Federal fiscal year this report covers. The Federal fiscal year runs from October 1<sup>st</sup> through September 30<sup>th</sup> (e.g. **November 29, 2010 falls within Federal fiscal year 2011**)

- 1b. Check applicable reporting box, quarterly, semiannually, or annually. Also indicate if this is the last report for the project.

- 1c. Indicate if this is a revision to a previous year, half-year, or quarter, and provide a brief description of the revision you are making.

- 2a-c. Please refer to your financial assistance agreement for the mailing address of the EPA financial assistance office for your agreement.

The "EPA DBE Reporting Contact" is the DBE Coordinator for the EPA Region from which your financial assistance agreement was originated. For a list of DBE Coordinators please refer to the EPA OSBP website at [www.epa.gov/osbp](http://www.epa.gov/osbp). Click on "Regional Contacts" for the name of your coordinator.

- 3a-c. Identify the agency, state authority, university or other organization which is the recipient of the Federal financial assistance and the person to contact concerning this report.

- 4a. Provide the Assistance Agreement number assigned by EPA. A separate report must be submitted for each Assistance Agreement.

**\*For SRF recipients:** In box 4a list numbers for ALL OPEN Assistance Agreements being reported on this form. Please note that although the New DBE Rule (which took effect May 27, 2008) revised the reporting frequency requirements from quarterly to semiannually, that change only applies to agreements awarded AFTER the New DBE Rule took effect. Therefore, SRF recipients may either continue to report activity for all Agreements on one form on a quarterly basis until the last award that was made prior to the New DBE Rule has been closed out; OR, the recipient may split the submission of SRF reports into quarterly reports for Agreements awarded prior the New DBE Rule, and semiannually for the awards made after the New DBE Rule.

- 4b. Refer back to Assistance Agreement document for this information.

- 5a. Provide the total amount of the Assistance Agreement which includes Federal funds plus recipient matching funds and funds from other sources.

**\*For SRF recipients only:** SRF recipients will not enter an amount in 5a. Please leave 5a blank.

- 5b. Self-explanatory.

- 5c. Provide the total dollar amount of ALL procurements awarded this reporting period by the recipient, sub-recipients, and SRF loan recipients, **including** MBE/WBE expenditures. For example: Actual dollars for procurement from the procuring office; actual contracts let from the contracts office; actual goods, services, supplies, etc., from other sources including the central purchasing/ procurement centers).

**\*NOTE:** To prevent double counting on line 5C, if any amount on 5E is for a subcontract and the prime contract has already been included on Line 5C in a prior reporting period, then report the amount going to MBE or WBE subcontractor on line 5E, but exclude the amount from Line 5C. To include the amount on 5C again would result in double counting because the prime contract, which includes the subcontract, would have already been reported.

- 5d. State whether or not sub-awards and/or subcontracts have been issued under the assistance agreement by indicating "yes" or "no".

- 5e. Where requested, also provide the total dollar amount of all MBE/WBE procurement awarded during this reporting period by the recipient, sub-recipients, SRF loan recipients, and prime contractors in the categories of construction, equipment, services and supplies. These amounts include Federal funds plus recipient matching funds and funds from other sources.

**\*For SRF recipients only:** In 5c please enter the total procurement amount for the quarter, or semiannual period, under all of your SRF Assistance Agreements. The figure reported in this section is **not** directly tied to an individual Assistance Agreement identification number. **(SRF state recipients report state procurements in this section)**

6. If there were no MBE/WBE accomplishments this reporting period, please briefly explain what



- specific steps you are taking to achieve the MBE/WBE requirements specified in the terms and conditions of the Assistance Agreement.
7. Name and title of official administrator or designated reporting official.
  8. Signature, month, day, and year report submitted.

**D. Instructions for Part II:**

For each MBE/WBE procurement made under this assistance agreement during the reporting period, provide the following information:

1. Check whether this procurement was made by the recipient, sub-recipient/SRF loan recipient, or the prime contractor.
2. Check either the MBE or WBE column. If a firm is both an MBE and WBE, the recipient may choose to count the entire procurement towards EITHER its MBE or WBE accomplishments. The recipient may also divide the total amount of the procurement (using any ratio it so chooses) and count those divided amounts toward its MBE and WBE accomplishments. If the recipient chooses to divide the procurement amount and count portions toward its MBE and WBE accomplishments, please state the appropriate amounts under the MBE and WBE columns on the form. **The combined MBE and WBE amounts for that MBE/WBE contractor must not exceed the "Value of the Procurement" reported in column #3**
3. Dollar value of procurement.
4. Date of procurement, shown as month, day, year. Date of procurement is defined as the date the contract or procurement was awarded, **not** the date the contractor received payment under the awarded contract or procurement, unless payment occurred on the date of award. **(Where direct purchasing is the procurement method, the date of procurement is the date the purchase was made)**
5. Using codes at the bottom of the form, identify type of product or service acquired through this procurement (e.g., enter 1 if construction, 2 if supplies, etc).
6. Name, address, and telephone number of MBE/WBE firm.

and 33); OMB Circulars; or added by EPA to ensure sound and effective assistance management. Accurate, complete data are required to obtain funding, while no pledge of confidentiality is provided.

The public reporting and recording burden for this collection of information is estimated to average 1 hour per response annually. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclosure or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, OPPE Regulatory Information Division, U.S. Environmental Protection Agency (2136), 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460. Include the OMB Control number in any correspondence. Do not send the completed form to this address.

\*\*This data is requested to comply with provisions mandated by: statute or regulations (40 CFR Part 30, 31,



**ATTACHMENT B**

**BUDGET**

**Hinkson Creek Urban Retrofit  
Boone County Resource Management**

March 1, 2011– April 30, 2014

---

	319 Federal Funds	Nonfederal Match
Salary & Fringe	\$164,309	\$105,000
Travel	1,000	-0-
Equipment	19,604	-0-
Supplies	67,292	-0-
Contractual	454,891	208,000
Other	6,170	210,000
Indirect	-0-	-0-
<b>TOTALS</b>	<b>\$713,266</b>	<b>\$523,000</b>

---

**TOTAL PROJECT COST: \$1,236,266**

**ATTACHMENT  
A-2**

**INVOICE & MATCH REPORT**

<b>TO:</b> Missouri Department of Natural Resources Division of Environmental Quality Water Protection Program PO Box 176 Jefferson City, MO 65102  Attn: <b>Fiscal Account Clerk - Diane Muenks</b>	<b>Date:</b>  <b>Invoice No:</b>  <b>Invoice Period:</b>  <b>Agreement Amount:</b> \$713,266
---	--

Agreement Period: March 1, 2011 - April 30, 2014 Project Manager: Nicki Fuemmeler (573) 886-4330 Project Title: Hinkson Creek Urban Retrofit	Subgrant No: G11-NPS-12
--	-------------------------

**FEDERAL**

Budget Category	Project Budget	Prior Expenses per Category	Expenses this Invoice Period	Federal Expenses to Date	Balance Remaining In Budget
Salary/Fringe	\$164,309.00	\$0.00	\$0.00	\$0.00	\$164,309.00
Travel	\$1,000.00	\$0.00	\$0.00	\$0.00	\$1,000.00
Equipment	\$19,604.00	\$0.00	\$0.00	\$0.00	\$19,604.00
Supplies	\$67,292.00	\$0.00	\$0.00	\$0.00	\$67,292.00
Contractual	\$454,891.00	\$0.00	\$0.00	\$0.00	\$454,891.00
Other	\$6,170.00	\$0.00	\$0.00	\$0.00	\$6,170.00
Indirect (13% or RFP rate)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>TOTAL</b>	<b>\$713,266.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$713,266.00</b>

**NONFEDERAL (MATCH)**

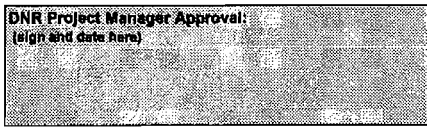
Match Budget Category	Match Budget	Prior Match per Category	Match this Invoice Period	Match Expenses to Date	Balance Remaining In Match Budget
Salary/Fringe	\$105,000.00	\$0.00	\$0.00	\$0.00	\$105,000.00
Travel	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Equipment	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Supplies	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Contractual	\$208,000.00	\$0.00	\$0.00	\$0.00	\$208,000.00
Other/Volunteer Time	\$210,000.00	\$0.00	\$0.00	\$0.00	\$210,000.00
Indirect ( * )	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>TOTAL</b>	<b>\$523,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$523,000.00</b>
				Match Required to Date	\$0.00
				Match (overage)/shortage	\$0.00

\* Can Include recipient's actual indirect rate on match expenses plus the difference of actual rate less 13% claimed on federal expenses

MAKE CHECK PAYABLE TO: Boone County Resource Management (aka Co Public Works)

I certify that to the best of my knowledge and belief the data above are correct, and that all outlays were in accordance with the grant agreement, and that payment is due and has not been previously requested.

**DNR Project Manager Approval:**  
(Sign and date here)



SUBMITTED BY: \_\_\_\_\_  
Project Manager Signature

Applicant Name: \_\_\_\_\_

Project/Program Title \_\_\_\_\_



## ANTI-LOBBYING ACT OF 1990 APPLICANT CERTIFICATION

This Certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this Certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required Certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The undersigned certifies to the best of his or her knowledge and belief, that:

- (1) *No federal appropriated funds have been or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.*
- (2) *If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.*
- (3) *The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.*

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized Representative

(R7PLMG/GRAD:12/94)

**CERTIFIED COPY OF ORDER**

STATE OF MISSOURI }  
 County of Boone } ea.

July Session of the Julyl Adjourned

Term. 20 13

In the County Commission of said county, on the 2nd day of July 20 13

the following, among other proceedings, were had, viz:

Now on this day the County Commission of the County of Boone does hereby re-appoint the following:

Name	Board	Period
Susan Daly	Library Board	July 2, 2013 through July 2, 2017

Done this 2nd day of July, 2013.

ATTEST:

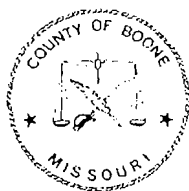
*Wendy S. Noren*  
 Wendy S. Noren  
 Clerk of the County Commission

*Daniel K. Atwill*  
 Daniel K. Atwill  
 Presiding Commissioner

*Karen M. Miller*  
 Karen M. Miller  
 District I Commissioner

*Janet M. Thompson*  
 Janet M. Thompson  
 District II Commissioner

Dan Atwill, Presiding Commissioner  
Karen M. Miller, District I Commissioner  
Janet Thompson, District II Commissioner



Boone County Government Center  
801 E. Walnut, Room 333  
Columbia, MO 65201  
573-886-4305 • FAX 573-886-4311  
E-mail: commission@boonecountymo.org

# Boone County Commission

## BOONE COUNTY BOARD OR COMMISSION APPLICATION FORM

Board or Commission: Library Board Term: \_\_\_\_\_

Current Township: Columbia Today's Date: 6/3/2013

Name: Susan Daly

Home Address: 3800 McGee Rd

City: Columbia Zip Code: 65202

Business Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Home Phone: 573-696-3486 Work Phone: 573-874-6402

Fax: \_\_\_\_\_ E-mail: sdaly@bankofmissouri.com

Qualifications: I have served on the DBRL board for the last 4 years. I feel I have a good understanding of the regional board system. I would like to continue on this board to provide assistance to the conversion to a single regional board in 2015. My past experience as a trustee for the library board will be beneficial to identify and

Past Community Service: Current President of the Hallsville Board of Education (15 years of service so far), Current President of the Columbia Kiwanis Club, Past Treasurer for Red Top Christian Church (6 years of service). Past Treasurer for

References: Mr. Terry Seboldt - President The Bank of Missouri's Investments & Retirement Services

**I have no objections to the information in this application being made public. To the best of my knowledge at this time I can serve a full term if appointed. I do hereby certify that the above information is true and accurate.**

\_\_\_\_\_  
Applicant Signature

Return Application  
To:

**Boone County Commission Office  
Boone County Government Center  
801 East Walnut, Room 333  
Columbia, MO 65201  
Fax: 573-886-4311**

# CERTIFIED COPY OF ORDER

STATE OF MISSOURI }  
County of Boone } ea.

July Session of the July Adjourned

Term. 20 13

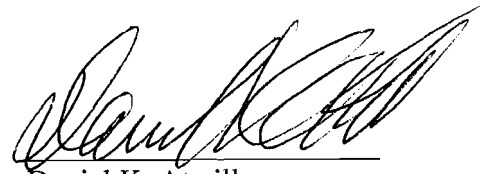
In the County Commission of said county, on the 2nd day of July 20 13  
the following, among other proceedings, were had, viz:

Now on this day the County Commission of the County of Boone does hereby approve the Boone County Commission Minutes during the II quarter beginning on 04/01/2013 through 06/30/2013.

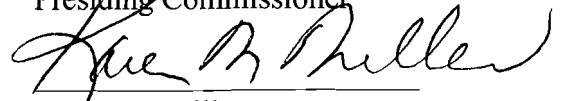
Done this 2nd day of July, 2013.

ATTEST:

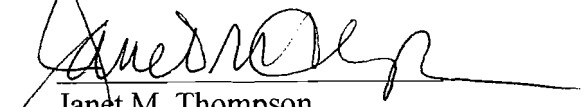
Wendy S. Noren  
Wendy S. Noren  
Clerk of the County Commission



Daniel K. Atwill  
Presiding Commissioner



Karen M. Miller  
District I Commissioner



Janet M. Thompson  
District II Commissioner