

**ATTACHMENT D:
Funding Agreement**



RECIPIENT INFORMATION	FEDERAL AWARD INFORMATION
<p>1. Recipient Name NAPA COUNTY RESOURCE CONSERVATION DISTRICT 1303 JEFFERSON ST STE 500B NAPA, CA 94559</p> <p>2. Congressional District of Recipient 04</p> <p>3. Employer Identification Number (EIN) 941569332</p> <p>4. UEI F1PYBEG1L8E4</p> <p>5. Recipient Point of Contact Not Available DOC PD/PI Name</p> <p>6. Authorized Official Patzek, Lucas Lucas@naparcd.org</p>	<p>10. Award Number / FAIN NA24NMF463C0003-T1-01 / NA24NMF463C0003 / Mod 0</p> <p>11. Award Type Cooperative Agreement</p> <p>12. Period of Performance Start Date & End Date 08/01/2024 – 12/31/2028</p> <p>13. Federal Share of Cost \$6,676,482</p> <p>14. Recipient Share of Cost \$0</p> <p>15. Total Federal and Recipient Cost \$6,676,482</p> <hr/> <p>16. Opportunity Number NOAA-NMFS-HCPO-2023-2008056</p> <p>17. Project Title Napa River Watershed Fish Passage Restoration Project</p> <p>18. Assistance Listing Number and Name 11.463 Habitat Conservation</p> <p>19. Award Action Type New Competing</p> <p>20. Multiyear Award? No</p> <p>21. R&D Award? No</p> <p>22. Construction Award? No</p> <p>23. Grants Officer – Signature and Date Olga Dixon – 07/04/2024</p>
<p>FEDERAL AGENCY CONTACT INFORMATION</p> <p>7. Grant Specialist Bakia Parrish Bakia.Parrish@noaa.gov</p> <p>8. Program Officer Amanda Cousart amanda.cousart@noaa.gov</p> <p>9. Grant Officer Olga Dixon olga.dixon@noaa.gov</p>	



Department of Commerce
NOAA
Fisheries Habitat Conservation Program Office (HCPO)

Notice of Award
NA24NMF463C0003-T1-01

NOTICE OF NOAA AWARD COVER LETTER

Congratulations, you are the recipient of NOAA award Number NA24NMF463C0003-T1-01.

This Notice of Award (NoA) approved by the NOAA Grants Officer, constitutes the official grant award and the obligation of Federal funding. The NoA serves as the official legal document issued to notify the recipient and others that an award has been made. The NoA contains all terms and conditions of the grant award.

The complete NoA can be found and downloaded under eRA Commons using the following instructions: [View Notice of Award | eRA](#)

This NoA was sent to the specified email address entered in the NoA email field by the recipient organization when completing the electronic Research Administration (eRA) Commons registration process. The Signing Official (SO) can update this email address through the Institutional Profile section in eRA Commons. The NoA can also be viewed from the Status Information page in eRA Commons. By accepting the award, the recipient agrees to comply with the award provisions specified on the award document.

As the Signing Official (SO) you are authorized to legally bind the institution in grant-administration matters. In providing your signature approval on the grant application submission you are responsible for monitoring grant related activities and authorizing expenditures under this award.

Additional Information about your award is shown below:

- Assistance Listing Number: 11.463
- Project Period: 08/01/2024 – 12/31/2028
- Program Office: Fisheries Habitat Conservation Program Office (HCPO)
- Program Officer: Amanda Cousart
- Program Officer Phone:
- Program Officer Email: amanda.cousart@noaa.gov
- Total Federal Funding: \$6,676,482
- Total Non-Federal Funding: \$0
- Organization Name: NAPA COUNTY RESOURCE CONSERVATION DISTRICT
- Project Title: Napa River Watershed Fish Passage Restoration Project
- Name of Principal Director/Project Investigator (PI/PD) as identified in the negotiated application:
 - o Not Available DOC PD/PI Name

This email was sent from a source that is not monitored for responses. If you need assistance, contact your Program/Project Officer (for programmatic issues) or the [eRA Help Desk](#) (for technical issues).

SECTION I – BUDGET INFORMATION**Approved Budget**

	Year 1 Federal	Year 2 Federal	Year 3 Federal	Year 4 Federal	Year 5 Federal	Total
Personnel(non-research)	\$372,968	\$0	\$0	\$0	\$0	\$372,968
Fringe Benefits	\$123,079	\$0	\$0	\$0	\$0	\$123,079
Travel	\$3,474	\$0	\$0	\$0	\$0	\$3,474
Supplies	\$17,030	\$0	\$0	\$0	\$0	\$17,030
Contractual	\$5,801,352	\$0	\$0	\$0	\$0	\$5,801,352
Other	\$64,919	\$0	\$0	\$0	\$0	\$64,919
Total Direct Charges	\$6,382,822	\$0	\$0	\$0	\$0	\$6,382,822
Indirect Charges	\$293,660	\$0	\$0	\$0	\$0	\$293,660
Federal	\$6,676,482	\$0	\$0	\$0	\$0	\$6,676,482
Non-Federal	\$0	\$0	\$0	\$0	\$0	\$0

Authorized

	Cumulative
Federal	\$6,676,482
Non-Federal	\$0
Total	\$6,676,482

Authorized Funding Codes

					Cumulative
140Y8LHCS1	24P00	1430130000000000 00	41000100	IIJA Fish Passage	\$6,676,482
Total					\$6,676,482

SECTION II – NOAA STANDARD TERMS AND CONDITIONS

- 2 CFR PART 200, UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS, AS ADOPTED PURSUANT TO 2 CFR § 1327.101
<https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200?toc=1>
- DEPARTMENT OF COMMERCE FINANCIAL ASSISTANCE STANDARD TERMS AND CONDITIONS
<https://www.commerce.gov/oam/policy/financial-assistance-policy>
The Department of Commerce Financial Assistance Standard Terms and Conditions (ST&C) issued November 12, 2020, are incorporated by reference into this award.
- Bureau Financial Assistance Standard Terms and Conditions
[Administrative Standard Award Conditions for National Oceanic and Atmospheric Administration \(NOAA\) Financial Assistance Awards U.S. Department of Commerce](#)
- Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements (REF: 79FR 78390)
<https://www.govinfo.gov/content/pkg/FR-2014-12-30/pdf/2014-30297.pdf>

SECTION III – SPECIFIC AWARD CONDITIONS**SPECIAL TERMS****New Award**

This competitive award number NA24NMF4630003 to NAPA COUNTY RESOURCE CONSERVATION DISTRICT supports the work described in the Recipient's proposal entitled Napa River Watershed Fish Passage Restoration Project dated 10/16/2023, as revised on

5/20/2024, which is incorporated into the award by reference. This award is made under the following statutory authorities: Fish and Wildlife Coordination Act 16 U.S.C. 661, as amended by the Reorganization Plan No. 4 of 1970; Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, 16 U.S.C. 1891a; Endangered Species Act, 16 U.S.C. 1535; America COMPETES Act, as amended, 33 U.S.C. 893a; Bipartisan Infrastructure Law (Public Law 117-58); and Inflation Reduction Act (Public Law 117-169). Where the terms of the award and proposal differ, the terms of the award shall prevail.

The terms in Section II of the Notice of Award applicable to this award are the version in effect at the time of award, unless the award is amended. Historical versions of 2 CFR 200 are available by clicking links at the top of the eCFR weblink in the Notice of Award.

Indirect Rate Agreement

The expiration date for the indirect cost rate 59.2% used in this award is 06/30/2024 . Once a new rate is approved, your organization must submit the new Negotiated Indirect Cost Rate Agreement (NICRA) to NOAA GMD within 30 calendar days of receipt of the agreement. If the new rate requires an upward adjustment of the Indirect Costs budget line, a rebudget request might be necessary.

Tangible Property Reporting and Disposition

Tangible personal property has been identified and budgeted in the grant application. The Recipient must report such property to NOAA. The SF-428, SF-428-B (final report), and as needed, the SF-428-S (inventory list) must be submitted no later than 120 days after the project end date. The SF-428-C (the disposition report) must be submitted when the property is no longer required for the purpose of the project, and in accordance with 200.311-314. These forms can be accessed at <https://www.grants.gov/web/grants/forms/post-award-reporting-forms.html>.

Required Use of American Iron, Steel, Manufactured Products, and Construction Materials

Buy America Preference. Recipients of an award of Federal financial assistance from the Department of Commerce (Department) for a program for infrastructure are hereby notified that none of the funds provided under this award may be used for an infrastructure project unless:

1. all iron and steel used in the project are produced in the United States - this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
2. all manufactured products used in the project are produced in the United States - this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard that meets or exceeds this standard has been established under applicable law or regulation for determining the minimum amount of domestic content of the manufactured product; and
3. all construction materials are manufactured in the United States - this means that all manufacturing processes for the construction material occurred in the United States. The construction materials standards are listed below.

Incorporation into an infrastructure project. The Buy America Preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the

completion of the infrastructure project. Nor does a Buy America Preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

Categorization of articles, materials, and supplies. An article, material, or supply should only be classified into one of the following categories: (i) Iron or steel products; (ii) Manufactured products; (iii) Construction materials; or (iv) Section 70917(c) materials. An article, material, or supply should not be considered to fall into multiple categories. In some cases, an article, material, or supply may not fall under any of the categories listed in this paragraph. The classification of an article, material, or supply as falling into one of the categories listed in this paragraph must be made based on its status at the time it is brought to the work site for incorporation into an infrastructure project. In general, the work site is the location of the infrastructure project at which the iron, steel, manufactured products, and construction materials will be incorporated.

Application of the Buy America Preference by category. An article, material, or supply incorporated into an infrastructure project must meet the Buy America Preference for only the single category in which it is classified.

Determining the cost of components for manufactured products. In determining whether the cost of components for manufactured products is greater than 55 percent of the total cost of all components, use the following instructions:

- a. For components purchased by the manufacturer, the acquisition cost, including transportation costs to the place of incorporation into the manufactured product (whether or not such costs are paid to a domestic firm), and any applicable duty (whether or not a duty-free entry certificate is issued); or
- b. For components manufactured by the manufacturer, all costs associated with the manufacture of the component, including transportation costs as described in paragraph (a), plus allocable overhead costs, but excluding profit. Cost of components does not include any costs associated with the manufacture of the manufactured product.

Construction material standards. The Buy America Preference applies to the following construction materials incorporated into infrastructure projects. Each construction material is followed by a standard for the material to be considered “produced in the United States.” Except as specifically provided, only a single standard should be applied to a single construction material.

1. Non-ferrous metals. All manufacturing processes, from initial smelting or melting through final shaping, coating, and assembly, occurred in the United States.
2. Plastic and polymer-based products. All manufacturing processes, from initial combination of constituent plastic or polymer-based inputs, or, where applicable, constituent composite materials, until the item is in its final form, occurred in the United States.
3. Glass. All manufacturing processes, from initial batching and melting of raw materials through annealing, cooling, and cutting, occurred in the United States.
4. Fiber optic cable (including drop cable). All manufacturing processes, from the initial ribboning (if applicable), through buffering, fiber stranding and jacketing, occurred in the United States. All manufacturing processes also include the standards for glass and optical fiber, but not for non-ferrous metals, plastic and polymer-based products, or any others.
5. Optical fiber. All manufacturing processes, from the initial preform fabrication stage through the completion of the draw, occurred in the United States.

6. Lumber. All manufacturing processes, from initial debarking through treatment and planing, occurred in the United States.

7. Drywall. All manufacturing processes, from initial blending of mined or synthetic gypsum plaster and additives through cutting and drying of sandwiched panels, occurred in the United States.

8. Engineered wood. All manufacturing processes from the initial combination of constituent materials until the wood product is in its final form, occurred in the United States.

Waivers

When necessary, recipients may apply for, and the Department may grant, a waiver from these requirements.

To help federal agencies and recipients meet BABA requirements, the U.S. Department of Commerce, National Institute for Standards and Technology (NIST), Hollings Manufacturing Extension Partnership (MEP) National Network™ provides a service to connect stakeholders, including recipients, to U.S. manufacturers that have relevant production capabilities and capacities to help fulfill current market and supply chain needs. Recipients considering a BABA nonavailability waiver are strongly encouraged to contact the NIST/MEP for assistance with supplier scouting services prior to seeking a BABA nonavailability waiver. Further information on the NIST/MEP supplier scouting services is available at: <https://nist.gov/mep/supply-chain/supplier-scouting>.

When the Department has made a determination that one of the following exceptions applies, the awarding official may waive the application of the Buy America Preference in any case in which the Department determines that:

applying the Buy America Preference would be inconsistent with the public interest (public interest waiver);

the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality (nonavailability waiver); or

the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent (unreasonable cost waiver).

A request to waive the application of the Buy America Preference must be in writing. The Department will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office.

There may be instances where an award qualifies, in whole or in part, for an existing waiver described on the Department's Build America, Buy America website found at <https://www.commerce.gov/oam/build-america-buy-america>.

Definitions

“Buy America Preference” means the “domestic content procurement preference” set forth in section 70914 of the Build America, Buy America Act, which requires the head of each Federal agency to ensure that none of the funds made available for a Federal award for an infrastructure project may be obligated unless all of the iron, steel, manufactured products, and construction materials incorporated into the project are produced in the United States.

“Construction materials” means articles, materials, or supplies that consist of only one of the

items listed in paragraph (1) of this definition, except as provided in paragraph (2) of this definition. To the extent one of the items listed in paragraph (1) contains as inputs other items listed in paragraph (1), it is nonetheless a construction material.

1. The listed items are:

i. Non-ferrous metals;

ii. Plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);

iii. Glass (including optic glass);

iv. Fiber optic cable (including drop cable);

v. Optical fiber;

vi. Lumber;

vii. Engineered wood; and

viii. Drywall.

2. Minor additions of articles, materials, supplies, or binding agents to a construction material do not change the categorization of the construction material.

“Infrastructure” means public infrastructure projects in the United States, which includes, at a minimum, the structures, facilities, and equipment for roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property; and structures, facilities, and equipment that generate, transport, and distribute energy including electric vehicle (EV) charging.

“Infrastructure project” means any activity related to the construction, alteration, maintenance, or repair of infrastructure in the United States regardless of whether infrastructure is the primary purpose of the project. See also paragraphs (c) and (d) of 2 CFR 184.4.

“Iron or steel products” means articles, materials, or supplies that consist wholly or predominantly of iron or steel or a combination of both.

“Manufactured products” means:

1. Articles, materials, or supplies that have been:

i. Processed into a specific form and shape; or

ii. Combined with other articles, materials, or supplies to create a product with different properties than the individual articles, materials, or supplies.

2. If an item is classified as an iron or steel product, a construction material, or a Section 70917(c) material under 2 CFR 184.4(e) and the definitions set forth in 2 CFR 184.3, then it is not a manufactured product. However, an article, material, or supply classified as a manufactured product under 2 CFR 184.4(e) and paragraph (1) of this definition may include components that are construction materials, iron or steel products, or Section 70917(c) materials.

“Predominantly of iron or steel or a combination of both” means that the cost of the iron and steel content exceeds 50 percent of the total cost of all its components. The cost of iron and steel is the cost of the iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings utilized in the manufacture of the product and a good faith estimate of the cost of iron or steel components.

“Section 70917(c) materials” means cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives. See Section 70917(c) of the Build America, Buy America Act.

IMPLEMENTATION OF DOMESTIC SOURCING REQUIREMENT

Prior to initiation of any construction that may arise in this award, the Recipient is required to inform the NOAA Grants Officer and the Federal Program Officer whether it is using iron, steel, manufactured products, or construction materials as described in the Specific Award Condition in this award on Required Use of American Iron, Steel, Manufactured Products, and Construction Materials. In addition, the Recipient is required to inform the NOAA Grants Officer and the Federal Program Officer whether those materials are produced or manufactured in the United States, or alternatively, it is requesting one or more waivers, as described in the award condition. The Recipient is required to coordinate with NOAA regarding its compliance with this Term.

Signs

The Recipient is responsible for constructing, erecting, and maintaining in good condition throughout the construction period a sign(s) satisfactory to NOAA that identifies the project and indicates that the project is Federally funded by the Bi-Partisan Infrastructure Law, and/or the Inflation Reduction Act (IRA). NOAA may require that the recipient maintain a permanent plaque or sign at the project site with the same or similar information. The temporary and permanent proposed signage implementation plans must be submitted to and approved by NOAA prior to installation.

SPECIAL CONDITIONS

Cooperative Agreement / Substantial Involvement

This award is a cooperative agreement as described in 2 C.F.R. Sec. 200.1 Definitions, meaning that NOAA is “substantially involved” in the project. NOAA Fisheries’ participation will be crucial to ensuring the timely implementation of the most beneficial habitat restoration project. NOAA may participate in one or more of the following ways:

- collaboration on the scope of work through participation in meetings and review of documents;
- providing assistance with technical aspects of the habitat restoration project such as assistance with permitting or development of detailed work plans and monitoring plans;
- review and comment on design plans at the beginning of the award, at various stages throughout any portion of the design process that occurs during the award (e.g. conceptual, 30%, 60%, and 90% completion), and at the final completion stage;
- review of procurement materials to the extent authorized by 2 C.F.R. Sec. 200 Procurement Standards;
- tracking the progression of the restoration from planning through implementation and post-construction monitoring, with particular emphasis on tracking Recipient achievement of targets for major milestones and performance metrics and sharing results;

--other involvement consistent with Office of Management and Budget Guidance on Substantial Involvement. See 43 Federal Register 36860 (Aug. 18, 1978).

Pre-award Cost Approval

Per 2 CFR 200.458 and 22.308 (e)(1), NOAA authorizes award recipients to expend pre-award costs up to 90 days before the period of performance start date at the applicant's own risk without approval from NOAA and in accordance with the applicant's internal policies and procedures. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the federal award. This does not include direct proposal costs (as defined at 2 CFR 200.460). In no event will NOAA or the Department of Commerce be responsible for direct proposal preparation costs. Pre-award costs will be a portion of, not in addition to, the approved total budget of the award. Pre-award costs expended more than 90 days prior to the period of performance start date require approval from the Grants Officer. This does not change the period of performance start date.

Performance Progress Reports

Reporting requirements are described in 2 C.F.R. Sec. 200.328-.330, and 2 CFR Part 170; Department of Commerce Financial Assistance Standard Terms and Conditions Sec. A.01, C.03, and G.05. or successor sections; and Bureau-Specific NOAA Administrative Standard Award Conditions, with the following supplement.

Progress reports must be submitted using the NOAA Community-based Restoration Program's Performance Progress Report (PPR) reporting form approved by OMB under control number 0648-0718, or a successor form. The NOAA Federal Program Officer will provide this form to the Recipient. Interim semi-annual progress reports are due no later than 30 days after the semiannual reporting periods ending March 31 and September 30 for the entire duration of the award. These follow the same frequency and have the same due dates (April 30 and October 30, respectively) as the SF-425 Federal Financial Reports, which also must be submitted as a condition of this award.

A comprehensive final report covering all activities during the award period is required and must be received by the NOAA Program Officer within 120 days after the end date of this award, but a final semi-annual report is not required.

Compliance with Applicable Laws, Obtaining Permits, and Consultation Requirements

The Recipient is required to comply with national policy requirements consistent with 2 C.F.R. Sec. 200.300 and Department of Commerce Financial Assistance Standard Terms and Conditions, Section G., or any successor Section. The Recipient will ensure that implementation of the project will meet all Federal laws and regulations by obtaining all Federal, state, and local permits and consultations applicable to the project prior to expenditure of award funds for those activities requiring permits and consultations. This includes, but is not restricted to, consultations required under the Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act (Essential Fish Habitat), National Historic Preservation Act, and Coastal Zone Management Act. The Recipient will be cognizant of all conditions and restrictions required by their permits and consultations, and will immediately halt activities and contact their NOAA Technical Monitor if events occur that threaten to violate the conditions or restrictions required by their permits and consultations.

Verification of Permits and Consultations

Verification of permits and regulatory compliance related to this project must be presented to the NOAA Technical Monitor prior to project implementation. The Recipient should provide a list of Federal, tribal, state, and local permits acquired for this project by email or letter to the NOAA Technical Monitor.

Project Files

The Recipient must maintain project files for all restoration activities taking place under this agreement consistent with 2 C.F.R. Sec. 200.334. These files must contain, at a minimum, project work plans and copies of all federal and state permits/consultations associated with project implementation.

Outreach and Communications

Department of Commerce Financial Assistance Standard Term and Condition G.05.k.3., or any successor term, is supplemented as follows consistent with NOAA's collaboration on this project. The Recipient will coordinate with NOAA on outreach plans, events, products, and media coverage associated with the project. Please coordinate with the Federal Program Officer listed under the Contact Information award condition. Grantees will provide copies of final outreach products, website mentions, press materials, photos, videos, etc. via the standard progress reports to NOAA, or when available throughout the award period. Grantees will provide NOAA with high-resolution before, during, and post-implementation photos of the project. Photos of the site prior to construction and during project implementation should be submitted with progress reports or as requested by NOAA.

Acknowledgement of Project Contributors

The Recipient must display, where appropriate and practical, publicly visible signs indicating that the project has received funding from the NOAA Restoration Center. These signs should also identify other contributing partners. These contributions should also be acknowledged in all communications with the media and the public and in all outreach related to the projects, consistent with Department of Commerce Financial Assistance Standard Term and Condition G.05.k.3., or any successor term.

Project Safety

The Recipient must have a written safety plan for management of the project, which should specifically address safety of project personnel, associates, visitors, and volunteers. The Recipient must conduct a safety briefing for volunteers immediately prior to their participation in hands-on restoration activities under this award.

In addition, for any Self-Contained Underwater Breathing Apparatus (SCUBA) diving activities in a project, it is the responsibility of the Recipient to ensure that SCUBA divers are certified to a level commensurate with the type and conditions of the diving activity being undertaken. Furthermore, it is the responsibility of the Recipient to ensure that any SCUBA diving activities under this award meet, at a minimum, all applicable Federal, State, and local laws and regulations pertaining to the type of SCUBA diving being undertaken.

Outstanding NEPA Documentation and Restricted Availability of Funds

By accepting this award, the Recipient agrees to assist and cooperate with NOAA Fisheries in the preparation of any outstanding National Environmental Policy Act (NEPA) compliance documentation. For purposes of NEPA compliance, Phase 1 of the project includes: project design, permitting, outreach, and baseline monitoring. The activities for which work can proceed (as described above) will have no significant individual or cumulative adverse effects on the environment. The Recipient will not expend any funds for remaining activities/project implementation, which includes Sulphur Creek Implementation and implementation of Project 4: small barrier implementation, until impacts have been assessed, and NEPA compliance documentation has been completed by NOAA. At this time, \$3,510,528 of the total award funds are available to the Recipient to complete Phase 1 tasks outlined above that have no adverse impacts on the environment.

Project Milestones

To ensure adequate and timely progress towards project completion, NOAA and the Recipient have cooperatively identified several milestones as outlined in the proposal narrative on pages 9-13. Project progress will be evaluated throughout the award with particular emphasis on meeting these milestones. NOAA reserves the right to pursue enforcement action for the award under 2 C.F.R. 200.339-343 at any time throughout the award period should NOAA determine that a Recipient is not meeting project milestones as outlined in the application submitted to the NOAA Grants Management Division for funding.

Changes to Scope of Work

By accepting this award, the Recipient agrees to assist and cooperate with NOAA Fisheries in the preparation of any outstanding National Environmental Policy Act (NEPA) compliance documentation. Recipients who plan any changes to the activities described in the award documentation approved by NOAA should contact their Federal Program Officer at least 90 days in advance of any changes, so that NOAA can confirm that all environmental compliance review is complete, and all documentation is in

place. Other requirements related to changes in the Scope of Work are contained in the NOAA Standard Terms and Conditions.

Monitoring

To evaluate project implementation quality and effectiveness, and learn from your restoration project(s), recipients will execute appropriate project monitoring with guidance from NOAA. As your project proceeds, NOAA's substantial involvement will include further coordination to execute implementation and basic effectiveness monitoring, and potentially more detailed effectiveness monitoring, if applicable. The grantee will collaborate with NOAA to identify monitoring elements such as parameters, methods, sampling duration and frequency, and post implementation targets. NOAA's involvement will also include ongoing coordination on data management, analyses, and dissemination of results (see Administrative Standard Award Conditions for NOAA). The grantee will develop a data /information sharing plan, and submit appropriate monitoring information with progress reports, as well as at other appropriate times. Templates for the data/information sharing plan and other monitoring related guidance are provided at <https://www.fisheries.noaa.gov/national/habitat-conservation/monitoring-and-evaluationrestoration-projects>.

Contingency for Construction

A contingency amount has been identified in the budget documentation of the grant or subaward application. While a contingency budget may be included in the Federal award, please be advised that any flat contingency charges or drawdowns towards a contingency reserve are not allowable. Pursuant to 2 CFR 200.433(b), in order for the actual costs charged against contingency budgets to be allowable, they must comply with the cost principles, be necessary and reasonable for proper and efficient accomplishment of project or program objectives, and be verifiable from the recipient's records.

"To Be Determined" Contracts/Subawards

This Project includes funding for contracts/subawards where contractors/subawardees either have not been identified at the time of the award, or have been identified at the time of the award, but do not have sufficient budget information. Per 2 CFR 200.308, recipients must request pre-approvals from the awarding Federal agency for subawarding, transferring or contracting out of any work under a Federal award, with the exception of the acquisition of supplies, material, equipment, or general support services. Please follow the procedures described below for each contract and note all subawards require pre-approval regardless of funding amount. Threshold amounts for contracts are determined for the life of the prime award (if multiple agreements are issued to the same contractor, threshold will be calculated based on their cumulative value). Recipients must retain complete procurement records which demonstrate that the procedures described below were followed.

Contracts under micro-purchase threshold: See 2 CFR 200.320(a)(1) for the definition of micro-purchase. Micro-purchases may be awarded without soliciting competitive price or rate quotations if the Recipient considers the price to be reasonable based on research, experience, purchase history or other information and documents it and files accordingly.

Contracts under small purchase threshold: See 2 CFR 200.320(a)(2) for the definition of small purchase and simplified acquisition threshold. For small purchase contracts, price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the Recipient. NOAA will not require prior approvals for contracts under \$250,000 (unless a lower amount is used by the grantee as per 2 CFR 200.320(a)(2)(ii)) However, please be aware of financial assistance requirements for these contracts and keep your records, including a minimum of three price or rate quotations, for audits or the agency desk reviews/site visits.

Contracts over the simplified acquisition threshold (\$250,000, unless a lower amount is used by the grantee as per 2 CFR 200.320(a)(2)(ii)) and all subawards: When contractors have been selected, the recipient is required to submit a Request in eRA Commons to obtain approval to Subaward, transfer or contract out work under the award and provide the following documentation for each contract/subaward: method of selection (competitive or noncompetitive); scope of work and budget (cost or price information, as applicable) for each contract/subaward award; and/or a justification if the subcontract/subaward was chosen noncompetitively.

Contact Information

Contact information for NOAA and the Recipient is maintained in eRA Commons. In addition: The Federal Program Officer for this award is: Amanda Cousart; 301-337-9447; amanda.cousart@noaa.gov. The Technical Monitor for this award is: Alexis Barrera; 707-582-3914; alexis.barrera@noaa.gov.