

# Idaho Pacific Coastal Salmon Recovery Fund Program

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## 2024 Grant Guidelines



**Office of Species Conservation**  
304 N 8TH ST, STE 149  
BOISE, ID 83702-5833

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# 1. INTRODUCTION AND OVERVIEW

## 1.1. Background

The Pacific Coastal Salmon Recovery Fund (PCSRF) was established in Fiscal Year (FY) 2000 by the Department of Commerce, National Oceanic and Atmospheric Administration, to address a coast-wide need to restore and conserve Pacific Chinook, coho, chum, sockeye and pink salmon and steelhead, and their habitat. PCSRF supplements existing state and tribal programs to foster development of federal-state-tribal-local partnerships in salmon recovery and conservation by providing grants for restoration of anadromous salmonids to the eligible states and tribes.

The goal of the PCSRF program is to “*make significant contributions to the conservation and restoration of salmon and steelhead runs -- and the habitats on which salmon and steelhead depend.*” This goal is achieved through implementation of projects that address five broad PCSRF program objectives: salmon habitat protection and restoration; watershed and sub-basin planning and assessments; salmon research, monitoring, and evaluation; salmon enhancement; and outreach and education.

The PCSRF program makes funding available to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and federally recognized tribes of the Columbia River and Pacific Coast (including Alaska) for projects necessary for the conservation of salmon and steelhead populations that are listed as threatened or endangered, or identified by a State as at-risk to be so-listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for the conservation of Pacific coastal salmon and steelhead habitat.

The Department of Commerce, National Oceanic and Atmospheric Administration’s National Marine Fisheries Service (NMFS), is responsible for implementation and oversight of the PCSRF, in conjunction with states and tribes. Under a Memorandum of Understanding (MOU) developed with NMFS, the Idaho Governor’s Office of Species Conservation (OSC) serves as the recipient and administrator of PCSRF Program funds in Idaho and is responsible for disbursing funds through written sub-awards (agreements) with funded applicants (sub-grantees). Idaho received PCSRF funding for the first time in FY 2004 and has received funding every year since for a total of \$93.6 million (FY 2004-2024).

## 1.2. PCSRF Program Priorities

The Federal Funding Opportunity describes the PCSRF Program Priorities for FY 2024 PCSRF as follows. The Idaho Program will fund Priorities One, and Three.

### Priority One

These projects are those that address factors limiting the productivity of Pacific anadromous salmonid populations that are: listed under the Endangered Species Act (ESA), and/or necessary for the exercise of tribal treaty fishing rights or native subsistence fishing.

Typically these are habitat improvement projects. The PCSRF Program is focusing particular emphasis on habitat improvement projects that achieve lasting benefits through the restoration of self-sustaining natural ecosystem functions and processes (e.g., a levee-setback project that provides access to off-channel habitat and improves survival for overwintering juveniles, re-establishing floodplain connection and function, restoring natural river-channel migration), including the restoration and protection of riparian habitats in identified priority areas.

Priority One projects benefiting ESA-listed populations shall address the limiting factors and priority actions specified in approved, interim, or proposed Recovery Plans. Priority One projects benefiting populations important to the exercise of tribal treaty fishing rights or native subsistence fishing may include efforts to restore or maintain such populations while limiting factors are being addressed. Priority One projects may also include the development of project-specific engineering or designs that are a necessary precursor to implementing on- the-ground habitat improvement projects (excludes development of generic designs).

Planning, coordination, landowner outreach, assessment and monitoring projects are not eligible under Priority One.

#### Priority Two

Eligible projects consist of:

- Watershed-scale or larger effectiveness monitoring (e.g., intensively monitored watershed project). Such projects provide monitoring of habitat restoration actions at the watershed or larger scales and the biological response of anadromous salmonid populations.
- Population-scale status and trend monitoring. Such projects must directly contribute to population viability assessments for ESA-listed anadromous salmonids or populations.
- Monitoring necessary for the exercise of tribal-treaty fishing rights or native-subsistence fishing on anadromous salmonids, or
- Conducting watershed-scale or larger restoration planning (e.g., strategic action plans).

Project-scale effectiveness monitoring, or status and trend monitoring at a scale less than the population are not eligible under this priority and should be categorized under Priority Three.

#### Priority Three

Eligible projects include all other projects consistent with the Congressional authorization with demonstrated need for PCSRF funding. This includes, for example, capacity projects that support the implementation of activities under the above priorities including planning, coordination, landowner outreach, assessment, research, and monitoring (i.e., monitoring at less than watershed or population scale, as well as addressing factors limiting the productivity of, or status and trend monitoring of, salmonid populations that are not ESA listed nor necessary for the exercise of tribal treaty rights or native subsistence fishing.

### 1.3. Idaho Program Focus and Priorities

The Idaho Pacific Coastal Salmon Recovery Fund Program (Idaho Program) mirrors the PCSRF near-term goals of enhancing availability and quality of salmonid habitat via actions addressing factors limiting the production of ESA-listed fish as the pathway to achieving the PCSRF midterm goals of improving the status of ESA-listed salmonids and maintaining healthy populations.

The Idaho Program is specifically structured to focus project implementation as follows:

- Benefit ESA-listed salmonids and their tributary spawning and rearing habitats,
- Implement the Snake River stock recovery plans,
- Comply with the 2008 FCRPS Biological Opinion and the 2014-2018 Implementation Plan,
- Implement the Northwest Power and Conservation Council's FWP subbasin management plans,
- Implement local watershed management plans.

#### Priority One

The Idaho Program has committed to spend 86% of FY 2024 grant funds on Priority One projects. Habitat restoration projects selected for funding in the Idaho Program will address factors limiting abundance and productivity of ESA-listed Pacific salmonids in priority spawning and rearing tributary habitat.

The Idaho Program emphasizes process-based restoration to implement actions and suites of actions that will improve ecosystem functions and processes. This focus directly affects factors limiting ESA-listed fish abundance and productivity. Project designs will be specific to watershed conditions and watershed restoration; implementation will emphasize the following: restore stream/riparian/floodplain connectivity and functions, rehabilitate stream functions to achieve more natural flow regimes to benefit aquatic and terrestrial species, restore natural river morphology and habitat complexity, restore migration corridors, restore the watershed sediment balance, and eliminate manmade structures that capture and/or harm listed steelhead and salmon species. The Idaho Program will support and encourage implementation actions that are most likely to ameliorate climate change effects. In addition to project designs and implementation, other tools the Idaho Program will support include water transaction agreements, conservation easements, and acquisitions.

#### Priority Two

The Idaho Program has committed to spend 10% of FY 2024 grant funds on Priority Two projects. The Idaho Program will consider funding projects that will provide effectiveness monitoring of habitat actions at watershed scales. Examples include Intensely Monitored Watershed (IMW) projects that address regional issues and are funded through a variety of sources. These projects are in the Lemhi River (Salmon subbasin) and Potlatch River (Clearwater subbasin) and are sponsored by the Idaho Department of Fish and Game. Another example is a hydrologic monitoring and analyses project that supports development and evaluation of habitat improvement and water transactions projects, and predicts catchment-scale impacts of changes to land use and climate, sponsored by IDWR.

The Idaho Program will consider funding other status and trend monitoring work to contribute to population viability assessments and watershed restoration planning which results in a strategic action plan. In the past few years, these have included projects such as a) steelhead survival and population viability assessment study b) development of the Lemhi River Basin Model (LRBM) to understand hydrologic conditions and evaluate proposed alternatives in the Lemhi River Basin; and c) Parentage Based Tagging (PBT) to identify the grandchildren of hatchery fish produced in the wild.

Priority Three

The Idaho Program has the flexibility to spend 1% of FY 2024 grant funds on Priority Three projects. Priority Three funds may be allocated to the higher priorities in the absence of proposals or at the discretion of Idaho’s PCSRF Board. The Idaho Program will consider funding projects that will increase capacity to plan and initiate projects that support the implementation of activities under the above priorities. Activities covered under Priority Three may include planning, coordination, landowner outreach, assessment, research, and monitoring (i.e., monitoring at less than watershed or population scale).

2024 Funding

Funds from the 2024 PCSRF grant will be allocated as follows:

<b>Designation of Funds</b>	<b>% of Budget</b>	<b>PCSRF Funds</b>
Priority One. Implementation, Engineering and Design	86%	\$8,170,000
Priority Two. Effectiveness/Status Trend Monitoring, Watershed-scale restoration planning	10%	\$950,000
Priority Three. Planning & Small-Scale Monitoring	1%	\$95,000
Idaho OSC Administration	3%	\$285,000
<b>Total</b>		<b>\$9,500,000</b>

**1.4. Idaho PCSRF Award Information**

The individual project sub-awards under the Idaho Program are part of the NOAA Fisheries, U.S. Department of Commerce, PCSRF allocation to the State of Idaho. The 2024 Idaho Pacific Coastal Salmon Recovery Fund (PCSRF) Grant Guidelines apply to award numbers:

- National Oceanic and Atmospheric Administration, U.S. Department of Commerce FY 2024 award NA24NMF438G0049
- National Oceanic and Atmospheric Administration, U.S. Department of Commerce FY 2023 award NA23NMF4380388
- National Oceanic and Atmospheric Administration, U.S. Department of Commerce FY 2022 award NA22NMF4380225
- National Oceanic and Atmospheric Administration, U.S. Department of Commerce FY 2021 award NA21NMF4380463

- National Oceanic and Atmospheric Administration, U.S. Department of Commerce FY 2020 award NA20NMF4380252

### 1.5. Contact Information

The following individuals are the primary contacts for questions related to the Idaho Program:

<p><b>Graham Freeman</b>          Aquatic Species Manager/Policy Advisory          304 Nth 8th Street, Suite 149          Boise, ID 83720-0195          (208) 334-1555  <a href="mailto:graham.freeman@osc.idaho.gov">graham.freeman@osc.idaho.gov</a></p>	<p>Contact for broad programmatic questions regarding Idaho’s implementation of the PCSRF program, information regarding Idaho’s PCSRF Board, and any questions related specifically to OSC.</p>
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<p><b>Abbie Gongloff</b>          PCSRF Program Manager          955 Riverfront Drive, Suite B          Salmon, ID 83467          (208) 756-6322  <a href="mailto:abbie.gongloff@osc.idaho.gov">abbie.gongloff@osc.idaho.gov</a></p>	<p>Contact for questions about Idaho’s PCSRF project solicitation, day-to-day grant management; questions on grant requirements, reporting requirements, contract amendments, budget changes, and invoicing.</p>
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<p><b>Ryan Banks</b>          Species Program Manager and Policy Advisor          Clearwater Focus Program          220 East 5th Street, Suite 213          Moscow, ID 83843          (208) 883-9922  <a href="mailto:ryan.banks@osc.idaho.gov">ryan.banks@osc.idaho.gov</a></p>	<p>Contact for the Clearwater Technical Group and Clearwater Core Review Team.</p>
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<p><b>Daniel Bertram</b>          Species Program Mgr/Policy Advisor          Upper Salmon Basin Watershed Program          955 Riverfront Drive, Suite B          Salmon, ID 83467          (208) 756-6322  <a href="mailto:daniel.bertram@osc.idaho.gov">daniel.bertram@osc.idaho.gov</a></p>	<p>Contact for the Upper Salmon Basin Watershed Program’s Technical Team.</p>
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## 2. PROJECT PROPOSALS

### 2.1. Eligible Applicants

All types of non-federal entities (including nonprofit organizations, government organizations, universities, and commercial organizations) are welcome to apply. Eligible applicants for the Idaho Program must have experience managing contracts/agreements, budgets, and projects. Applicants must also have a Unique Entity ID (UEI (formerly DUNS)) number and be registered with the

System for Award Management (SAM.gov). Eligible entities must not be debarred or suspended from participation in federal assistance programs.

## 2.2. Timelines and How to Apply

The deadline for proposal submission is Sunday, November 10, 2024. Submit the entire proposal, including the required attachments in section 2.7, to: [abbie.gongloff@osc.idaho.gov](mailto:abbie.gongloff@osc.idaho.gov). Receipt confirmation will be emailed; incomplete proposals will be returned. Submissions through Dropbox or other file hosting services will not be accepted. For submissions larger than 30 MB please send in a series of emails.

Round 27 Schedule:

Date	Action	Description
September 10, 2024	Applications available	Round 27 application materials posted to OSC website at <a href="https://species.idaho.gov/programs/idaho-pacific-coastal-salmon-recovery-fund-program/">https://species.idaho.gov/programs/idaho-pacific-coastal-salmon-recovery-fund-program/</a>
November 10, 2024	Proposals due to OSC	Proposals and all required attachments submitted through Amplifund
December 12-13 2024	Board Funding Meeting, Boise	Idaho PCSRF Board Meeting to make funding decisions; applicants required to present project proposals and answer questions. Meeting details and agenda will be announced 2 wks prior.

## 2.3. Technical Review

Project proposals must be reviewed by either the Clearwater Core Review Team or Upper Salmon Basin Watershed Program’s Tech Team prior to submitting an application for Idaho PCSRF funding. The ranking/review must be included as an attachment to the application (see section 2.7).

OSC field office staff located in the Clearwater and Salmon subbasins coordinate and facilitate these two groups (see section 1.5 for contact information).

### Clearwater Subbasin

The Clearwater Technical Group (CTG) was formed in 2008; participation is open to any interested stakeholder, including local, state, federal, and tribal representatives, non-governmental organizations, and other resource organizations. The CTG focus is on project coordination and development including the following: information and technology exchange, restoration success and lessons learned, identification of project partners, project planning, design and engineering, technical advisory input, implementation protocols, and monitoring. The CTG is comprised of specialized staff from the Nez Perce-Clearwater National Forest (NPCNF), five soil and water conservation districts, National Marine Fisheries Service (NMFS), Idaho Department of Environmental Quality, IDFG, Idaho Department of Lands, Idaho OSC, Idaho Soil and Water Conservation Commission, The Nature Conservancy, Nez Perce Tribe, Palouse Land Trust, Trout Unlimited, Palouse Clearwater Environmental Institute, Natural Resource Conservation Service (NRCS), Potlatch Forest Holdings, Inc., and sponsor consultants. The Nez Perce Tribes Watershed Division coordinates



project development by steelhead population: Lolo, Lochsa, Selway, and South Fork Clearwater River in cooperation with the NPCNF.

The Clearwater Core Review Team (CRT) was first organized in 2008 and is convened to conduct technical reviews of project proposals developed for the Idaho Program. Membership of the CRT is independent from any project proposal or project sponsor, though members of the CRT may provide technical consultation during project development or permitting. Five individuals from Clearwater subbasin agencies or retired from subbasin agencies were selected by the CTG and invited to be on the CRT roster, any three of whom will be the minimum to review proposals. The 2024 CRT membership includes the following: one retired fish biologist from the Idaho Department of Fish and Game, one retired hydrologist from the Nez Perce-Clearwater National Forests, one current and one retired fish biologist from the National Marine Fisheries Service, and one retired fish biologist from the U.S. Fish and Wildlife Service.

The CRT reviews all proposals for work in the Clearwater subbasin, South Fork Salmon River, Little Salmon River, lower Salmon River, and any that may originate for work in the Hells Canyon subbasin. Review criteria for habitat restoration projects, monitoring and evaluation activities, and land acquisition/conservation easement proposals include: 1) impact on limiting factors, 2) technical veracity and merit of the proposal, and 3) expected effectiveness of proposed actions. All criteria must be met to be recommended for funding. Proposal sponsors are invited to an annual review meeting to give project presentations followed by questions and discussion. The CRT provides comments on the proposed budget, how a project supports implementation identified in a watershed plan, and proposed project monitoring, as well as a ranking on how well the proposal met the review criteria.

#### Salmon Subbasin

The Upper Salmon Basin Watershed Program (USBWP) facilitates an interdisciplinary group of partners through a Technical Team (Tech Team) in a collaborative process to discuss and prioritize goals informed by research science and lessons learned from past habitat projects using an adaptive management framework. The adaptive management framework is used to develop on-the-ground habitat projects aimed at increasing smolt-to-adult return numbers and working toward meeting or exceeding (+25%) the Minimum Abundance Threshold, part of NOAA's criteria for delisting Snake River spring/summer Chinook and summer steelhead (NOAA 2017). This group focuses on identifying opportunities to enhance anadromous fish habitat, coordinating efforts to prevent duplication, and facilitating communication and cooperation in order to integrate and consolidate anadromous fish recovery efforts. Project development and basin-wide coordination provide efficiency and increased capacity among Upper Salmon Basin (USB) partners with limited budgets and staff.

Projects located in the USB that are put forward for PCSRF funding are required to have been presented at and ranked by the Tech Team for biological merit. Ranking is conducted according to the project type: fish habitat, fish passage, or conservation easement. Projects that do not fall within these categories (such as monitoring) are required to provide a letter of support from the Tech Team in lieu of a ranking. The Tech Team discusses projects in an iterative process to further develop the concepts and project proposal scores are determined by consensus. Membership of the Tech Team includes representatives from the Bureau of Land Management, Bureau of Reclamation, U.S. Forest

Service, U.S. Fish and Wildlife Service, Natural Resources Conservation Service, National Marine Fisheries Service, Idaho Department of Fish and Game, Idaho Department of Water Resources, Idaho OSC, Shoshone-Bannock Tribes, The Nature Conservancy, Trout Unlimited, Lemhi Regional Land Trust, Custer and Lemhi Soil and Water Conservation Districts, and local irrigation districts.

## **2.4. Budget**

Applicants must submit proposed budgets (using provided budget template) with costs broken into the categories below. Non-profit organizations, colleges or universities, and state, local, or Indian tribal governments must refer to [2 CFR Part 200.400-476 \(Subpart E – Cost Principles\)](#) to ensure all proposed costs are allocable, reasonable, and allowable (see section 5.7). Commercial organizations must refer to the [FAR Subpart 31.2 \(Contracts with Commercial Organizations\)](#) to ensure all proposed costs are allocable, reasonable, and allowable.

### *Personnel*

For sub-grantee staff only, show each position title, estimated number of hours, and the cost per hour.

### *Fringe*

Fringe benefits are allowances and services provided by employers to their employees as compensation in addition to regular salaries and wages. Fringe benefits include, but are not limited to, the costs of leave, employee insurance, pensions, and unemployment benefit plans. The costs of fringe benefits are allowable to the extent that the benefits are reasonable and required by law, the sub-grantee's entity-employee agreement, or the sub-grantee's established policy. Fringe benefits should be distributed to particular projects and other activities in a manner consistent with the pattern of benefits accruing to employees whose salaries and wages are chargeable to such projects and other activities.

### *Travel*

These are sub-grantee expenses incurred getting to and from the project location. Allowable [mileage rates](#) (as of 2/1/24= \$0.67/mi) and [per diem rates](#) (as of 1/17/23= \$55/full day) are determined annually by State of Idaho, Board of Examiners.

### *Supplies*

This category includes consumable items purchased by the applicant and used up during the course of the project. Includes small portable electronic equipment costing less than \$5,000. Meeting refreshments and personal field gear attire (shirts, hats, hiking boots, etc.) may not be charged.

### *Communications/Utilities*

This category includes costs for communications or utilities, such as telephone lines. If indirect costs are included in the budget, communications/utilities should not also be charged here.

### *Training*

This category includes costs for staff training related to the project.

### *Lease/Rental Including Vehicles*

This category includes lease or rental costs needed for implementation of the project. The de minimis rate *may not* be applied to these costs.

#### *Land Acquisition and/or Conservation Easement*

This category includes costs specifically to acquire land or for a conservation easement. The de minimis rate *may not* be applied to these costs.

#### *Capitalized Expenditures*

This category includes costs to acquire capital assets or expenditures to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value or useful life. The de minimis rate *may not* be applied to these costs.

#### *Equipment*

This category includes tangible property having a useful life of more than one year and a per-unit cost of \$5,000 or greater. Equipment purchased with PCSRF funds must be retained by the sub-grantee after the grant closes and must be used for the purpose and project it was purchased for. The sub-grantee may request approval from the Idaho PCSRF Program Manager to transfer the equipment to another entity. The de minimis rate *may not* be applied to these costs.

#### *Subcontracts*

These are services provided by a separate entity under a formal financial agreement. Contract costs should be broken out and should match the scope of work described in the application. Materials and supplies purchased and provided by the contractor should be placed here. *Do not* lump all contract costs into one row. The de minimis rate may be applied to the first \$25,000 of each subcontract.

#### *Other*

This category includes items that do not fit in other budget categories. Details about the items must be included.

#### *Indirect Costs*

Indirect costs are overhead or administrative costs that cannot be readily identified to a specific project or function but are incurred by an organization. They include expenses such as facilities, rent, administrative time, electricity and telephone. See section 2.5 below to select the appropriate indirect rate from the options below.

## **2.5. Indirect Rates**

### *Nonfederal entities with NICRAs*

Applicants with a current federally negotiated indirect cost rate agreement (NICRA) may include their indirect rate in their budget. A copy of the federally negotiated indirect cost rate agreement must be included as an attachment to the proposal submission.

### *Nonfederal entities without NICRAs*

With the exception of governmental organizations that receive more than \$35 million in direct federal funds, any nonfederal entity may include a de minimis indirect rate of 10% of modified total direct costs (MTDC) in their budget, regardless of whether or not they have received a negotiated

indirect cost rate in the past. Costs incurred by the organization must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both. If used, this methodology once elected must be used consistently for all federal awards until such time as the entity chooses to negotiate for a rate.

Applicants wishing to use the 10% rate must submit a signed Idaho 10% De Minimis Indirect Cost Rate Form as an attachment to the proposal submission.

MTDC include all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and subawards and subcontracts up to the first \$25,000 of each subaward or subcontract. MTDC exclude equipment, capital expenditures, rental costs, tuition remission, participant support costs, and the portion of each subaward and subcontract in excess of \$25,000.

*Governmental organizations that receive more than \$35 million in federal funds*

A governmental organization that receives more than \$35 million in direct federal funds and lacks a NICRA may not include an indirect rate in its budget.

*Entities with proposed NICRAs*

If an entity has applied for, but not yet received, a NICRA, the proposed indirect rate may be included in the proposal. Documentation of the proposed rate must be included as an attachment to the proposal submission. If the project incurs expenses prior to receiving a NICRA, indirect will not be paid until the NICRA is received and OSC has been provided a copy. If the rate is not approved by the end of the project period, indirect costs will not be reimbursed and budgeted indirect costs may not be moved to other line items.

## **2.6. Non-Federal Match**

All Idaho PCSRF project applicants are required to provide cash match or document in-kind contributions of at least 33% of requested PCSRF funding, unless funds were awarded using the [tiered match system](#). Match funds are expected to be paid out at the same general rate as the PCSRF funds. Match funds can be “front-loaded” (i.e., the majority of match expenditures occur in the beginning of the project), but they cannot be “back-loaded” without prior authorization by the PCSRF Program Manager. Bonneville Power Administration and Nez Perce Tribe SRBA funds are allowed as non-Federal match. See also [2 CFR §200.306 Cost sharing or matching](#). If a successful applicant proposes more than the required 33% match, the higher match % takes precedence and becomes the required match.

The match funds must be approved by OSC and may not be used for match with any other program. Project applicants are required to submit a letter of match and fill out all tabs of the Budget template as part of their application, including PCSRF funding, cash match, in-kind match, and other non-match Federal funds. Source(s) of the required match must be identified at the top of each tab on the Budget template.

## **2.7. Metrics and Worksheets**

Performance metrics developed by NOAA for the PCSRF program were designed to capture the results (proposed and actual) of projects as they relate to one of five PCSRF objectives (see section 1.1). Metrics data are used by NOAA to track and report the impacts of the PCSRF program.

The Idaho Program is required to report metrics for each project selected for funding in [NOAA's PCSRF database](#).

The Idaho PCSRF Program Manager is responsible for entering project metrics into the NOAA database and providing NOAA with semi-annual updates. Applicants are required to provide OSC metrics via Excel Worksheets twice during the project—once with the project proposal application and upon project closeout. There is an Excel Worksheet for each project category: ‘Habitat Protection and Restoration’ and ‘Engineering and Design’ (see Section 3 for more information on project categories).

The preliminary metrics should include the best estimate of the total results of the project, and final metrics should capture actual results. Final metrics are due 90 days after the contract end date with the final report (if there is an expiring grant year, final metrics may be requested earlier). NOAA carefully reviews the metrics, including any differences between preliminary and final metrics; therefore, be as realistic as possible in projections. There is no penalty if the project performs other than expected, but an explanation should be provided in the completion report.

## 2.8. Application Checklist

The following items need to be submitted for a complete project proposal. Templates and forms are posted on the [OSC website](#).

Items	Template Name
✓ <b>Application narrative</b>	PCSRF Application Narrative
✓ <b>Project location map</b>	Applicant Provides
✓ <b>Photos of project location</b>	Applicant Provides
✓ <b>Budget form</b>	Budget Template
✓ <b>Work type metrics</b>	A Habitat Restoration Metrics, or B Engineering Design Metrics, or C Monitoring Metrics
✓ <b>Project design drawings and plans, if applicable</b>	Applicant Provides
✓ <b>Letter of match</b>	Letter of Match Template
✓ <b>Landowner Acknowledgement Form, required for projects occurring on land not owned by applicant</b>	Landowner Acknowledgement Form
✓ <b>Project ranking/review, from the Upper Salmon Basin Watershed Program Technical Team or the Clearwater Core Review Team</b>	Applicant Provides

✓ <b>Audit Status Certification</b> , <i>not required if subrecipient submitted form in September 2024</i>	OSC Audit Status Certification (one per sponsor, not one per application)
✓ <b>Subrecipient Questionnaire</b>	OSC Subrecipient Questionnaire (one per sponsor, not one per application)
✓ <b>Workers Compensation Certificate</b>	Applicant Provides (one per sponsor, not one per application)
✓ <b>Copy of federally negotiated indirect cost rate agreement <i>or</i> Idaho De Minimis Indirect Cost Rate Form</b>	Applicant Provides <i>or</i> Idaho De Minimis Indirect Cost Rate Form (one per sponsor, not one per application)

### 3. PROJECT CATEGORIES AND METRICS

#### 3.1. Habitat Protection and Restoration – *Priority One*

The Idaho Program focuses on ecosystem processes and functions to restore abundance and productivity of ESA-listed anadromous fish. The Idaho Program funds projects that implement actions to mitigate the effects of multiple limiting factors at watershed scales. Implementation to be funded in the program will include, but not be limited to, suites of actions designed to work toward the following:

- Restore incised streams
- Restore stream/riparian/floodplain connectivity and functions
- Enhance or restore wetlands
- Repair or replace migration barriers and screen water diversions to established standards
- Restore normative streamflow regimes: improve stream morphology, irrigation practices, water transactions, and groundwater recharge
- Enhance or restore instream habitat complexity and diversity
- Find opportunities to engage in water right transaction agreements
- Stabilize the watershed sediment balance: road system/surface treatments, unneeded road stabilization/closure/abandonment, treat upland land use effects on sediment supply
- Conservation easements and acquisitions

Factors limiting abundance and productivity of salmon and steelhead have been identified in the Snake River stock recovery plans, PCSRF Program, and watershed-based restoration plans developed by local experts and the public.

### Metrics

Projects selected for funding will fall into one or more of the ten subcategories below under the Habitat Protection and Restoration objective. See Excel Worksheet *A. Habitat Restoration Metrics* on the [OSC website](#) for more information on these subcategories and work types within each subcategory.

Fish Screening	Upland Habitat and Sediment
Fish Passage Improvement	Water Quality
Instream Flow	Wetland
Instream Habitat	Land Purchase/Conservation Easements
Riparian Habitat	Site Maintenance

### **3.2. Engineering and Design – Priority One**

The Idaho Program will fund the development of project-specific engineering or designs that are a necessary precursor to on-the-ground habitat improvement projects that are reasonably certain to be implemented. Funding will not be provided for the development of generic designs.

### Metrics

Projects selected for funding will fall into the “Engineering/Design Work for Restoration Projects” subcategory under the Restoration Planning and Assessments objective. See Excel Worksheet *B. Engineering Design Metrics* on the [OSC website](#) for more information on this subcategory.

### **3.3. Monitoring and Evaluation – Priority Two**

The Idaho Program will include a monitoring component to assess the effectiveness of habitat restoration actions at watershed scales and status monitoring to contribute to population viability assessments for ESA-listed Pacific anadromous salmonids.

### Metrics

Projects selected for funding will fall into the “Monitoring” subcategory under the Research, Monitoring and Evaluation objective. See Excel Worksheet *C. Monitoring Metrics* on the [OSC website](#) for more information on this subcategory and work types within each subcategory.

### **3.4. Idaho Program Planning and Small-Scale Monitoring– Priority Three**

The Idaho Program will consider a limited number of planning, coordination, landowner outreach, and small-scale monitoring projects to support future Priority One implementation. Planning funds will increase sponsor capacity for project development in the Salmon and Clearwater basins. Small-scale monitoring will inform project development on individual tributaries without adequate background data.

### Metrics

Projects selected for funding will fall into the “Monitoring” subcategory under the Research, Monitoring and Evaluation objective, or the “Planning & Assessment” subcategory under the Restoration Planning and Assessments objective. See Excel Worksheet *D. Planning & Assessment*

*Metrics* on the [OSC website](#) for more information on this subcategory and work types within each subcategory.

## **4. PROPOSAL SOLICITATION AND SELECTION**

### **4.1. Solicitation and Project Selection**

The Idaho OSC calls for proposals to the Idaho Program annually through a webpage announcement and e-mail solicitation to more than 100 eligible applicants. The solicitation provides webpage links to application forms, guidance documents, and submittal and review schedules.

The Idaho Program Funding Board (Board) was created under the 2004 Memorandum of Understanding between the National Marine Fisheries Service (NMFS) and OSC. The Board includes the following members: Administrator of Idaho OSC, Director of Idaho Department of Fish and Game, Director of Idaho Department of Water Resources, a designee of the Governor (currently an Idaho member of the Northwest Power and Conservation Council), and a designee of the National Marine Fisheries Service Regional Administrator, who serves as an ex-officio member. The PCSRF Program Manager provides staff support to the Board. Each member of the Board reviews proposal packets and may assign relevant staff to review proposals.

The Board reviews the project proposals and selects projects for funding based on:

- The degree to which the project will contribute to salmon and steelhead conservation and recovery
- The technical merits of the project
- The level of local community support for the project
- The likelihood of the project achieving its goal
- The cost-effectiveness of the project relative to other viable projects

The Board also weighs the extent to which the individual projects address limiting factors and priority objectives identified in locally developed watershed and/or sub-basin plans as adopted by the Northwest Power and Conservation Council.

### **4.2. Board Meeting**

A board meeting is convened at which project sponsors present their projects to the Board and stand for questions. The Board prioritizes projects and makes funding decisions by the end of the meeting, striving to make final approvals by consensus. To address a consensus concern or perceived proposal deficiency, an amendment with conditions may be made to the motion to fund and attached to the funding contract thereafter. Absent consensus, the majority opinion will prevail; a tied decision is a do-not-fund decision.

Project proposals that address process-based restoration will be prioritized. The Idaho Program will look to projects that are likely to result in cumulative benefits between ongoing and/or completed projects and to achieve larger-scale impact. The Idaho Program will support and encourage implementation actions that are most likely to ameliorate climate change effects and increase the resilience of salmonid populations. The Board may, due to circumstance, make exception or

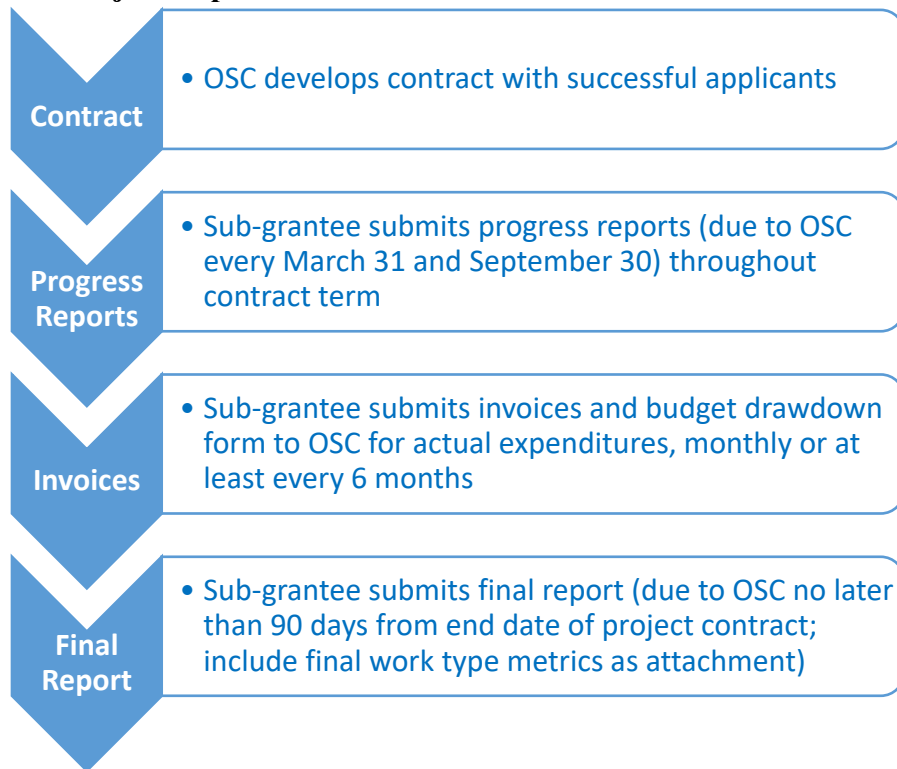


accommodate a proposal that is highly innovative, presents a rare opportunity, or is needed for emergency work.

Once the Board completes the project review and selection process, OSC sends each sub-grantee an award letter confirming their sub-award and identifying the date on which they may begin work on their project.

## 5. PROJECT IMPLEMENTATION

### 5.1. Overview of Project Implementation



### 5.2. Contract for PCSRF Sub-award

OSC develops a contract with each successful applicant (sub-grantee) to implement their project. The contract directs invoicing and reporting procedures, as well as general contracting conditions. Attached to the contract as an appendix is the proposal itself, which represents the work plan with expected actions, outcomes, and the project schedule.

In cases where a single sub-grantee has been awarded grants for multiple PCSRF projects, a separate contract between OSC and the sub-grantee is developed for each project.

Sub-grantees should notify OSC if they will not use all of their awarded funds as soon as they become aware so OSC can reallocate the funds.

### 5.3. Progress Reports

Sub-grantees must submit regular progress reports throughout the duration of each PCSRF project. Semi-annual progress reports are due every **March 31** and **September 30** throughout the contract

term. Sub-grantees should use the pre-formatted progress report template supplied electronically by OSC and submit reports by email to [abbie.gongloff@osc.idaho.gov](mailto:abbie.gongloff@osc.idaho.gov).

**Progress reports must include:**

<i>Item</i>	<i>Description</i>
NOAA PCSRF Federal Fiscal Award Year, DOC Number, CFDA Number, and CFDA Project Title	Included on pre-formatted template.
OSC assigned project number, project title, and project contact information	Included on pre-formatted template.
Reporting period	Provide the start and end date of reporting period covered by report (3/15-9/15/yr; 9/16-3/15/yr).
Narrative summary	Describe the activities and accomplishments of work accomplished <i>during the reporting period</i> .
Narrative summary of variations	Describe, if applicable, any variations from the project proposal that occurred during the reporting period and the reason(s) for these. E.g. schedule issues, task modification, environmental compliance issues, or personnel.
Supporting documentation	List supporting documentation being submitted with progress report. E.g. designs, permits.
Environmental compliance	Describe any environmental compliance work that has been done for this project during the reporting period (for restoration projects only).

OSC may request copies of specific permits, design documents, publications, solicitation materials, or other documentation associated with implementation of the specific PCSRF project at any time.

Sub-grantees should note that invoice payments will be coordinated with review of the project progress report for the same time period. In general, sub-grantees that are delinquent in providing timely progress reports will not be eligible for invoice payments until the progress reports are brought up-to-date.

**5.4. Final Report**

A final report with supporting documentation must be submitted after the project is complete and is due no later than 90 days from the end date of the project contract. The final report may be requested by OSC earlier than 90 days if the project is in an expiring grant year or to close it out before the next Round. Sub-grantees should use the pre-formatted final report template supplied electronically by OSC and submit reports by email to [abbie.gongloff@osc.idaho.gov](mailto:abbie.gongloff@osc.idaho.gov).

**The final report must include:**

<i>Item</i>	<i>Description</i>
NOAA PCSRF Federal Fiscal Award Year, DOC Number, CFDA Number, and CFDA Project Title	Included on pre-formatted template.
OSC assigned project number, project title, and project contact information	Included on pre-formatted template.
Project dates	Enter actual project start and end dates.
Narrative summary of the completed project	Describe the activities and accomplishments of this project incorporating information from the work type metrics into the description.
Total costs by funding source	Provide the proposed and actual cost provided by each funding source during the project.
Total costs by metric	Provide the proposed and actual cost for each sub-category that was implemented during the project, include all funding sources. If there were multiple worksites, report costs for each worksite.
Narrative summary of variations	Describe any notable challenges and/or successes not previously documented in the progress reports, a summary of any variances from the original project proposal.
Photo documentation	Provide captioned before, during and after project implementation photos.
Media materials	Provide any publications, videos, press releases, or other materials produced for this project.
Final work type metrics	Include as an attachment to the final report (Excel Worksheet: A. Habitat Restoration Metrics, B. Engineering Design Metrics, or C. Monitoring Metrics)

OSC may request copies of supporting documentation for the project, such as appraisal documents, conservation easement agreements, permits, solicitation materials, planning and design documents, monitoring and evaluation reports, etc.

**5.5. Subaward Property Closeout Form**

The Subaward Property Closeout Form for Equipment and Real Property must be submitted at the close of the project with the final report. The purpose of the form is to allow OSC to track equipment and real property purchased with PCSRF funds.

**Equipment** means tangible property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds \$5,000. A unit of

equipment is defined as an item and all necessary parts to make it usable. For example, a camera and its accessories (such as lens, filters, and tripod) would be included as a single item of equipment.

All items that meet the definition of equipment above and were purchased entirely or partially with PCSRF funds should be reported on the form. This would include items such as portable irrigation systems, drones, and fish arrays. This does not include items that are permanently installed such as jack fence, buried irrigation pipeline, pivots, and irrigation pumps.

**Real property** means land, including land improvements, structures and appurtenances thereto, as well as water right purchases, but excludes moveable machinery and equipment. This would include conservation easements purchased entirely or partially with PCSRF funds. Culverts and permanently installed bridges are not included in this category and do not need to be reported on either the equipment or real property form.

Title to equipment and real property purchased with PCSRF funds vests with the sub-grantee after the project closes provided that the equipment continues to be used for its original purpose, whether or not the project continues to be supported by federal funds. When the equipment or real property is no longer needed, sub-grantees must request approval from OSC prior to transferring or disposing of equipment or real property.

## 5.6. Invoicing Procedures

The Idaho Program is operated on a reimbursement basis. Project sub-grantees must expend funds and provide an invoice for actual expenditures prior to receiving compensation. In very limited cases, where special need can be demonstrated, or if specific cash needs were identified in the approved project proposal, funds may be released in advance. Advance releases must be based on a detailed estimate of expenses and approved in advance by OSC. OSC will not reimburse project costs incurred prior to the start date of the sub-grantee's contract, or after the contract end date. OSC strives to provide timely reimbursements of invoices while maintaining compliance with state and federal requirements.

Once work has been initiated on a project, invoices should be submitted no more frequently than monthly, and no less frequently than every six months.

Prior to submitting the first invoice, sub-grantees must:

- Complete and sign a contract with OSC.
- Register as a vendor with OSC (if not already registered) by completing, signing, and submitting an original copy of a W-9 Request for Taxpayer Identification Number and Certification Form to OSC (<https://www.sco.idaho.gov/Documents/CombinedSubstituteW9.pdf>).
- Provide OSC with current federally negotiated indirect cost rate agreement *or* Idaho De Minimis Indirect Cost Rate Request Form.
- Submit a copy of Workers' Compensation Certificate of Insurance, if required to carry Workers' Compensation Insurance by the State of Idaho.

Each sub-grantee will be provided with a customized electronic budget drawdown form in Excel. The budget drawdown will have the sub-grantee's project name, project number, contract term, and

approved budget pre-entered. The budget drawdown must be updated and submitted with each invoice.

Every invoice must contain the following information:

- Name and address of the billing organization
- Project name
- Idaho PCSRF project number (e.g. 005 24 SA)
- Unique invoice number (assigned by the billing organization)
- Date of invoice
- Period of service (e.g. January 1 – February 28, 2024)
- Total expenses billed by line item (per the categories in the approved budget)

Sub-grantees are expected to maintain and submit documentation for all claimed and match expenses. See sections 5.8 and 5.9 for requirements.

Submit invoices, backup documentation and budget drawdown forms via email to [abbie.gongloff@osc.idaho.gov](mailto:abbie.gongloff@osc.idaho.gov).

Invoices submitted without an updated budget drawdown form, incomplete documentation, or invoices not supported by up-to-date progress reports, will not be processed for reimbursement until all components are completed.

The final 10% of the project budget may not be released for reimbursement until a final project report and final invoice is received and approved by OSC. The final invoice should be submitted no later than 90 days from the end date of the project contract. The final invoice may be requested by OSC earlier than 90 days if the project is in an expiring grant year or to close it out before the next Round.

### **5.7. Allowable, Reasonable and Allocable Costs**

To be considered allowable costs, general costs categories and purposes must be identified in the approved project budget. Budget modifications, such as movement of budget amounts from one category to another, must be agreed to by the sub-grantee and OSC and documented in a budget amendment or in some cases, the contract.

Non-profit organizations, colleges or universities, and state, local, or Indian tribal governments must refer to [2 CFR Part 200.400-476 \(Subpart E – Cost Principles\)](#) to ensure all proposed costs are allocable, reasonable, and allowable. Commercial organizations must refer to the [FAR Subpart 31.2 \(Contracts with Commercial Organizations\)](#) to ensure all proposed costs are allocable, reasonable, and allowable.

#### ***Allowable costs*** ([2 CFR 200.403](#))

The following bullets summarize general criteria to determine whether costs are allowable:

- Be necessary and reasonable for the performance of the Idaho PCSRF sub-award.
- Be allocable to the Idaho PCSRF sub-award.
- Be authorized or not prohibited under state or local laws or regulations.

- Conform to all limitations or exclusions set forth in 2 CFR 200, the terms and conditions of the PCSRF grant award, and other governing regulations as to types or amounts of cost items.
- Be consistent with policies and procedures that apply uniformly to both federally-financed and other activities of the non-Federal entity.
- Be accorded consistent treatment. A cost may not be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the Federal award as an indirect cost.
- Be determined in accordance with generally accepted accounting principles (GAAP), except, for state and local governments and Indian tribes only, as otherwise provided for in 2 CFR 200.
- Not be included as a cost or used to meet cost sharing or matching requirements of any other federally-financed program in either the current or a prior period. (See also [2 CFR §200.306 Cost sharing or matching](#), paragraph (b).)
- Be adequately documented. (See also [§200.300-309](#))

***Reasonable costs*** ([2 CFR 200.404](#))

A cost is considered *reasonable* if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.

*Factors to consider when determining reasonableness:*

1. Is the cost ordinary and necessary for the organization’s operation or award performance?
2. What restraints or requirements are imposed by factors such as generally accepted sound business practices and arms-length bargaining?
3. How does the cost compare with market prices for similar goods and services?
4. Did the individuals concerned act with prudence in the circumstances, considering their responsibilities to the organization; its members, employees, and clients; the public; and the government?
5. Did the cost involve significant deviations from established practices of the organization which might unjustifiably increase costs charged to the award?

***Allocable costs*** ([2 CFR 200.405](#))

A cost is *allocable* to an award if the goods or services involved are chargeable or assignable to the award or cost objective. This standard is met if the cost meets **all** of the following criteria:

- Is incurred specifically for the federal award
- Benefits both the federal award and other work of the nonfederal entity, and can be distributed in proportions that may be approximated using reasonable methods
- Is necessary to the overall operation of the nonfederal entity and is assignable in part to the federal award in accordance with the principles of [2 CFR Part 200.400-476 \(Subpart E – Cost Principles\)](#)

Costs are allocated to a particular cost objective (e.g., grant, project) according to the relative benefits received by that cost objective.

## 5.8. Backup Documentation

Sub-grantees must submit backup documentation with each invoice for all expenditures invoiced to their PCSRF grant.

### *Personnel Costs*

In all cases, salaries or wages should be supported by personnel activity reports. See [2 CFR Part 200.430 Compensation – personal services](#). Personnel activity reports or equivalent documentation must meet the following standards:

- Reflect an after-the-fact distribution of the actual activity of each employee;
- Account for the total activity for which each employee is compensated;
- Be prepared at least monthly and must coincide with one or more pay periods; and
- Must be signed and dated by the employee and include the certifying supervisor's name, signature, and date.

Budget estimates or other distribution percentages determined before the services are performed do not qualify as support for charges to Federal awards, including PCSRF grants.

**Note:** employees working on multiple projects with multiple funding sources must be sure to document their total hours worked including hours worked on the PCSRF project(s) as well any other projects they are working on.

### *Fringe*

Documentation of fringe benefits is not required; however, if a percentage rate is used to calculate the fringe benefits charged, the sub-grantees must be able to provide OSC with calculations justifying the rate used by employee.

### *Travel*

All approved travel and other related expenses shall be reimbursed in conformity with the State of Idaho's [per diem rates](#) (as of 1/17/23= \$55/full day). Note that there is a partial day breakdown depending on departure and return times. Minimum supporting documentation for travel expenses should include:

- Name of individual(s)
- Reason for travel
- Time/date of departure and time/date of return
- Location of travel (starting location and ending location)
- Receipts for air travel, ground travel, lodging, etc.

Sub-grantees may use the optional OSC [Travel Reimbursement Template](#) posted on the OSC website to provide required documentation.

### *Mileage*

Documentation for reimbursement of [mileage rates](#) (as of 2/1/24= \$0.67/mi) should be in the form of a mileage log which includes:

- Project name and project number
- Date(s)
- Driver's name

- Starting and ending locations
- Starting and ending mileage

Sub-grantees may use the optional OSC [Mileage Reimbursement Form](#) posted on the OSC website to provide required documentation.

### *Training*

Documentation for reimbursement of training or meeting expenses should include:

- Name of individual who attended training
- Date and location of training or meeting program
- Purpose of training or meeting
- Copy of agenda(s)

*All other budget categories: Supplies, Communications/Utilities, Lease/Rental Including Vehicles, Capitalized Expenditures, Equipment, Subcontracts, Other*

Expenses must be documented with an invoice, receipt or other documentation describing the expense.

### *Indirect Costs*

Indirect costs are allowable only as specifically identified in the budget estimates included in the contract. Any excess indirect costs associated with the project may not be used to offset unallowable direct costs.

## **5.9. Match Documentation**

Sub-grantees must document cash and in-kind match contributions at the same level of detail as required for reimbursed expenses.

### ***Cash Match***

For all cash match, documentation is *required* with every invoice that match is claimed. Sub-grantees must provide backup documentation for match claimed at the same level of detail as required for PCSRF charges (see section 5.8) and document cash match on the budget drawdown form.

### ***In-Kind Match***

Sub-grantees must submit in-kind match documentation forms with invoices for all in-kind match claimed and document in-kind match on the budget drawdown form. In-kind match forms requiring a participant's signature (i.e. person donating labor, volunteer, etc.) must be signed within three months of providing the service.

The following [in-kind match documentation forms](#) will be provided by the PCSRF Program Manager as needed:

- *Donated Personnel*
- *Volunteer Services*
- *Consumable Supplies for Subrecipients*
- *Equipment for Subrecipients*



- *Non-consumables for Subrecipients*
- *Donated Services for Subrecipients*
- *Equipment for Third Parties*
- *Consumable Supplies for Third Parties*
- *Non-consumables for Third Parties*
- *Donated Services for Third Parties*
- *Donated Land or Water Right Value for Third-Parties*

### 5.10. Recordkeeping

Sub-grantees must document activities associated with implementation of their project including, but not limited to procurement procedures, subcontracts, ESA consultations, permits, construction design plans, monitoring and evaluation reports, personnel activity reports, and all capital and non-capital expenditures invoiced to their PCSRF grant. **Sub-grantees will make such documentation available, in a timely manner, to OSC upon request.**

### 5.11. Record Retention

Idaho PCSRF sub-grantees must retain all books, records, documents, data, and other materials relevant to each PCSRF project for the time period specified in the contract. These records are subject to inspection, review, copying or audit by personnel duly authorized by OSC, the Idaho Legislative Services Office, or other authorized federal and/or state officials. If any litigation, claim, or audit is started before the expiration of the specified time period, the records must be retained until all litigation, claims or audit findings involving the records have been resolved.

The records must support all project invoices provided to OSC, including documentation to substantiate the sub-grantee’s match claim (e.g., cash appropriations; land donations, donated cash, labor, materials, equipment; and State and/or Bonneville Power Administration grants). If an auditor’s inspection of records discloses any improper or incorrectly claimed reimbursements, OSC will issue a decision on a proposed corrective action plan within six months after receipt of the report.

### 5.12. Audits

As a subrecipient of federal funds, sub-grantees may be subject to the Code of Federal Regulations [2 CFR 200 Subpart F – Audit Requirements](#). Sub-grantees that expended \$750,000 or more in Federal awards in the past fiscal year are subject to 2 CFR 200 Subpart F. OSC, as the prime grantee, is responsible for determining whether sub-grantees have met the audit requirements of the CFR and are in compliance with Federal laws and regulations.

Sub-grantees must submit the [Audit Status Certification](#) form and a copy of their audit report with their application for funding and annually every September 30.

## 6. CONTRACT REQUIREMENTS

### 6.1. Award Provisions

The sub-grantee and any sub-recipients (e.g., subcontractors, or sub-awards) must comply, and require each of their contractors and subcontractors employed in the completion of the project, to comply with all applicable statutes, regulations, executive orders (E.O.s), Office of Management and Budget (OMB) circulars, provisions of the OMB *Uniform Administrative Requirements, Cost*

*Principles, and Audit Requirements for Federal Awards* (codified at 2 CFR Part 200) (OMB Uniform Guidance), Department of Commerce Financial Assistance Standard Terms and Conditions, and any other terms and conditions incorporated into the PCSRF financial assistance award.

The following award provisions apply to the NOAA Fisheries, Department of Commerce, PCSRF Program as administered by OSC, and are included by reference in these Idaho Program Guidelines. All federal guidelines applicable to PCSRF awards and sub-awards are posted on the [OSC website](#) and include the following:

- Electronic Code of Federal Regulations, Title 2: Grants and Agreements, Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- DOC Financial Assistance Standard Terms and Conditions
- Special Award Conditions, Award Number NA20NMF4380252
- Special Award Conditions, Award Number NA21NMF4380463
- Special Award Conditions, Award Number NA22NMF4380225
- Special Award Conditions, Award Number NA23NMF4380388
- Special Award Conditions, Award Number (award # not yet released as of 8/15/24)

OSC's goal is to administer and implement the Idaho Program with a consistently high degree of project and fiscal accountability. Toward this end, the following sub-sections highlight some of the requirements associated with the PCSRF award. This summary, however, is not exhaustive and is in no way a derogation of, or amendment to any applicable statute, regulation, executive order, or OMB circular. Sub-grantees should refer to the specific award provisions listed above for additional detail.

## **6.2. Environmental Requirements**

Project actions that may affect ESA-listed species cannot be initiated unless, and until, an ESA consultation has been completed. It is the responsibility of the sub-grantee to identify and obtain all local, state, and federal approvals and related permits necessary for the project. All necessary permits and approvals must be obtained prior to initiation of construction. OSC may choose to terminate a project in the event that permits and land use approvals are not obtained in a timely manner.

Idaho PCSRF sub-grantees must comply with all environmental standards, including those prescribed under the following statutes and Executive Orders, and shall identify to OSC (and through OSC, NOAA Fisheries) any impact the award may have on the environment. The following are per section .04 Environmental Requirements of the March 2017 Department of Commerce Standard Terms and Conditions:

- a. *The National Environmental Policy Act of 1969* (42 U.S.C. §§ 4321 *et seq.*)

The National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ) implementing regulations (40 C.F.R. Parts 1500 through 1508) require that an environmental analysis be completed for all major Federal actions to determine whether they have significant impacts on the environment. NEPA applies to the actions of Federal agencies and may include a Federal agency's decision to fund non-Federal projects under grants and cooperative agreements when the award activities remain subject to Federal authority and control. Non-Federal entities are required to identify to the awarding agency

any direct, indirect or cumulative impact an award will have on the quality of the human environment, and assist the agency in complying with NEPA. Non-Federal entities may also be requested to assist DOC in drafting an environmental assessment or environmental impact statement if DOC determines such documentation is required, but DOC remains responsible for the sufficiency and approval of the final documentation. Until such time as the appropriate NEPA documentation is complete and in the event that any additional information is required during the period of performance to assess project environmental impacts, funds can be withheld by the Grants Officer under a specific award condition requiring the non-Federal entity to submit the appropriate environmental information and NEPA documentation sufficient to enable DOC to make an assessment on any impacts that a project may have on the environment.

b. *The National Historic Preservation Act (16 U.S.C. §§ 470 et seq.)*

Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. § 470f) and the Advisory Council on Historic Preservation (ACHP) implementing regulations (36 C.F.R. Part 800) require that Federal agencies take into account the effects of their undertakings on historic properties and, when appropriate, provide the ACHP with a reasonable opportunity to comment. Historic properties include but are not necessarily limited to districts, buildings, structures, sites and objects. In this connection, archeological resources and sites that may be of traditional religious and cultural importance to Federally-recognized Indian Tribes, Alaskan Native Villages and Native Hawaiian Organizations may be considered historic properties. Non-Federal entities are required to identify to the awarding agency any effects the award may have on properties included on or eligible for inclusion on the National Register of Historic Places. Non-Federal entities may also be requested to assist DOC in consulting with State or Tribal Historic Preservation Officers, ACHPs or other applicable interested parties necessary to identify, assess, and resolve adverse effects to historic properties. Until such time as the appropriate NHPA consultations and documentation are complete and in the event that any additional information is required during the period of performance in order to assess project impacts on historic properties, funds can be withheld by the Grants Officer under a specific award condition requiring the non-Federal entity to submit any information sufficient to enable DOC to make the requisite assessment under the NHPA.

Additionally, non-Federal entities are required to assist the DOC in assuring compliance with the Archeological and Historic Preservation Act of 1974 (54 U.S.C. § 312502 et seq., formerly 16 U.S.C. § 469a-1 et seq.); Executive Order 11593 (Protection and Enhancement of the Cultural Environment, May 13, 1971); Executive Order 13006 (Locating Federal Facilities on Historic Properties in Our Nation's Central Cities, May 21, 1996); and Executive Order 13007 (Indian Sacred Sites, May 24, 1996).

c. *Executive Order 11988 (Floodplain Management) and Executive Order 11990 (Protection of Wetlands)*

Recipients must identify proposed actions in federally defined floodplains and wetlands to enable the agency to make a determination whether there is an alternative to minimize any potential harm.

d. *Clean Air Act (42 U.S.C. §§ 7401 et seq.), Federal Water Pollution Control Act (33 U.S.C. §§ 1251 et seq.) (Clean Water Act), and Executive Order 11738*

Recipients must comply with the provisions of the Clean Air Act (42 U.S.C. §§ 7401 *et seq.*), Clean Water Act (33 U.S.C. §§ 1251 *et seq.*), and E.O. 11738 (38 FR 25161), and must not use a facility on the Environmental Protection Agency's (EPA) List of Violating Facilities (this list is incorporated into the Excluded Parties List System found at the System for Award Management (SAM) website located SAM.gov) in performing any award that is nonexempt under 2 C.F.R. § 1532, and must notify the Program Officer in writing if it intends to use a facility that is on the EPA List of Violating Facilities or knows that the facility has been recommended to be placed on the List.

- e. *The Flood Disaster Protection Act* (42 U.S.C. §§ 4002 *et seq.*)  
Flood insurance, when available, is required for Federally assisted construction or acquisition in flood-prone areas. Per 2 C.F.R. § 200.447(a), the cost of required flood insurance is an allowable expense, provided that it is reflected in the approved project budget.
- f. *The Endangered Species Act of 1973* (16 U.S.C. § 1531 *et seq.*)  
Non-Federal entities must identify any impact or activities which may involve a threatened or endangered species. Federal agencies have the responsibility to ensure that no adverse effects to a protected species or habitat occur from actions under federal assistance awards and conduct the required reviews under the Endangered Species Act, as applicable.
- g. *The Wild and Scenic Rivers Act* (16 U.S.C. §§ 1271 *et seq.*)  
This Act applies to awards that may affect existing or proposed components of the National Wild and Scenic Rivers system.
- h. *The Safe Drinking Water Act of 1974, as amended*, (42 U.S.C. §§ 300f *et seq.*)  
This Act precludes federal assistance for any project that the EPA determines may contaminate a sole source aquifer so as to threaten public health.
- i. *The Resource Conservation and Recovery Act of 1976* (42 U.S.C. §§ 6901 *et seq.*) This Act regulates the generation, transportation, treatment, and disposal of hazardous wastes, and also provides that non-Federal entities give preference in their procurement programs to the purchase of recycled products pursuant to EPA guidelines.
- j. *The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, commonly known as Superfund)* (42 U.S.C. §§ 9601 *et seq.*) *and the Community Environmental Response Facilitation Act* (42 U.S.C. § 9601 note *et seq.*)  
These requirements address responsibilities of hazardous substance releases, threatened releases and environmental cleanup. There are also reporting and community involvement requirements designed to ensure disclosure of the release or disposal of regulated substances and cleanup of hazards to state and local emergency responders.
- k. *Executive Order 12898 ("Environmental Justice in Minority Populations and Low-Income Populations")*  
Federal agencies are required to identify and address the disproportionately high and adverse human health or environmental effects of Federal programs, policies, and activities on low income and minority populations.

1. *The Magnuson-Stevens Fishery Conservation and Management Act* (16 U.S.C. § 1801 *et seq.*)

Non-Federal entities must identify to DOC any effects the award may have on essential fish habitat (EFH). Federal agencies which fund, permit, or carry out activities that may adversely impact EFH are required to consult with the National Marine Fisheries Service (NMFS) regarding the potential effects of their actions, and respond in writing to NMFS recommendations. These recommendations may include measures to avoid, minimize, mitigate, or otherwise offset adverse effects on EFH. In addition, NMFS is required to comment on any state agency activities that would impact EFH. Provided the specifications outlined in the regulations are met, EFH consultations will be incorporated into interagency procedures previously established under NEPA, the ESA, Clean Water Act, Fish and Wildlife Coordination Act, or other applicable statutes.

- m. *Clean Water Act (CWA) Section 404* (33 U.S.C. § 1344)

CWA Section 404 regulates the discharge of dredged or fill material into waters of the United States, including wetlands. Activities in waters of the United States regulated under this program include fill for development, water resource projects (such as levees and some coastal restoration activities), and infrastructure development (such as highways and airports). CWA Section 404 requires a permit from the U.S. Army Corps of Engineers before dredged or fill material may be discharged into waters of the United States, unless the activity is exempt from Section 404 regulation (e.g., certain farming and forestry activities).

- n. *Rivers and Harbors Act* (33 U.S.C. § 407)

A permit may be required from the U.S. Army Corps of Engineers if the proposed activity involves any work in, over or under navigable waters of the United States. Recipients must identify any work (including structures) that will occur in, over or under navigable waters of the United States and obtain the appropriate permit, if applicable.

- o. *The Migratory Bird Treaty Act* (16 U.S.C. §§ 703-712), *Bald and Golden Eagle Protection Act* (16 U.S.C. § 668 *et seq.*), and *Executive Order 13186 (Responsibilities of Federal Agencies to Protect Migratory Birds, January 10, 2001)*

A number of prohibitions and limitations apply to projects that adversely impact migratory birds and bald and golden eagles. Executive Order 13186 directs Federal agencies to enter a Memorandum of Understanding with the U.S. Fish and Wildlife Service to promote conservation of migratory bird populations when a Federal action will have a measurable negative impact on migratory birds.

- p. *Executive Order 13112 (Invasive Species, February 3, 1999)*

Federal agencies must identify actions that may affect the status of invasive species and use relevant programs and authorities to: (i) prevent the introduction of invasive species; (ii) detect and respond rapidly to and control populations of such species in a cost-effective and environmentally sound manner; (iii) monitor invasive species populations accurately and reliably; (iv) provide for restoration of native species and habitat conditions in ecosystems that have been invaded; (v) conduct research on invasive species and develop technologies to prevent introduction and provide for environmentally sound control of invasive species; and (vi) promote public education on invasive species and the means to address them. In addition,

an agency may not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere.

q. *Fish and Wildlife Coordination Act* (16 U.S.C. § 661 *et seq.*)

During the planning of water resource development projects, agencies are required to give fish and wildlife resources equal consideration with other values. Additionally, the U.S. Fish and Wildlife Service and fish and wildlife agencies of states must be consulted whenever waters of any stream or other body of water are “proposed or authorized, permitted or licensed to be impounded, diverted... or otherwise controlled or modified” by any agency under a Federal permit or license.

### **6.3. Non-Federal Match**

The non-Federal match, whether in cash or in-kind, is expected to be paid out at the same general rate as the PCSRF share of the project funding. Exceptions to this requirement are discouraged, but may in select circumstances be granted by OSC (pending approval from the NOAA Grant Officer), based on sufficient documentation demonstrating previously determined plans for, or later commitment of, cash or in-kind contributions.

In all cases, the sub-grantee must meet their cost share commitment over the life of the award. The same program guidelines (e.g., applicable federal guidelines) and documentation requirements that apply to the PCSRF award, apply to the non-Federal match. See also [2 CFR §200.306 Cost sharing or matching](#).

### **6.4. Subcontracting**

All subcontracts must be developed in a manner to provide, to the maximum extent practicable, open and free competition. Records of procurement procedures, cost-justification, and reasons for selection of subcontractor should be maintained by the sub-grantee. Sub-grantees must comply with [2 CFR Part 200 Subpart D Procurement Standards](#). Section §200.320 are provided below for reference; see also sections [§200.321 - §200.326](#).

#### **§200.317 Procurements by states.**

When procuring property and services under this Federal award, a State must follow the same policies and procedures it uses for procurements from its non-Federal funds. The State must comply with 2 C.F.R. §§ 200.321 (Contracting with small and minority businesses, women’s business enterprises, and labor surplus area firms), 200.322 (Domestic preferences for procurements), and 200.323 (Procurement of recovered materials), and ensure that every purchase order or other contract includes any clauses required by 2 C.F.R. § 200.327 (Contract provisions). All other non-Federal entities, including subrecipients of a State, must follow the procurement standards in 2 C.F.R. §§ 200.318 (General procurement standards) through 200.327.

#### **§200.318 General procurement standards.**

All non-Federal entities, including subrecipients of a State, must follow the procurement standards in 2 C.F.R. §§ 200.318 (General procurement standards) through 200.327 (Contract provisions) which include the requirement that non-Federal entities maintain written standards of conduct covering conflicts of interest and governing the performance of their employees engaged

in the selection, award, and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest.

(a) The non-Federal entity must use its own documented procurement procedures which reflect applicable State, local, and tribal laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in this part.

(b) Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(c)(1) The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.

(2) If the non-Federal entity has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, the non-Federal entity must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.

(d) The non-Federal entity's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

(e) To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal Government, the non-Federal entity is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services.

(f) The non-Federal entity is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

(g) The non-Federal entity is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

(h) The non-Federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. See also §200.213 Suspension and debarment.

(i) The non-Federal entity must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(j)(1) The non-Federal entity may use a time and materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to a non-Federal entity is the sum of:

- (i) The actual cost of materials; and
- (ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

(2) Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the non-Federal entity awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

(k) The non-Federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-Federal entity of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75885, Dec. 19, 2014; 80 FR 43309, July 22, 2015]

### **§200.319 Competition.**

(a) All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of this section. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

- (1) Placing unreasonable requirements on firms in order for them to qualify to do business;
- (2) Requiring unnecessary experience and excessive bonding;
- (3) Noncompetitive pricing practices between firms or between affiliated companies;



- (4) Noncompetitive contracts to consultants that are on retainer contracts;
- (5) Organizational conflicts of interest;
- (6) Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
- (7) Any arbitrary action in the procurement process.

(b) The non-Federal entity must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

(c) The non-Federal entity must have written procedures for procurement transactions. These procedures must ensure that all solicitations:

- (1) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and
- (2) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

(d) The non-Federal entity must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the non-Federal entity must not preclude potential bidders from qualifying during the solicitation period.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75885, Dec. 19, 2014]

#### **§200.320 Methods of procurement to be followed.**

The non-Federal entity must use one of the following methods of procurement.

(a) Procurement by micro-purchases. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (§200.67 Micro-purchase). To the extent practicable, the non-Federal entity must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable.

(b) Procurement by small purchase procedures. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.

(c) Procurement by sealed bids (formal advertising). Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions in paragraph (c)(1) of this section apply.

(1) In order for sealed bidding to be feasible, the following conditions should be present:

(i) A complete, adequate, and realistic specification or purchase description is available;

(ii) Two or more responsible bidders are willing and able to compete effectively for the business; and

(iii) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

(2) If sealed bids are used, the following requirements apply:

(i) Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;

(ii) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;

(iii) All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;

(iv) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

(v) Any or all bids may be rejected if there is a sound documented reason.

(d) Procurement by competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

(1) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;

(2) Proposals must be solicited from an adequate number of qualified sources;

- (3) The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;
- (4) Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
- (5) The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

(e) [Reserved]

(f) Procurement by noncompetitive proposals. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

- (1) The item is available only from a single source;
- (2) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- (3) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or
- (4) After solicitation of a number of sources, competition is determined inadequate.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75885, Dec. 19, 2014; 80 FR 54409, Sept. 10, 2015]

### **6.5. Sub-award and/or Contract to a Federal Agency**

The sub-grantee, contractor, and/or subcontractor shall not sub-grant or sub-contract any part of the approved project to any agency or employee of DOC and/or other federal department, agency or instrumentality.

### **6.6. Required Use of American Iron, Steel, Manufactured Products, and Construction**

#### **Materials**

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.

#### **6.7. Other Federal Awards with Similar Programmatic Activities**

The recipient must immediately provide written notification to OSC in the event that, subsequent to receipt of the Idaho PCSRF award, other financial assistance is received to support or fund any portion of the scope of work incorporated into the Idaho PCSRF award. The PCSRF program will not pay for costs that are funded by other sources.

#### **6.8. Programmatic Changes**

The sub-grantee may not make any programmatic changes to the award without prior written approval from OSC. Some changes will require PCSRF Board approval at a public board meeting.

Prior written approval from OSC is required for:

- Change in project scope or objective
- Change in project lead
- Foreign travel (including to Canada and Mexico)
- Decrease in proposed match %
- Significant deviations from the match expenditures detailed in the approved budget
- Any changes in budget line items as described in the approved budget of greater than 10% of the total budget
- Equipment purchases not included in the approved budget
- Increasing an indirect budget
- Other costs that require prior approval in federal cost principals

#### **6.9. Acknowledgement of Sponsorship**

Publication of results or findings in appropriate professional journals and production of video or other media is encouraged as an important method of recording, reporting and otherwise



disseminating information and expanding public access to federally-funded projects (e.g., scientific research). The sub-grantee must comply with the data management and access to data requirements established by the DOC funding agency as set forth in the applicable Notice of Funding Opportunity and/or in Special Award Conditions.

The sub-grantee shall submit a copy of any publication materials, including but not limited to print, recorded, or Internet materials, to the Client for submission to National Marine Fisheries Service.

When releasing information related to a funded project, the sub-grantee must include a statement that the project or effort undertaken was or is sponsored by DOC and must also include the applicable financial assistance award number.

The sub-grantee is responsible for assuring that every publication of material based on, developed under, or otherwise produced pursuant to a DOC financial assistance award contains the following disclaimer or other disclaimer approved by the Client:

*This [report/video/etc.] was prepared by [recipient name] using Federal funds under award [number] from National Marine Fisheries Service, U.S. Department of Commerce. The statements, findings, conclusions, and recommendations are those of the author(s) and do not necessarily reflect the views of the National Marine Fisheries Service or the U.S. Department of Commerce.*

## 7. REFERENCES AND LINKS

Department of Commerce Financial Assistance Standard Terms and Conditions, March 2017, [http://www.osec.doc.gov/oam/grants\\_management/policy/documents/Department%20of%20Commerce%20Standard%20Terms%20&%20Conditions%2031%20March%202017.pdf](http://www.osec.doc.gov/oam/grants_management/policy/documents/Department%20of%20Commerce%20Standard%20Terms%20&%20Conditions%2031%20March%202017.pdf)

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