

National Estuary Program

**Puget Sound
Marine and Nearshore
Grant Program**

*Protecting Puget Sound Habitat and
Species from High Priority Threats*

**REQUEST FOR
PROPOSALS:**

*Improving Community
Oil Spill Preparedness
and Response in Regions
Most at-Risk*

July 30, 2012

RFP No. 12-0021



Improving Community Oil Spill Prevention, Preparedness and Response in Regions Most at-Risk

REQUEST FOR PROPOSALS (RFP 12-0021)

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IMPORTANT DATES

July 30, 2012	Request for Proposals published
August 21, 2012	Optional Applicants Workshop
September 14, 2012 12:00 PM (Noon)	Proposal Submission Deadline
September 17 – September 27, 2012	Proposal evaluation period
September 28, 2012 <i>Approximately</i>	Successful proposals chosen
October – December 2012 <i>Approximately</i>	Grant Agreements negotiated and awarded
January 2013 – July 2014 <i>Approximately</i>	Project implementation

It is anticipated that \$185,000 will be available for this project for multiple awards. Individual grants for successful proposals will range from \$30,000 to a maximum of \$60,000, depending on the scope of the proposal.

An optional workshop will be held for applicants on August 21, 2012, late morning. Please check the website for details on the time and location.

Washington Departments of Fish and Wildlife and Natural Resources reserve the right to amend this solicitation for administrative or technical purposes, or to make no awards. Application materials and amendments are posted at the Puget Sound Marine and Nearshore Grant Program website at http://wdfw.wa.gov/grants/ps_marine_nearshore/rfp/. Please check this site periodically for updates.

Purpose

The purpose of this Request for Proposals (RFP) is to empower local entities to work with the state of Washington to protect and restore the natural resources of Puget Sound from the impacts of large and catastrophic oil spills, and to help restore impacted ecological services. The Puget Sound Marine and Nearshore Grant Program (Grant Program), which is co-led by the Washington Departments of Fish and Wildlife and Natural Resources, is requesting proposals to support local community efforts to develop and engage in important oil spill preparedness, response, and restoration activities in regions most at-risk of large and catastrophic oil spills.

Successful proposals will:

- Be located in regions in the Puget Sound region where there is a higher probability of major or catastrophic oil spills, specifically those areas listed in the *Eligible Regions* section of this RFP.
- Target activities to protect natural resources at higher risk from major or catastrophic oil spills and help support restoration of ecological resources damaged by spills.
- Contribute to creating a local component of the state's efforts in "rapid, aggressive, and well-coordinated" oil spill response.
- Contribute to reducing oil spill damage to ecological resources, while promoting public health and safety, quality of life, and economy in the Puget Sound region.
- Be proposed by local or tribal governments, non-profit conservation organizations, institutes of higher learning within the Puget Sound Region or other types of Non-Governmental Organizations (NGOs).
- Incorporate all required elements of this RFP.

Background

In order to prevent damage to and protect resources in Puget Sound, the state places a high priority on oil spill prevention, with the goal of providing a rapid, aggressive, and well-coordinated response to spill incidents. Enhancing the ability of local communities to contribute toward these goals and being more fully integrated into the larger response framework will improve the outcomes of oil spill prevention and response. In addition, baseline information on key species and habitats before spills is essential in supporting the Natural Resource Damage Assessment and Restoration (NRDAR) efforts. Baseline data may help determine what was injured by a spill, the extent of the resource impacts, and to help focus restoration efforts. The minimization of impacts and the recovery of the natural resources impacted is the measure of success of a spill response. Natural resource trustee agency-led and community-assisted NRDAR efforts enhance the state's effectiveness in pursuing recovery for damages to the resources. Better preparedness and response will minimize damage to Puget Sound's habitat and species from large oil spills and will improve the region's ability to restore Puget Sound when damage has occurred.

Local communities can, and hopefully, will, play crucial contributing roles in helping to manage major or catastrophic oil spills in Puget Sound, including participation by local and tribal governments in the Incident Command Structure (ICS) during actual spill events. Planning and training is necessary to establish critical response skills in advance so that local community input and resources can be best utilized in an emergency and confusion can be minimized. Local groups and volunteers are a tremendous asset to our state's response program and can best contribute by assisting in the Northwest Area planning process, monitoring their surroundings, collecting data, and providing support activities.

A consortium of state agencies (State Agencies) will provide guidance and support to successful applicants in implementing their projects, to the extent state resources are available. The State Agencies include:

- **WA Department of Ecology** – Ecology is the Washington state agency with authority and accountability for managing vessel and facility oil spill risk state-wide. The Department's Spill Prevention, Preparedness and Response Program will be a member of the consortium.
- **WA Department of Fish and Wildlife** – WDFW is responsible for protecting and restoring fish, wildlife, and their habitats from the impacts of oil spills.
- **WA State Department of Natural Resources** – WADNR is responsible for protecting and managing state owned aquatic lands and the resources they support.
- **Puget Sound Partnership** – PSP is responsible for developing a Puget Sound Action Agenda, convening a Cross Partnership Oil Spill Work Group, and for coordinating work to restore and protect Puget Sound.

This RFP supports draft Puget Sound Action Agenda Update priorities related to item C8 to "Effectively prevent, plan, and respond to oil spills" including:

- Strengthen and integrate spill response readiness of the state, tribes and local government (C8.2)
- Respond to spills and seek restoration using the best available science and technology (C8.3)

While not the primary focus of this funding, proposals may also include components that support draft Action Agenda priority *C8.1: Prevent and reduce the risk of oil spills*.

Eligible Applicants

Project sponsors may be local or tribal governments, non-profit conservation organizations, institutes of higher learning or other types of Non-Governmental Organizations (NGOs) within the Puget Sound.

We encourage eligible sponsors to develop proposals that cultivate partnerships and collaborate with multiple entities. Although state agencies and private firms are not eligible applicants, they can be included as partners in proposals.

Applicants must not be an affiliate, subsidiary, or an allied organization of the Association of Community Organizations for Reform Now (ACORN).

Project Period

Project awards will target work to be completed between approximately January 2013 and July 2014.

Project Design

We are seeking results-based proposals describing actions the project sponsor and its partners will take to achieve the goals and desired outcomes of this RFP. The intent of the awards made under this RFP is to support increased local capacity in spill preparedness and response.

This RFP allows for a broad range of proposals, customized to local community needs. Proposals must focus on eligible regions, include one or more of the elements listed under Key Project Elements and include all project elements listed under Required Elements, listed below.

Successful proposals will clearly articulate the applicant's current role and capacity in spill preparedness, response, and natural resource damage assessment, and how this funding will be used to improve capacity.

Proposals must describe the specific tasks that would be accomplished through a grant and the roles of the project sponsor and any partners.

Successful project proposals will also describe how the scope of work will be coordinated with and fit within the existing spill prevention, preparedness and response regime.

Proposals that do not meet these requirements will not be evaluated for funding.

Eligible Regions

This RFP is targeting projects in regions with a higher probability of large or catastrophic spills. Proposed activities must be located in Washington waters:

- North of Admiralty Inlet, and
- East of Cape Flattery, and
- West of Deception Pass

Key Project Elements

Proposals must include one or more of the following elements as the cornerstone of the proposal:

- Incident Command System - Provide Incident Command System (ICS) training for officials expecting to participate in oil spill response management.
- Early On-Scene Reconnaissance - Organize and train volunteers, including practice drills, to provide early on-scene reconnaissance.
- Biological and Environmental Baseline Data Collection - Collect baseline data on key resources and habitats (in coordination with Trustee agencies), using existing standard protocols before spills and collect ephemeral data during large oil spills. *If environmental data is collected with grant funds, a Quality Assurance Project Plan (see below) will be required and should be part of the proposal.*
- Training for Data Collection - Provide training for real-time hands-on oil spill initial assessment, sampling and documentation. Training must be provided by a technical expert with specific experience in oil spills in consultation with State and Federal Natural Resource Trustee agencies.

- Geographic Response Plans – Participate in the development and updating of Geographic Response Plans (GRPs) including providing data on local resources and response strategies.
- Public Workshops – Provide two (2) oil spill training and participation workshops, one year apart, for interested local community members, one in 2013 and one in 2014.
- Northwest Area Committee - Participate in and advise the joint federal/state Northwest Area Committee regarding local spill response related issues. For more information, see Northwest Area Committee website at: <http://rrt10nwac.com/>
- Oil Spill Drills and Exercises - Participate in oil spill contingency plan drills (eligible for local government and tribes only) and NRDAR exercises (eligible for all proposals).

Proposals may also include other oil spill preparedness, response, and natural resource restoration related elements that have not been mentioned above. Any such elements must be described in detail and describe how the proposed element(s) will address local needs for participating within the broader federal/state oil spill preparedness and response system framework and are related to the Puget Sound Action Agenda.

Required Elements

1. All project proposals must:
 - Describe how the proposed project provides improved sustainable longer-term local participation in oil spill issues beyond the period of the grant.
 - Describe how the project will be coordinated with local emergency management agencies (local EMDs) and county marine resource committees (MRCs).
 - If any field-related work is proposed, provide a health and safety plan for this work, and health and safety training for any participants in any proposed field-related work, whether the field work is during or outside the period of the grant. *If environmental data is collected with grant funds, a Quality Assurance Project Plan (see below) should be part of the proposal.*
 - Include a public outreach strategy for managing public involvement and communicating risk, which demonstrates the project sponsor’s ability to engage the local community.
 - Identify simple and clear performance measures that will be used to evaluate progress toward achieving intended outcomes during the course of the proposed project (see the *Measuring the Success of Your Project* section below).
2. All project proposals must describe how the following actions will be completed in an appropriate sequence and timeline within the proposed statement of work:
 - Coordinate with the State Agencies and appropriate natural resource trustee agencies involved with spill response and damage assessment.
 - Meet in person with representatives from the State Agencies as a group prior to initiating the project to obtain input and align mutual expectations.
 - Prepare a draft project report for dissemination to interested parties and for public review.

- Prepare a concise **final project report** describing how the project met contract objectives and include a brief description of methodology, results, and findings on risk, recommendations, and references.

Because the funding for this program comes from the U.S. Environmental Protection Agency, both state and federal Terms and Conditions apply to successful projects. Certain conditions may cause an applicant a significant amount of work that should be included in the proposed statement of work and budget. These include, but are not limited to:

- Developing of a Quality Assurance Project Plan (QAPP) if data collection and analysis is anticipated. For more information about the QAPP, see <http://www.ecy.wa.gov/programs/eap/qa/docs/NEPQAPP/index.html>
- Preparing standard bi-annual progress reports on a schedule and form provided by the Grant Program, as well as a final performance report.
- Any water quality data must be entered into EPA’s Storage and Retrieval data system (STORET). The best method for reporting will be determined on a project-by-project basis. More information about STORET can be found at <http://www.epa.gov/STORET>

3. Proposals must describe the applicant’s qualifications and experience related to the goals and desired outcomes of this RFP.

Measuring the Success of Your Project

Proposals must identify ways that they will know if the project is successful, including how it will be measured. Based on selected performance measures, the proposed statement of work and budget may need to include evaluation of performance.

- **Example:** A proposed project could include work to organize and train volunteers, including practice drills, to provide early on-scene reconnaissance. Success in that effort could be a group of well-trained volunteers who are prepared in the case of a large oil spill. That could be measured by testing volunteer skills in on-scene reconnaissance before the training begins, as well as after a period of time.

FUNDING INFORMATION

Anticipated Funding Level

It is anticipated that approximately \$185,000 will be available for this project for multiple awards.

Individual grants for successful proposals will range from \$30,000 to a maximum of \$60,000, depending on the scope of the proposal. Within this range, we expect to give larger awards to projects that maximize benefits to Puget Sound. Award amounts will be commensurate with reasonable and expected project outcomes. The Grant Program reserves the right to negotiate final project elements with successful

applicants. Final award amount and scope may differ from what is proposed. The Grant Program reserves the right to reject all proposals and make no awards under this RFP, or award less than the full amount of funds available.

Source of Funding

Grant awards will be administered through grant agreements between Project Sponsors and the Washington Department of Fish and Wildlife. WDFW is providing these sub-awards under cooperative agreement PC-00J29801 with the U.S. Environmental Protection Agency Region 10. *All awards are subject to both state and federal terms and conditions. A list of terms and conditions specific to the EPA program are available upon request.*

Matching Resources

Providing and tracking matching resources is not required for this grant. However, since the goal of this funding is to help build local capacity, you must describe the organization's current capacity, including resources, volunteers, partnerships, and other things that will demonstrate the ability of the organization to leverage grant awards.

Method for Reimbursement

The intent of the Grant Program is to have *deliverables-based* contracts, which means project sponsors are reimbursed the fixed price for completing specific deliverables identified in the contract. WDFW understands that not all tasks can be easily turned into a deliverable before payment is made, and WDFW will work with awardees to find the method that works best for the situation.

Each project should be broken down by discrete tasks. Within the tasks, indicate deliverables, or products, that each task will produce. For example:

- Task 1: Develop written protocols and/or cooperative agreements for the collection of data with high relevance to oil spills.
 - Deliverable 1.1: Report on updated protocols and copies of updated agreements
 - Cost: \$ XXX, February 10, 2013

In a deliverables based contract reimbursement is made for deliverables. Once the project sponsor has completed and provided a deliverable—and the Grant Program has accepted it—the Grant Program will reimburse the project sponsor for the pre-stated cost of that deliverable.

PROPOSAL SUBMITTAL

A complete proposal will include three documents: Technical Proposal, Management Proposal, and Cost Proposal.

Be sure to include all required material in the proposal.

1. Technical Proposal

Please keep the Technical Proposal up to eight pages, including the cover page, background, proposed statement of work, and map of the project area.

A. COVER PAGE

- Project Title
- Contact information (*Project sponsor and secondary contact names, affiliations, mailing addresses, telephone numbers, e-mail addresses*)
- Budget
- Authorized Signatures

B. BACKGROUND

Like an introduction, this section orients the reader to the proposed project.

- Describe why the project is being pursued.
- The current role of the organization in oil spill preparedness, response, and damage assessment efforts, and how an award would improve the program.
- Describe how it relates to other projects, including how the proposal sits within the existing spill prevention, preparedness, and response regime.
- Summarize any other key information that provides context for the project.

C. STATEMENT OF WORK

The Proposed Statement of Work (SOW) should completely describe the proposal so that there is a clear understanding of what will be accomplished via the grant agreement. The SOW contents should address, in full, the project design, and including all required elements.

I. SCOPE

Provide a brief statement of what will be accomplished under the contract - the project's breadth and limitations. Details on the tasks and deliverables will be provided in the "Tasks/Deliverables" section.

II. OBJECTIVES AND PERFORMANCE MEASURES

Provide a concise overview of the project effort, goals, and objectives, as well as ways to measure performance.

III. TASKS AND DELIVERABLES

Provide details on how the proposed project would be completed and the major milestones. Projects should be organized by discrete tasks or key elements. Each of these tasks should have its own set of deliverables. Include the cost per deliverable and estimated due date. Deliverables are the specific things produced or developed. There can be multiple deliverables within a task. If applicable, reference minimum requirements or industry standards associated with a task or deliverable.

IV. PERIOD OF PERFORMANCE

Projects must be complete by July 31, 2014.

V. PARTNER ROLES

Summary of who, if anyone, the project sponsor will be partnering with to complete the project, including the respective roles of partners.

D. MAP

Provide a map indicating the locations that this project is designed to influence. Include map title, project name, project sponsor name or logo, North arrow, map scale, label major highways, roadways, cities, towns, county boundaries, etc.

2. Management Proposal

A. STATEMENT OF QUALIFICATIONS

- Provide organizational experience relating to the proposed activities and objectives.
- Describe how the expertise, qualifications, and knowledge of key project staff (*including any contracted resources*) will enable them to successfully implement the project.
- Submit a list of no more than three projects similar in size, scope, and relevance to the proposed project that your organization performed within the last three years and describe:
 - Whether and how you were able to successfully complete and manage the agreements within the original budget and schedule.

ADDITIONAL SUPPORTING DOCUMENTS (OPTIONAL)

Sponsor may submit other supporting documents that improve reviewers' ability to evaluate projects, such as:

- A resume or curriculum vitae for project managers and key technical staff.
- Photographs or other graphics which illustrate elements of the proposal.
- Letters from project partners or other stakeholders committing to contribute resources that support project success.

3. Cost Proposal

A single Excel workbook with separate budget worksheet and narrative worksheet (readable by Excel 2000)

A. BUDGET WORKSHEET

Provide the **total cost** for each deliverable and the cost breakdown for the objects, such as salaries, travel, etc., in the following format. Costs of work performed by any sub-contractors/partners to the project sponsor must be indicated in "contractual."

Although not required, if applicable, proposals should describe in the budget narrative matching dollars or resources that would be used to leverage the grant dollars, thereby improving the cost effectiveness of the project for the Grant Program.

EXAMPLE BUDGET FORMAT:

	Deliverable 1	Deliverable 2	Deliverable 3	Deliverable 4	Deliverable 5	
Description of Deliverable	Product from Task 1	Product from Task 2	Product from Task 3	Draft project report	Final project report	
Delivery date						
Salaries						
Fringe Benefits						
Travel						
Equipment						
Supplies						
Contractual						
Other						
Indirect or Overhead						
Total						

B. BUDGET NARRATIVE

To evaluate project costs, we require disclosure of whole project cost estimates, recognizing that an award may only result in phased funding, or may only pay for a portion of whole project costs. A complete budget narrative is necessary to evaluate project costs. The budget narrative should, at minimum, justify total task costs.

Definitions:

- ‘Personnel’ refers to wages and salaries for staff engaged in project implementation. Narrative should break down costs by staff type, by rates, and hours. Identify project roles for project managers and key staff.
- ‘Fringe Benefits’ are those costs employers incur for providing a package of benefits beyond salary or wages, and can be described as a percentage of wage costs.
- ‘Travel’ should include the method used to calculate travel costs (mileage rate; estimated miles traveled). Costs must not exceed the Washington State per diem rates.
- ‘Equipment’ includes items with a value greater than \$5000 per unit and a useful life more than 1 year. Items with a unit cost of less than \$5000 are deemed to be supplies, pursuant to 40 CFR 31.3 and 30.2. If applicable, provide an itemized list of equipment and indicate why it is more economical to purchase rather than lease.
- ‘Supplies’ are material costs that are not equipment. Please describe quantities and unit costs of supplies.
- ‘Contractual’ costs may not be finalized at the time of application. Individual contracts should be itemized with a brief description of scope, recipient’s qualifications, the basis for the estimate (engineers estimate, firm fixed bid, etc.) and the status of the contract (bid documents prepared, RFP released, etc.).
- ‘Other’ costs should be described by the nature of the expense and the method of estimation.

Ineligible Expenses or Activities:

The following costs are not eligible for funding.

- RFP Submittal costs
- Management Fees or similar charges in excess of the direct costs and indirect costs. Expenses added to the direct costs in order to accumulate and reserve funds for ongoing business expenses, unforeseen liabilities, or for similar costs not allowable under this agreement.
- Mitigation Requirements or obligatory compensation incurred by the sponsor or a third-party. Funding, however, may be provided for actions associated with compensation or mitigation, if those elements are above and beyond the mitigation requirements and can be easily isolated from the required mitigation activities.
- Lobbying or litigation against Federal, State or local Governments
- Ordinary operating expenses of local government, such as the salaries and expenses of a mayor, city council member, city attorney, etc., overtime differential paid to employees of local government, and permits and fees required by federal, state, or local regulations.
- Bad debts, uncollected accounts or claims
- Alcoholic beverages
- Interest and other financial costs
- Raffle, door, or other prizes unless authorized by the Program coordinator

Submittal Format

Complete proposals should be received by **12:00 PM (Noon), September 14, 2012**. Proposals received after this time will be rejected. Please send complete applications to: PSMarineNSGrants@dfw.wa.gov.

All files should be decipherable when printed on standard letter size paper. These files can be delivered via one or more e-mails. Each e-mail should be less than 10 megabytes. All submittals received via e-mail will be provided with confirmation of receipt within 2 business days. WDFW is not responsible for e-mail system malfunctions or other factors which prevent successful delivery of proposals prior to the published due date. Sponsors are encouraged to submit materials sufficiently in advance of deadlines, and request return receipt notification of successful e-mail message delivery.

WDFW will not review or inform project sponsors of the completeness of applications prior to the RFP close date. Proposals deemed incomplete or otherwise ineligible will not be reviewed and evaluated, and the project sponsors will be notified within two business days of the ineligibility determination.

Communications regarding the submitted proposal's eligibility or evaluation will be completed by e-mail.

WDFW is not responsible for lack of response following successful e-mail transmission to the two e-mail addresses provided by the sponsor.

All discussion of award funding level, scope, and project implementation schedules are preliminary until grant agreements are finalized. The project sponsor assumes full risks for any costs incurred prior to selection of projects and subsequent grant execution. The project description, award, and award scope may differ from the proposal.

An advisory review panel made up of individuals with subject-matter expertise will review, evaluate, and rank proposals. The Grant Program will then select successful proposals for funding.

Evaluation Criteria

Eligible proposals will be evaluated on the criteria listed below. Points will be awarded based on how well each evaluation criterion or sub-criterion is addressed. Proposals that do not sufficiently address *all* of the Required Elements and at least one of the Key Project Elements of this RFP will *not* be evaluated.

1) *Ecological Importance To Puget Sound Recovery and Long-term Results (15 points)*

- Demonstrates understanding of threats to Puget Sound habitat and species from large oil spills, and makes a clear and compelling case that proposed project would improve protection of these resources.
- Presents a viable self-sustaining program through a clearly articulated plan for perpetuating results into the future, where ongoing environmental protection is not dependent on future Grant Program funding.
- Demonstrated commitment by entities with authority to use outcomes of the project beyond life of the grant.

2) *Technical Merit*

a) Project Design (50 points)

- Clearly articulates goals and objectives of the project.
- Effectively addresses *Required Elements*, and demonstrates likelihood they will be successfully achieved.
- Effectively addresses one or more *Key Project Elements*, and demonstrates likelihood that they will be successfully achieved.
- Effectively contributes to the state's efforts in "rapid, aggressive, and well-coordinated" oil spill response.
- Clearly identifies how project effectiveness will be measured using appropriate measures/monitoring, and builds performance measurement into the scope of work.

b) Cost-effectiveness (10 points)

- Budget for grant funds requested is reasonable, complete, and accurate.
- Provides good return on investment.
- Leverages other resources.

3) *Project Readiness & Probability of Success (10 Points)*

- Key project staff has the expertise and qualifications to successfully accomplish project tasks and activities, as well as demonstrated relevant experience.
- Project schedule is realistic and demonstrates readiness to proceed with project.

4) *Partnerships (15 Points)*

- Partnerships and coordinated approach engage key partners in the region to ensure a single coordinated response.
- Demonstrates communication to, and engagement of community/volunteers.
- Clearly identifies roles of project sponsor and partners/contractors.

QUESTIONS

Questions about this RFP should be sent to PSMarineNSGrants@dfw.wa.gov. Questions received by September 5, 2012 will be answered and responses posted on the Grant Program Funding Opportunity page: http://wdfw.wa.gov/grants/ps_marine_nearshore/rfp/. Any other communication will be considered unofficial and non-binding on the Grant Program. Applicants are to rely on written statements issued by the Grant Program.

TERMS AND CONDITIONS

In addition to standard State and Federal Terms and Conditions, specific EPA Terms and Conditions also apply, and are attached for your review.

FEDERAL PROVISIONS

The Sub-Recipient shall comply with all applicable federal, State, and local laws, rules, and regulations in carrying out the terms and conditions of this Agreement.

ADMINISTRATIVE CONDITIONS

1. Cost Principles

Sub-Recipient agrees to comply with the cost principles of the below listed federal regulations are applicable as appropriate to this award.

2 CFR 225 (A-87) for State, Local, and Indian Tribal Governments

2 CFR 220 (A-21) for Educational Institutions

2 CFR 230 (A-122) Nonprofit Organizations

FAR 31.2 for Commercial Organizations

An electronic copy of all the Circulars and applicable CFR's may be obtained via the OMB Home Web page at:

<http://www.gpoaccess.gov/cfr/>

Unless otherwise indicated, the Cost Principles apply to the use of funds provided under this Agreement and In-kind matching donations. The applicability of the Cost Principles depends on the type of organization incurring the costs.

2. Audit Requirements

The Sub-Recipient shall fully comply with requirements of OMB Circular A-133, 'Audits of States, Local Governments, and Non-Profit Organizations, if applicable.

3. Hotel-Motel Fire Safety Act

Pursuant to 40 CFR 30.18, if applicable, and 15 USC 2225a, Sub-Recipient agrees to ensure that all space for conferences, meetings, conventions, or training seminars funded in whole or in part with federal funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (PL 101-391, as amended). Sub-Recipient may search the Hotel-Motel National Master List at: <http://www.usfa.dhs.gov/applications/hotel> to see if a property is in compliance (FEMA ID is currently not required), or to find other information about the Act.

4. Recycled Paper

Institutions of Higher Education Hospitals and Non-Profit Organizations

In accordance with 40 CFR 30.16, Sub-Recipient agrees to use recycled paper and double-sided printing for all reports which are prepared as a part of this Agreement and delivered to EPA. This requirement does not apply to reports prepared on forms supplied by EPA, or to Standard Forms, which are printed on recycled paper and are available through the General Services Administration.

State Agencies and Political Subdivisions

In accordance with Section 6002 of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6962) any State agency or agency of a political subdivision of a State which is using appropriated Federal funds shall comply with the requirements set forth. Regulations issued under RCRA Section 6002 apply to any acquisition of an item where the purchase price exceeds \$10,000 or where the quantity of such items acquired in the course of the preceding fiscal year was \$10,000 or more. RCRA Section 6002 requires that preference be given in procurement programs to the purchases of specific products containing recycled materials identified in guidelines developed by EPA. These guidelines are listed in 40 CFR 247.

State and Local Institutions of Higher Education and Non-Profit Organizations

In accordance with 40 CFR 30.16, State and local institutions of higher education, hospitals, and non-profit organizations that receive direct Federal funds shall give preference in their procurement programs funded with Federal funds to the purchase of recycled products pursuant to EPA's guidelines.

State Tribal and Local Government Recipients

In accordance with the policies set forth in EPA Order 1000.25 and Executive Order 13423, Strengthening Federal Environmental, Energy and Transportation Management (January 24, 2007), Sub-Recipient agrees to use recycled paper and double sided printing for all reports which are prepared a part of this Agreement and delivered to EPA. This requirement does not apply to reports prepared on forms supplied by EPA, or to Standard Forms, which are printed on recycled paper and are available through the General Services Administration.

5. Lobbying

Sub-Recipient agrees to comply with Title 40 CFR Part 34, *New Restrictions on Lobbying*. Sub-Recipient shall include the language of this provision in award documents for all sub-awards exceeding \$100,000, and require that sub-awardees submit certification and disclosure forms accordingly.

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

Part 30 Recipients

All contracts awarded by Sub-Recipient shall contain, when applicable, the anti-lobbying provisions as stipulated in the Appendix at Title 40 CFR Part 30.

Pursuant to Section 18 of the Lobbying Disclosure Act, Sub-Recipient affirms that it is not a non-profit organization described in Section 501(c)(4) of the Internal Revenue Code of 1986; or that it is a non-profit organization described in Section 501(c)(4) of the Code but does not and will not engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act.

Lobbying and Litigation

Sub-Recipient's chief executive officer shall ensure that no grant funds awarded under this Agreement are used to engage in lobbying of the Federal Government or in litigation against the United States unless authorized under existing law. Sub-Recipient shall abide by its respective OMB Circular (A-21, A-87, or A-122), which prohibits the use of Federal grant funds for litigation against the United States or for lobbying or other political activities.

6. Suspension and Debarment

Sub-Recipient shall fully comply with Subpart C of 2 CFR Part 180 and 2 CFR Part 1532, entitled 'Responsibilities of Participants Regarding Transaction (Doing Business with Other Persons)'. Sub-Recipient is responsible for ensuring that any lower tier covered transaction as described in Subpart B of 2 CFR Part 180 and 2 CFR Part 1532, entitled 'Covered Transactions', includes a term or condition requiring compliance with Subpart C. Sub-Recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. Sub-Recipient acknowledges that failing to disclose the information as required at 2 CFR 180.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment.

Sub-Recipient may access the Excluded Parties List System at: <http://www.epls.gov>. This term and condition supersedes EPA Form 5700-49, 'Certification Regarding Debarment, Suspension, and Other Responsibility Matters'.

7. Drug-Free Workplace Certification

Sub-Recipient must make an ongoing, good faith effort to maintain a drug-free workplace pursuant to the specific requirements set forth in Title 40 CFR 36.200-36.230. Additionally, in accordance with these regulations, Sub-Recipient organization must identify all known workplaces under its federal award; and keep this information on file during the performance of the award.

Sub-Recipients who are individuals must comply with the drug-free provisions set forth in Title 40 CFR 36.300.

The consequences for violating this condition are detailed under Title 40 CFR 36.510. Sub-Recipients can access the Code of Federal Regulations (CFR) Title 40 Part 36 at: http://www.access.gpo.gov/nara/cfr/waisidx_06/40cfr36_06.html

8. Management Fees

Management fees or similar charges in excess of the direct costs and approved indirect rates are not allowable. The term “management fees or similar charges” refers to expenses added to the direct costs in order to accumulate and reserve funds for ongoing business expenses, unforeseen liabilities, or for other similar costs which are not allowable under this assistance agreement. Management fees or similar charges may not be used to improve or expand the project funded under this Agreement, except to the extent authorized as a direct cost of carrying out the scope of work.

9. Reimbursement Limitation

If Sub-Recipient expends more than the amount of federal funding in its approved budget in anticipation of receiving additional funds, it does so at its own risk. The Federal Government is not legally obligated to reimburse Sub-Recipient for costs incurred in excess of the approved budget.

10. Trafficking in Persons

The following prohibition statement applies to Sub-Recipient, and all sub-awardees of Sub-Recipient. Sub-Recipient must include this statement in all sub-awards made to any private entity under this Agreement.

“YOU AS THE SUB-RECIPIENT, YOUR EMPLOYEES, SUB-AWARDEES UNDER THIS AWARD, AND SUB-AWARDEES’ EMPLOYEES MAY NOT ENGAGE IN SEVERE FORMS OF TRAFFICKING IN PERSONS DURING THE PERIOD OF TIME THAT THE AWARD IS IN EFFECT; PROCURE A COMMERCIAL SEX ACT DURING THE PERIOD OF TIME THAT THE AWARD IS IN EFFECT; OR USE FORCED LABOR IN THE PERFORMANCE OF THE AWARD OR SUB-AWARDS UNDER THIS AWARD.”

11. DUNS and CCR Requirements

Unless otherwise exempted from this requirement under 2 CFR 25.110, Sub-Recipient must maintain the currency of its information in the CCR until submission of its final financial report required under this Award or receive the final payment, whichever is later.

Sub-Recipient may not make a sub-award to any entity unless the entity has provided its DUNS number to Sub-Recipient.

12. FY2011 ACORN Funding Restriction

No funds provided under this Agreement may be used for sub-awards/sub-grants or contracts to the Association of Community Organizations for Reform NOW (ACORN) or any of its subsidiaries.

13. Disadvantaged Business enterprise Requirements, General Compliance

Sub-Recipient agrees to comply with the requirements of EPA’s Program for Utilization of Small, Minority and Women’s Business Enterprises in procurement under assistance agreements, contained in 40 CFR, Part 33.

14. Sub-Awards

If Sub-Recipient makes sub-awards under this Agreement, Sub-Recipient is responsible for selecting its sub-awardees and, if applicable, for conducting sub-award competitions. Sub-Recipient agrees to:

1. Establish all sub-award agreements in writing;
2. Maintain primary responsibility for ensuring successful completion of the approved project (SUB-RECIPIENT CANNOT DELEGATE OR TRANSFER THIS RESPONSIBILITY TO A SUB-AWARDEE).
3. Ensure that any sub-awards comply with the standards in Section 210(a)-(d) of OMB Circular A-133, and are not used to acquire commercial goods or services for the sub-awardee.
4. Ensure that any sub-awards to 501(c)(4) organizations do not involve lobbying activities;

5. Monitor the performance of sub-awardees, and ensure sub-awardees comply with all applicable regulations, statutes, and terms and conditions which flow down in the sub-award;
6. Obtain WDFW's consent before making a sub-award to a foreign or international organization, or a sub-award to be performed in a foreign country; and
7. Obtain approval from WDFW for any new sub-award work that is not outlined in the approved work plan in accordance with 40 CFR Parts 30.25 and 31.30, as applicable.

PROGRAMMATIC CONDITIONS

1. Semi-Annual Performance Reports

Sub-Recipient is required to submit performance reports every six months, unless a different reporting frequency is outlined in the Scope of Work, using the reporting tool supplied by the WDFW. Sub-Recipient agrees to include brief information on each of the following areas:

- a) a comparison of actual accomplishments to the outputs/outcomes established in the assistance agreement work plan for the period;
- b) the reasons for slippages if established outputs/outcomes were not met;
- c) additional pertinent information, including when appropriate, analysis and information of cost overruns or high unit costs.

2. Final Performance Report

In addition to the periodic performance reports, the sub-recipient will submit a final performance report to DFW within 60 calendar days after the expiration or termination of the award. The report shall be submitted to the DFW Grant Manager and must be provided electronically. The report shall generally contain the same information as in the periodic reports, but should cover the entire project period.

3. Recognition of EPA Funding

Reports, documents, signage, videos, or other media, developed as part of projects funded by this Agreement shall contain the following statement:

"THIS PROJECT HAS BEEN FUNDED WHOLLY OR IN PART BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY UNDER ASSISTANCE AGREEMENT PC-00J29801 TO WASHINGTON DEPARTMENT OF FISH AND WILDLIFE. THE CONTENTS OF THIS DOCUMENT DO NOT NECESSARILY REFLECT THE VIEWS AND POLICIES OF THE ENVIRONMENTAL PROTECTION AGENCY, NOR DOES MENTION OF TRADE NAMES OR COMMERCIAL PRODUCTS CONSTITUTE ENDORSEMENT OR RECOMMENDATION FOR USE."

4. Copyrighted Material

EPA has the right to reproduce, publish, use, and authorize others to use copyrighted works or other data developed under this assistance agreement for Federal purposes.

WDFW acknowledges that EPA may authorize another grantee to use copyrighted works or other data developed under this Agreement as a result of: a) the selection of another grantee by EPA to perform a project that will involve the use of the copyrighted works or other data or; b) termination or expiration of this agreement.

5. Peer Review

The results of this project may affect management decisions relating to Puget Sound. Prior to finalizing any significant technical products the Principal Investigator (PI) of this project must solicit advice, review and feedback from a technical review or advisory group consisting of relevant subject matter specialists. A record of comments and a brief description of how respective comments are addressed by the PI will be provided to the WDFW Project Manager prior to releasing any final reports or products resulting from the funded study.

6. Quality Assurance Requirements

Acceptable Quality Assurance documentation must be submitted to the Grant Program within 30 days of acceptance of this agreement or another date as negotiated with the DFW grants manager. The National Estuary Program (NEP) Quality Coordinator supports quality assurance for EPA-funded NEP projects. No work involving direct measurements or data

generation, environmental modeling, compilation of data from literature or electronic media, and data supporting the design, construction, and operation of environmental technology shall be initiated under an agreement until DFW or the NEP Quality Coordinator has approved the quality assurance document. The sub-recipient will submit all Quality Assurance documentation to the following address. Please copy the Grant Program on all correspondence with the NEP Quality Coordinator.

Thomas H. Gries, NEP Quality Coordinator
 Department of Ecology, Tgri460@ecy.wa.gov, 360.407.6327

7. Environmental Data and Information Technology

Sub-recipients are required to institute standardized reporting requirements into their work plans and include such costs in their budgets. All environmental data will be required to be entered into the EPA’s Storage and Retrieval data system (STORET). The best method (local or state consolidated) for reporting will be determined on a project-by-project basis between the DFW grant manager and sub-recipient. More information about STORET can be found at <http://www.epa.gov/STORET>.

COVER SHEET TEMPLATE

Please use the following format for your cover page:

Project Title:		
Location:		
	Primary Contact	Secondary Contact
Contact Name:		
Affiliation:		
Address:		
Office Phone:		
Cell Phone:		
e-mail:		
Grant request:	\$	

Not Affiliated with ACORN Statement

- Please check here to affirm project sponsor is not an affiliate, subsidiary, or an allied organization of the Association of Community Organizations for Reform Now (ACORN).

Non-Mitigation Statement

- Please check here to affirm this project is not associated with a mitigation or other compensatory restoration project, system, or bank, either through a shared footprint, adjacency, design, financing, or other mechanisms.

Certification of Information

- The applicant, by the signature below, certifies that he or she has read and understands the RFP (Funding Opportunity Number 12-0021) and that all of the information contained in this application and supporting materials is accurate as of the above-listed date. The applicant certifies that its governing board has been legally constituted and that it supports the project as described in this application. The applicant understands that PS Marine and Nearshore Grant Program staff may independently verify all information provided, and that the discovery of incomplete, inaccurate, or misleading information are grounds for the disqualification of this grant application or the revoking of an award.

(SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL)
 NAME AND TITLE

Date