

Dear Applicant:

This is an application package for EPA financial assistance programs. While the format of the electronic version may differ slightly from the hard copy version mailed out by the Region 6 Grants Management Office, the contents and requirements are the same. Applications must be submitted at least sixty (60) days prior to the expected date of award. Also enclosed is a sheet of special instructions regarding the submission of a Dun and Bradstreet (D&B) Data Universal Number System (DUNS) number when applying for Federal grants or cooperative agreements.

If you have any questions about the assistance program or need help in completing your application, please contact the Procurement and Grants Section at 214-665-6510.

Your completed original application should be mailed to:

Procurement and Grants Section (6MD-RP)
Environmental Protection Agency
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

EPA ACKNOWLEDGMENT FOR RECEIPT OF APPLICATION

Please complete the applicant information shown below if the applicant wishes the EPA to acknowledge receipt of your application.

To be completed by applicant

Date of Application: _____

Project Title: _____

To be completed by EPA

Date Application Received: _____

U. S. EPA, Region 6
1445 Ross Ave., Suite 1200
Dallas, TX 75202-2733
(6MD-RP)

(Applicant, please type your name and return address below)

SPECIAL INSTRUCTIONS APPLICABLE TO ALL GRANT APPLICATIONS

All grant applicants are required to provide a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number when applying for Federal grants or cooperative agreements.

The Federal Register / Vol.68, No. 124 / Friday, June 27, 2003 Notice can be found at this link: http://www.whitehouse.gov/omb/grants_docs.html.

A DUNS number is required whether an applicant is submitting a paper application or using the government-wide electronic portal (Grants.gov).

The DUNS number will supplement other identifiers required by statute or regulation, such as tax identification numbers. The DUNS number must be included in every application for a new award or renewal of an award.

Organizations can receive a DUNS number in one day, at no cost, by calling the dedicated toll-free DUNS number request line at **1-866-705-5711**. Individuals who would personally receive a grant or cooperative agreement from the Federal government apart from any business or non-profit organization they may operate are exempt from this requirement. The website where an organization can obtain a DUNS number is: <http://www.dnb.com>. This takes 30 business days and there is no cost unless the organization requests expedited (1-day) processing, which includes a fee of \$40.

The assistance agreement application, SF-424, includes a section for the DUNS number. The SF-424 is available at OMB web site. <http://www.whitehouse.gov/omb/grants/sf424.pdf>.

For recipients using IGMS there is a DUNS number field in IGMS, under the Recipient Information section, and a DUNS number field in the IGMS PAB organization document that will store the DUNS.

**GRANTS MANAGEMENT FACT SHEETS FOR AGENCY RECIPIENTS:
AWARDING GRANTS TO ENTITIES WHICH SUE THE AGENCY**

CONCERN

A recent newspaper article focused on the Agency's grants to non-profits who lobby Congress and sue the Agency. Members of Congress also expressed concern that recipients may be using assistance funds to supplement litigation costs against the Federal Government.

IMPLICATIONS

- The use of assistance funds to supplement litigation costs against the Federal Government is unallowable for federal funding under Federal Cost Principles found in OMB Circulars A-122, A-87, and A-21.

WHAT RECIPIENTS SHOULD KNOW:

- In accordance with OMB Circulars No. A-122, A-21, and A-87, recipients are not allowed to use grant assistance funds to support suits against the Federal Government.
 - Recipients cannot use grant assistance funds to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings against the Federal Government.
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CONTACT FOR FURTHER INFORMATION

EPA Grants Management Specialist or EPA Project Officer as specified on the award.

APPLICATION KIT CONTENTS

ATTACHMENTS

- Application Submittal Checklist
- SF 424, 424A, 424B - Application Form and Budget Worksheets
- Supplemental General Instructions
- Quality Management Plan Statement
- Compliance Report
- Lobbying Certification and Disclosure Forms
- Disadvantaged Business Utilization Report (MBE/WBE) Fair Share Objectives
- Regulations and OMB Circulars
- Superfund Specific Requirements

ATTACHMENT 1

APPLICATION SUBMITTAL CHECKLIST

APPLICATION PACKAGE SUBMITTAL CHECKLIST

_____ SF 424, 424A & B including object class categories worksheet and Key Contacts Form.

_____ Clearinghouse comments.

_____ Anti-Lobbying Recipient Certification must be completed and returned if you are requesting \$100,000 or more in federal funds. Please retain the “Disclosure of Lobbying Activities” form for your use in reporting lobbying activities during the project period of the assistance award.

Note: Non-profit and Educational Institutions must complete Sections A & B

_____ Current indirect cost rate negotiation agreement, if applicable.

_____ Compliance Report - EPA Form 4700-4

_____ Quality Management Plan statement. If your project/program involves environmentally related measurements or data generation, a Quality Management Plan is required.

_____ Workplan - prepared in accordance with instructions provided by your EPA Project Officer.

_____ Superfund specific requirements

MAIL THE ORIGINAL AND ONE COPY OF YOUR COMPLETED APPLICATION TO:
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Procurement and Grants Section (6MD-RP) Environmental Protection Agency 1445 Ross Ave., Suite 1200 Dallas TX 75202-2733
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ATTACHMENT 2

APPLICATION FORMS

SF 424, 424A, AND 424B (Assurances)

BUDGET WORKSHEETS

KEY CONTACTS FORM (EPA Form 5700-54)

APPLICATION FOR FEDERAL ASSISTANCE

The following application forms prescribed by the Office of Management and Budget's (OMB) grants management circular A-102 may be obtained via Internet at:

<http://www.whitehouse.gov/omb/grants>

or <http://www.grants.gov>

or the alternate site for fill and print form:

 <http://www.epa.gov/ogd/forms/forms.htm>

or from OMB's FAX Information Line at 202-395-9068.

Standard Form 424 (Rev. 9-03) - Application for federal Assistance (PDF and FAX-on-demand #4240)

Standard Form 424A (Rev 7-97) - Budget Information - Non-construction programs (PDF and FAX-on-demand #4241)

Standard Form 424B (Rev 7-97) - Assurances - Non-construction Programs (PDF and FAX-on-demand #4242)

Standard Form 424C (Rev 7-97) - Budget Information - Construction Programs (PDF and FAX-on-demand #4243)

Standard Form 424D (Rev 7-97) - Assurances - Construction Programs (PDF and FAX-on-demand)

OBJECT CLASS CATEGORIES WORKSHEET

[NOTE: Please indicate any pre-award costs with a star (*).]

a. PERSONNEL

POSITION	NUMBER	SALARY	WORK YEARS	AMOUNT
a. PERSONNEL TOTAL				

b. FRINGE BENEFITS

BASE	
RATE	x
b. FRINGE BENEFITS TOTAL	

c. TRAVEL

Explain:

c. TRAVEL TOTAL:

OBJECT CLASS CATEGORIES WORKSHEET

d. EQUIPMENT: Tangible, non-expendable, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. Applicant's definition of equipment may be used provided the definition at least includes all items previously defined above.

ITEM	NUMBER	COST PER UNIT	TOTAL
d. EQUIPMENT TOTAL:			

e. SUPPLIES

List supplies by groups, as appropriate:	
e. SUPPLIES	

OBJECT CLASS CATEGORIES WORKSHEET

f. CONTRACTUAL

List each planned contract or type of service to be procured. Agreements/contracts with other governmental agencies (state, local or Federal) should be listed under category h. OTHER.	
f. CONTRACTUAL TOTAL	

g. CONSTRUCTION (N/A)

h. OTHER

Other: Explain by major categories.	

i. TOTAL DIRECT COSTS:	
j. INDIRECT COSTS: (RATE: %)	
k. TOTAL PROPOSED COSTS:	
FEDERAL FUNDS REQUESTED:	
_____ %	
RECIPIENT SHARE OF TOTAL PROPOSED COSTS:	
_____ %	

KEY CONTACTS FORM

Authorized Representative: *Original awards and amendments will be sent to this individual for review and acceptance, unless otherwise indicated.*

Name: _____

Title: _____

Complete Address: _____

Phone Number: _____

Payee: *Individual authorized to accept payments.*

Name: _____

Title: _____

Mail Address: _____

Phone Number: _____

Administrative Contact: *Individual from Sponsored Program Office to contact concerning administrative matters (i.e., indirect cost rate computation, rebudgeting requests etc.)*

Name: _____

Title: _____

Mailing Address: _____

Phone Number: _____

FAX Number: _____

E-Mail Address: _____

Principal Investigator: *Individual responsible for the technical completion of the proposed work.*

Name: _____

Title: _____

Mailing Address: _____

Phone Number: _____

FAX Number: _____

E-Mail Address: _____

Web URL: _____

ATTACHMENT 3

SUPPLEMENTAL GENERAL INSTRUCTIONS

SUPPLEMENTAL GENERAL INSTRUCTIONS FOR
APPLICATION FORMS SF 424A and B

Note: Please refer to instructions for SF-424 on the SF-424 form. Those items not discussed below are considered self-explanatory or adequately covered by the form instructions.

FACE SHEET - SF424

ITEM

7. If a non-profit organization, please indicate your IRS classification. 501(c)(4) organizations which lobby are not eligible for Federal assistance.

9. Please insert the name, if applicable, of the EPA person(s) from whom you have received pre-application assistance. This assures your application will go to the appropriate EPA program office for review.

10. Insert the Catalogue of Federal Domestic Assistance number and title, if known.

11. A **brief** description of the project or program. A detailed description is included in the workplan or project narrative.

13. The proposed project period should reflect the amount of time that will be required to complete the **entire** scope of work.

- 14.a. Enter the Congressional district numbers where **your** office is located.
- 14.b. Enter district(s) affected by the project/program. If affected in every district of State, enter "Statewide."

16. The EPA program for which you are applying may be subject to your State's intergovernmental review process. Intergovernmental review requirements, established in 40 CFR Part 29, enables all States to follow State-specific procedures to coordinate State, area-wide, and local review of projects proposed under EPA assistance programs.

You must contact your State Clearinghouse/Single Point of Contact to receive information about your State's review process requirements and procedures. You should: (a) submit your application (or summary thereof) to the State/local clearinghouse according to the State/local procedures; (b) assure that the EPA award official receives certification that the appropriate clearinghouses have completed their review process and have forwarded their comments to the EPA.

18. The application must be signed by the person or entity who has authority to commit the applicant to performance, and compliance with the assurances stated in the SF 424B, and to execute the assistance agreement on behalf of the applicant.

SF-424A - BUDGET INFORMATION

SECTION A

COLUMNS a,b,c and d - not required

COLUMNS e,f and g - required

SECTION B - required

Enter the combined Federal and non-Federal funds distributed by object class categories. The total should be the same as that shown on the Face Sheet (SF-424). "Budget Categories Information" worksheets are provided for assistance in preparing a detailed budget and the figures in 6.a. through 6.k. should come from these sheets. These sheets should be included in your application submittal.

SECTION C

Show the sources of non-Federal funds. See General Instructions, Item 15.

SECTIONS D and E - not required.

SECTION F

Line 21 - enter "See Budget Categories Information Worksheets."

Line 22 - enter indirect cost rate and indirect charges.

SF 424B ASSURANCES - NON-
CONSTRUCTION PROGRAMS

Please read the assurances carefully before signing. The required assurances must be signed by the official who signed the SF 424 face-sheet.

STATE SINGLE POINT OF CONTACT (SPOC)

State SPOC's are responsible for the coordination of your proposed project through the Intergovernmental Review Process. Instructions for intergovernmental review are outlined under Part Two, and for Item 16 on the Application for Federal Assistance, Standard Form 424A Face sheet.

ARKANSAS: Tracy L. Copeland, Manager
State Clearinghouse
Office of Intergovernmental Service
Department of Finance and Administration
1515 West 7th Street, Room 412
Little Rock, Arkansas 72201
Phone (501) 682-1074

LOUISIANA: James P. Antoon, Chairman
Attn: Teresa Stephens
Louisiana Single Point of Contact for EPA grants
P.O. Box 4303
Baton Rouge, Louisiana 70821-4303
Phone (225) 219-3840

NEW MEXICO: New Mexico does not have a State Single Point of Contact. You must contact and/or submit your application, or summary thereof, to all area-wide planning agencies, (e.g. Council of Governments or Economic Development Districts), that will be impacted by your proposed project/program. Attached is a listing of the New Mexico Regional Councils. These organizations must be contacted. (See 40 CFR Part 29).

OKLAHOMA: Oklahoma does not have a State Single Point of Contact. You must contact and/or submit your application, or summary thereof, to all area-wide planning agencies, such as Council of Governments, that will be impacted by your proposed project/program. Attached is a listing of the Oklahoma Association of Regional Councils. These organizations must be contacted. (See 40 CFR Part 29)

TEXAS: Denise Francis
State Single Point of Contact
Governor's Office, Budget and Planning
State Insurance Building, Room 4.404
1100 San Jacinto
Austin, Texas 78701
Phone (512) 305-9415

NEW MEXICO REGIONAL COUNCILS

NORTHWEST NM COUNCIL OF GOVERNMENTS

District 1

224 West Coal Avenue
Gallup, New Mexico 87301
Phone: 722-4327
FAX: 723-9211
E-mail: lundstrm@cia-g.com
Patty Lundstrom, Executive Director

Covering San Juan, McKinley and
Cibola counties.

Internet: <http://nmlocalgov.net/northwestern>

NORTH CENTRAL NM ECONOMIC DEVELOPMENT DISTRICT

District 2

P. O. Box 5115
Santa Fe, New Mexico
Phone: 827-7313
FAX: 827-7414
E-mail: bdeaux@nm.net
Barbara Deaux, Executive Director

Covering Rio Arriba, Santa Fe,
Taos, Los Alamos, Colfax, Mora
and San Miguel counties

MID REGION COUNCIL OF GOVERNMENTS

District 3

317 Commercial, N.E., Suite 300
Albuquerque, New Mexico 87102
Phone: 247-1750
FAX: 247-1753
E-mail: lrael@mrkog-nm.gov
Lawrence Rael, Executive Director

Covering Sandoval, Bernalillo,
Valencia and Torrance counties

EASTERN PLAINS COUNCIL OF GOVERNMENTS

District 4

418 Main
Clovis, New Mexico 88101
Phone: 762-7714
FAX: 762-7715
E-mail: ltilman@epkog.org
Lee Tillman, Executive Director

Covering Union, Harding, Quay, Curry,
Roosevelt, Guadalupe and De Baca counties

SOUTHWEST NM COUNCIL OF GOVERNMENTS

District 5

1203 North Hudson St.
P. O. Box 2157
Silver City, New Mexico 88062
Phone: 388-1509
FAX: 388-1500
Priscilla Lucero, Executive Director
E-mail: swnmkog@gilanet.com

Covering Catron, Hidalgo, Luna,
and Grant counties.

Internet: <http://nmlocalgov.net/southwestern>

SOUTHEASTERN NM ECONOMIC DEVELOPMENT DISTRICT

District 6

201 N. Nevada, Suite B
Executive West Office Plaza
Roswell, New Mexico 88201
Phone: 624-6131
FAX: 624-6134
E-mail: snmedd@dfn.com
Tony R. Elias, Executive Director

Covering Lincoln, Otero, Chaves, Eddy and Lea counties

SOUTH CENTRAL COUNCIL OF GOVERNMENTS

District 7

P. O. Box 1072
Elephant Butte, NM 87935
Phone: 744-0039
FAX: 744-0042
E-mail: excedir@zia.net.com
Elizabeth Bernal, Executive Director

Covering Socorro, Sierra and
Dona Ana counties

OKLAHOMA ASSOCIATION OF REGIONAL COUNCILS

Association of Central Oklahoma Governments

21 East Main, Suite 100
Oklahoma City, OK 73109-2405
Zach Taylor, Executive Director
405-234-2264
FAX: 405-234-2200
e-mail: ztaylor@ascog.ok.org

Central Oklahoma Economic Development District

400 No. Bell St., P.O. Box 3398
Shawnee, OK 74801-3398
Wayne J. Manley, Executive Director
405-273-6410 or 800-375-8255
FAX: 405-273-3213
e-mail: waynemanley@hotmail.com

Grand Gateway Economic Development Association

P. O. Drawer B
Big Cabin, OK 74332-0502
Ed Crone, Executive Director
918-783-5793 or 800-482-4594
FAX: 918-783-5786
e-mail: ecrone@ggeda.com

Kiamichi Economic Development District of Oklahoma

P. O. Box 638
Wilburton, OK 74578-0638
Chester Dennis, Executive Director
918-465-2367 or 800-722-8180
FAX: 918-465-3873
e-mail: keddo@eosc.cc.ok.us

Oklahoma Economic Development Association

P. O. Box 668
Beaver, OK 73932-0668
Mike Bostic, Executive Director
580-625-4531 or 800-658-2844
FAX: 580-625-3420
e-mail: oedaexdir@ptsi.net

Southern Oklahoma Development Association

P. O. Box 709
Durant, OK 74702-0709
Wes Bowman, Executive Director
580-920-1388 or 800-211-2116
FAX: 580-920-1391
e-mail: sodasord@yahoo.com

Association of South Central Oklahoma Governments

P. O. Box 1647
Duncan, OK 73534-1647
Blaine H. Smith, Jr., Executive Director
580-252-0595 or 800-658-1466
FAX: 580-252-6170
e-mail: smit_bl@ascog.org

Eastern Oklahoma Development District

P. O. Box 1367
Muskogee, OK 74402-1367
Bruce Mahaffey, Executive Director
918-682-7891
FAX: 918-682-5444
e-mail: bmahaffey@eodd.org

Indian Nations Council of Governments

201 West 5th, Suite 600
Tulsa, OK 74103-4212
Jerry Lasker, Executive Director
918-584-7526
FAX: 918-583-1024
e-mail: jlasker@incog.org

Northern Oklahoma Development Association

2901 No. Van Buren
Enid, OK 73703-1731
Larry Tipps, Executive Director
580-237-4810 or 800-749-1149
FAX: 580-237-8230
e-mail: larry@noda.district.com

South Western Oklahoma Development Authority

P. O. Box 569
Burns Flat, OK 73624-0569
Gary Gorshing, Executive Director
580-562-4883 or 800-627-4882
FAX: 580-562-4880
e-mail: gary@swoda.org

Oklahoma Association of Regional Councils (OARC)

429 NE 50th Street
Oklahoma City, OK 73105-1815
Trish Weedn, Director
405-521-8444
FAX: 405-527-0899
e-mail: tweedn@coxinet.net

GRANT PROGRAMS ADMINISTERED BY THE EPA

(Refer to Item No. 10 of the “Supplemental General Instructions for Application Forms SF-424A and B.”)

The Catalog of Federal Domestic Assistance (CFDA) is a government-wide compendium of Federal programs, projects, services, and activities which provide assistance or benefits to the American public. The CFDA contains financial and non-financial assistance programs administered by departments and establishments of the Federal government.

For a listing of the assistance programs administered by the EPA as contained in the CFDA, please refer to the following web site:

_____ <http://12.46.245.173/pls/porta30/CATALOG.AGY PROGRAM LIST RPT.show>

<http://12.46.245.173/cfda/cfda.html>

ATTACHMENT 4

QUALITY MANAGEMENT PLAN STATEMENT

QUALITY MANAGEMENT PLAN

_____ This program/project does not involve environmentally related measurements nor data generation; therefore, a Quality Management Plan is not required pursuant to the above referenced assistance regulations.

_____ This program/project involves environmentally related measurements or data generation; therefore, a Quality Management Plan which meets the requirements of:

_____ 40 CFR 30.54 for universities and non-profit organizations is attached or has been forwarded to the EPA Project Officer.

_____ 40 CFR 31.45 for State and local governments is attached or has been forwarded to the EPA Project Officer.

Authorized Representative

Date

ATTACHMENT 5

LOBBYING CERTIFICATION

The attached Anti-Lobbying Recipient Certification must be completed and returned if you are requesting \$100,000 or more in Federal funds.

(If requesting less than \$100,000 complete only Parts A and B.)

Non-Profit and Higher Education applicants must complete Parts A & B...there are no dollar limitations

Please retain the Disclosure of Lobbying Activities Form for your use in reporting lobbying activities to the EPA, if they occur during the project period of the assistance award.

DISCLOSURE OF LOBBYING ACTIVITIES

STANDARD FORM-LLL (1/96)

(SF-LLL, Disclosure of Lobbying Activities - as revised by OMB January 1996 to reflect the Lobbying Disclosure Act of 1995)

This form may be obtained via OMB's FAX-on Demand Information Line: 202-395-9068 (8880#)

or from the Internet address:

http://www.whitehouse.gov/omb/grants_

or

<http://www.epa.gov/ogd/AppKit/application.htm>

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

A. Is your organization classified as nonprofit? YES _____ NO _____

If yes, what is the IRS classification? 501(c)(3) _____ 501(c)(4) _____ Other _____

B. Does the organization engage in lobbying? YES _____ NO _____

If you answered YES to both questions and your Agency is classified as a 501(c)(4) organization who engages in lobbying activities, your organization is ineligible for receipt of Federal funds. Please do not submit an application.

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

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an Officer or employee of Congress, or an employee of a Member of Congress in connection with the Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

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

Head of Agency or Organization

Date

Typed Name and Title

Name and Address of Agency/Organization:

Note: use of this form is optional. You may provide this same information on your letterhead.

Information on Lobbying Restrictions based on EPA Office of General Counsel Guidance

GUIDANCE ON LOBBYING RESTRICTIONS

The purpose of this guidance is to remind nonprofit organizations, universities, and other non-government recipients of EPA grants¹ that, with very limited exceptions, you may not use Federal grant funds or your cost-sharing funds to conduct lobbying activities. The restrictions on lobbying are explained in Office of Management and Budget (OMB) Circular No. A-21, “Cost Principles for Educational Institutions”, 61 Fed. Reg. 20880 (May 8, 1996),² and OMB Circular No. A-122, “Cost Principles for Nonprofit Organizations; ‘Lobbying’ Revision”, 49 Fed. Reg. 18260 (April 27, 1984). (The two Circulars are attached to this guidance as Attachments A and B. Additional, detailed guidance on specific issues regarding the lobbying restrictions of OMB Circular No. A-122, contained in correspondence from OMB to Congress at the time the Circular was issued, is attached here as Attachment C.) As a recipient of EPA funds, you must be aware of and comply with these restrictions.³

The general objective of the restrictions is to prohibit the use of appropriated funds for lobbying, publicity, or propaganda purposes designed to support or defeat legislation. The restrictions do not affect the normal sharing of information or lobbying activities conducted with your own funds (so long as they are not used to match the grant funds).

Unallowable Lobbying Activities

Under Circulars A-21 and A-122, the costs of the following activities are unallowable:

- (1) Contributions, endorsements, publicity or similar activities intended to influence Federal, State or local elections, referenda, initiatives or similar processes.
- (2) Direct and indirect financial or administrative support of political parties, campaigns, political action committees, or other organizations created to influence elections. Recipients may help collect and interpret information. These efforts must be for educational purposes only, however, and cannot involve political party activity or steps to influence an election.
- (3) Attempts to influence the introducing, passing, or changing of Federal or State legislation through contacts with members or employees of Congress or State legislatures, including attempts

¹ The term “grant” as used in this guidance refers to grants and cooperative agreements.

² Grants awarded before May 8, 1996 are subject to the previous version of Circular No. A-21, but the provisions on lobbying have remained essentially unchanged.

³ This guidance does not address the restrictions on lobbying contained in 40 CFR Part 34, the EPA regulations implementing section 319 of P. L. No. 101-121, known as the “Byrd Amendment”, generally prohibit recipients of Federal grants, contracts, and loans from using Federal funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific grant, contract, or loan. Part 34 includes detailed certification and disclosure requirements. This guidance also does not address section 18 of the Lobbying Disclosure Act of 1995, P. L. No. 104-65, which provides that organizations described in section 501(c)(4) of the Internal Revenue Code that engage in lobbying activities are not eligible for Federal grants or loans.

to use State and local officials to lobby Congress or State legislatures. For example, you may not charge a grant for your costs of sending information to Members of Congress to encourage them to take a particular action. Also prohibited are contacts with any government official or employee to influence a decision to sign or veto Federal or State legislation. The restriction does not address lobbying at the local level.

(4) Attempts to influence the introducing, passing, or changing of Federal or State legislation by preparing, using, or distributing publicity or propaganda, i.e., grass roots lobbying efforts to obtain group action by members of the public, including attempts to affect public opinion and encourage group action. For example, the costs of printing and distributing to members of the public or the media a report produced under a grant, if intended to influence legislation, are unallowable.⁴

(5) Attending legislative sessions or committee hearings, gathering information about legislation, and similar activities, when intended to support or prepare for unallowable lobbying.

Exceptions

There are three exceptions to this list of unallowable lobbying activities in Circulars A-21 and A-122. These exceptions do not necessarily make the cost of these activities allowable; they make the costs potentially allowable. Allowability will be determined based on whether the costs in a particular case are reasonable, necessary, and allocable to the grant.

The first exception is for technical and factual (not advocacy) presentation to Congress, a State legislature, member, or staff, on a topic directly related to performance of the grant, in response to a request (not necessarily in writing) from the legislative body or individual. For requests that are not made in writing, recipients should make a note for their files documenting the requests. The information presented must be readily available and deliverable. Costs for travel, hotels, and meals related to the presentation are generally unallowable unless related to testimony at a regularly scheduled Congressional hearing at the written request of the chairperson or ranking minority member of the congressional committee.

The second exception is for actions intended to influence State legislation in order to directly reduce the actual cost of performing the Federal grant project or to protect the recipient's authority to perform the project. The exception does not apply to actions that are intended merely to shift costs from one source to another. For example, in response to Federal funding cutbacks, a Federally-funded recipient lobbies for State funds to replace or reduce the Federal share of project costs for next year. The cost of that lobbying activity would not be allowable because its purpose is not to directly reduce the actual cost of performing the work but merely to shift from Federal funding to State funding.

Finally, Circulars A-21 and A-122 allow lobbying costs if they are specifically authorized by law.

⁴ Circular A-122 addresses public information service costs that do not relate to lobbying. Attachment B to the Circular, at paragraph 36, makes allowable, with prior approval of the Federal agency, costs associated with pamphlets, news releases and other forms of information services if their purpose is: to inform or instruct individuals, groups or the general public; to interest individuals or groups in participating in a service program of the recipient; or to disseminate the results of sponsored and non-sponsored activities.

Indirect Cost Rate

When you seek reimbursement for indirect costs (overhead), you must identify your total lobbying costs in your indirect cost rate proposal so that the Government can avoid subsidizing lobbying. This is consistent with the circulars' requirement of disclosure of the costs spent on all unallowable activities. This requirement is necessary so that when the Government calculates the amount of an organization's indirect costs that it will pay, it does not include the costs of unallowable activities that the organization happens to count as indirect costs.

Enforcement

In cases of improper lobbying with grant funds, EPA may recover the misspent money, suspend or terminate the grant, and take action to prevent the recipient from receiving any Federal grants for a certain period. To avoid improper lobbying activities, please review carefully this guidance and the attachments: Circular A-21, the Lobbying Revision to Circular A-122, and the OMB correspondence. Your project officer is available to handle any questions or concerns.

ATTACHMENT 6

COMPLIANCE REPORT - EPA FORM 4700-4

This report must be completed and submitted with your application.

PRE-AWARD COMPLIANCE REPORT - EPA FORM 4700-4
TITLE VI, CIVIL RIGHTS ACT OF 1964

As required by 40 CFR Part 7, all applicants must include a completed EPA Form 4700-4, Pre-award Compliance Review report, with any/all requests for Federal financial assistance.

Grant applications will not be processed if this form is not submitted.

State applicants may submit the form annually with the other required yearly certifications.

All applicants must complete Sections I through V. Sections VI through IX must be completed if applicable to assisted program. If any of the information in Sections VI through IX is not relevant to the project or program for which assistance is requested, please enter "NA" or "Not Applicable." Loan recipients under EPA funded grantee revolving loan programs shall also complete and submit the form to the State agency authorizing the loan. Applicants for Hardship Grants Program for Rural Communities shall also complete and submit the form to the appropriate State agency.

Any questions relating to these requirements should be directed to Sam Balandran at 214-665-8051

The EPA Form 4700-4 can be retrieved from the following internet address:

<http://www.epa.gov/ogd/AppKit/application.htm>



United States Environmental Protection Agency
Washington, DC 20460

**Preaward Compliance Review Report for
All Applicants Requesting Federal Financial Assistance**

FORM Approved
OMB No. 2090-0014
Expires 4-30-99

Note: Read instructions on reverse side before completing form.

I. A. Applicant (Name, City, State)	B. Recipient (Name, City, State)	C. EPA Project No.
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II. Brief description of proposed project, program or activity.

III. Are any civil rights lawsuits or complaints pending against applicant and/or recipient?
If yes, list those complaints and the disposition of each complaint.

Yes No

IV. Have any civil rights compliance reviews of the applicant and/or recipient been conducted by any Federal agency during the two years prior to this application for activities which would receive EPA assistance?
If yes, list those compliance reviews and status of each review.

Yes No

V. Is any other Federal financial assistance being applied for or is any other Federal financial assistance being applied to any portion of this project, program or activity?
If yes, list the other Federal Agency(s), describe the associated work and the dollar amount of assistance.

Yes No

VI. If entire community under the applicant's jurisdiction is not served under the existing facilities/services, or will not be served under the proposed plan, give reasons why.

VII. Population Characteristics	Number of People
1. A. Population of Entire Service Area	
B. Minority Population of Entire Service Area	
2. A. Population Currently Being Served	
B. Minority Population Currently Being Served	
3. A. Population to be Served by Project, Program or Activity	
B. Minority Population to be Served by Project, Program or Activity	
4. A. Population to Remain Without Service	
B. Minority Population to Remain Without Service	

VIII. Will all new facilities or alterations to existing facilities financed by these funds be designed and constructed to be readily accessible to and usable by handicapped persons?
If no, explain how a regulatory exception (40 CFR 7.70) applies.

Yes No

IX. Give the schedule for future projects, programs or activities (or of future plans), by which services will be provided to all beneficiaries within applicant's jurisdiction. If there is no schedule, explain why.

X. I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

A. Signature of Authorized Official	B. Title of Authorized Official	C. Date
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For the U.S. Environmental Protection Agency

Approved Disapproved	Authorized EPA Official	Date
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Instructions

General

Recipients of Federal financial assistance from the U.S. Environmental Protection Agency must comply with the following statutes.

Title VI of the Civil Rights Acts of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The Act goes on to explain that the title shall not be construed to authorize action with respect to any employment practice of any employer, employment agency, or labor organization (except where the primary objective of the Federal financial assistance is to provide employment).

Section 13 of the 1972 Amendments to the Federal Water Pollution Control Act provides that no person in the United States shall on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under the Federal Water Pollution Control Act, as amended. Employment discrimination on the basis of sex is prohibited in all such programs or activities.

Section 504 of The Rehabilitation Act of 1973 provides that no otherwise qualified handicapped individual shall solely by reason of handicap be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Employment discrimination on the basis of handicap is prohibited in all such programs or activities.

The Age Discrimination Act of 1975 provides that no person on the basis of age shall be excluded from participation under any program or activity receiving Federal financial assistance. Employment discrimination is not covered. Age discrimination in employment is prohibited by the Age Discrimination in Employment Act administered by the Equal Employment Opportunity Commission.

Title IX of the Education Amendments of 1972 provides that no person on the basis of sex shall be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Employment discrimination on the basis of sex is prohibited in all such education programs or activities. Note: an education program or activity is not limited to only those conducted by a formal institution.

The information on this form is required to enable the U.S. Environmental Protection Agency to determine whether applicants and prospective recipients are developing projects, programs and activities on a nondiscriminatory basis as required by the above statutes.

Submit this form with the original and required copies of applications, requests for extensions, requests for increase of funds, etc. Updates of information are all that are required after the initial application submission.

If any item is not relevant to the project for which assistance is requested, write "NA" for "Not Applicable."

In the event applicant is uncertain about how to answer certain questions, EPA program officials should be contacted for clarification.

EPA FORM 4700-4 (Rev. 1/90) Reverse

ITEMS

- IA. “Applicant” means any entity that files an application or unsolicited proposal or otherwise requests EPA assistance.
- IB. “Recipient” means any entity, other than applicant, which will actually receive EPA assistance.
- IC. Self-explanatory.
- II. Self-explanatory.
- III. “Civil rights lawsuits” means any lawsuit or complaint alleging discrimination on the basis of race, color, national origin, sex, age, or handicap pending against the applicant and/or entity which actually benefits from the grant. For example, if a city is the named applicant but the grant will actually benefit the Department of Sewage, civil rights lawsuits involving both the city and the Department of Sewage should be listed.
- IV. “Civil rights compliance review” means any review assessing the applicant’s and/or recipient’s compliance with laws prohibiting discrimination on the basis of race, color, national origin, sex, age, or handicap. If any part of the review covered the entity which will actually benefit from the grant, it should be listed.
- V. Self-explanatory.
- VI. The word “community” refers to the area under the applicant’s and/or recipient’s jurisdiction. The “community” might be a university or laboratory campus, or a community within a large city. If there is significant disparity between minority and nonminority populations to receive service, not otherwise satisfactorily explained, the Regional office may require a map which indicates the minority and nonminority population served by this project, program or activity.
- VII. This information is required so that reviewers may determine if a disparity in the proposed provision of services will exist in the event the application is approved for funding. Give population of recipient’s jurisdiction, broken out by categories as specified.

In the event the applicant cannot provide the requested information because the funds will be distributed over a wide demographic area which is yet to be determined, an explanation may be provided on a separate sheet. For example, a State applying for a capitalization grant under the State Revolving Fund program may not know which cities and counties will apply for, and receive, SRF loans.

- VIII. Self-explanatory.
- IX. “Jurisdiction” means the geographical area over which applicant has the authority to provide service.
- X. Self-explanatory.

EPA estimates public reporting burden for the preparation of this form to average 30 minutes per response. This estimate includes the time for reviewing instructions, gathering and maintaining the data needed and completing and reviewing the form. Send comments regarding the burden estimate, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

HELPFUL HINTS ON HOW TO COMPLETE SELECTED ITEMS FOR THE PRE-AWARD COMPLIANCE
REPORT - EPA FORM 4700-4

- I.A/B. Listing a contact and telephone number so that you may be contacted, will expedite processing of the form, should additional information/clarification of your response be needed.
- I.C. Listing the EPA grant project number will ensure proper tracking of your submitted form.
- II. The response should be such that the approving official can determine if the grant involves training, research, construction, non-construction, or other types of projects. This aids the approving official in determining whether answers to other questions are adequate or not.
- III. If there are pending civil rights complaints or lawsuits, it would be helpful to identify the basis of the complaint/lawsuit (race, sex, national origin, etc.), and to give a brief description of the issues involved. If the case has not reached final disposition, give a current status of the case.
- VII Population characteristic figures can be obtained from the current U. S. Census data. In some instances, lines 4.A and 4.B are being left blank. The numbers in this line should be that segment of the population not listed in numbers 2 and 3.

Not all grant projects lend themselves to servicing a particular segment of the population. If this is the case, a brief explanation of who the beneficiaries of the project are will be sufficient.

- VIII. The most common response given is “not applicable,” however, this response is not appropriate. The answer should be either “yes” or “no”. If you answer “no”, then a brief statement is necessary of how the exception to regulation 40 CFR 7.70 applies.

The regulation in 40 CFR 7.70 states that “new facilities shall be designed and constructed to be readily accessible and usable by handicapped persons...” The exception is that accessibility “...shall not apply to the design, construction or alteration of any portion of a building that, because of its intended use, will not require accessibility to the public beneficiaries or result in the employment or residence therein of physically handicapped persons.”

If you answer “no”, your explanation should therefore be to the effect that your project is not a construction project, or if it is (and the exception applies), that it is not intended for use by the public beneficiaries, nor result in the employment of handicapped persons. Again, “not appropriate” is an inappropriate response.

We hope that this information will assist you in completing the 4700-4 form, but if you have any questions on how to complete any of the items on the 4700-4 form, please call Sam Balandran at 214-665-8051.

ATTACHMENT 7

MINORITY BUSINESS ENTERPRISE/WOMEN'S BUSINESS ENTERPRISE
(MBE/WBE)

FAIR SHARE OBJECTIVES

MINORITY BUSINESS ENTERPRISE/WOMEN'S BUSINESS ENTERPRISE (MBE/WBE) FAIR SHARE OBJECTIVES

It is EPA policy that small (SBEs), minority (MBEs), women's (WBE) and small businesses in rural areas (SBRAs) be afforded the maximum practicable opportunity to participate as contractors, subcontractors, suppliers and otherwise in EPA awarded financial assistance programs. This policy applies to all contracts, subcontracts and procurements for supplies, construction, equipment, and services under EPA grants, cooperative agreements, interagency agreements, and loans. Pursuant to this policy, recipients of grants, agreements, and loans, and their prime contractors, shall make good faith efforts to award a fair share of contracts, subcontracts and procurements to SBEs, MBEs, WBEs, and SBRAs.

The policy also requires that fair share objectives for MBEs and WBEs be negotiated with States and/or recipients, but does not require that fair share objectives be established for SBEs or SBRAs. Accordingly, while good faith efforts are required with respect to SBEs, MBEs, WBEs, and SBRAs, the numerical fair share objectives apply only to MBEs and WBEs.

The numerical fair share objectives negotiated with the Lead Environmental Agency within your State will be applied to the assistance award. If you do not want to apply these goals, you must submit supporting documentation to negotiate goals for your organization, within 30 days after issuance of the assistance award.

Please contact the Regional Small and Disadvantaged Business Coordinator, Debora Bradford at 214-665-7406 for further information.

The Region 6 State rates are on the Internet at:

_____ www.epa.gov/ogd/grants/mbe.htm

ATTACHMENT 8

REGULATIONS AND OMB CIRCULARS

REGULATIONS AND OMB CIRCULARS

The general grant regulations and OMB Circulars listed below apply to all EPA assistance programs. (Note; General Administrative Regulations and Cost Principles apply by type of organization, e.g. State agency, non-profit organization, etc.)

COMPLIANCE IS A RECIPIENT RESPONSIBILITY; therefore, applicants/recipients should read and follow these documents. EPA will provide assistance if needed, in interpretation and compliance with these documents.

Additional regulations for specific EPA programs (e.g. 40 CFR parts 35, 39, 45, 47) may also apply to the work for which funding is requested. Contact your EPA program representative or Project Officer for details. These documents may be accessed electronically at the following Internet address: <http://www.epa.gov/ogd>

GENERAL GRANT REGULATIONS:

40 CFR -

- Part 7 - Non-discrimination In Programs Receiving Federal Assistance From EPA (1993)
- Part 29 - Intergovernmental Review Of EPA Programs And Activities
- Part 30 - Grants And Agreements With Institutions Of Higher Education, Hospitals, And Other Non-Profit Organizations (1996)
- Part 31 - Uniform Administrative Requirements For Grants And Cooperative Agreements To State And Local Governments (1995)
- Part 32 - Government-Wide Debarment And Suspension (Non-Procurement) And Government-Wide Requirements For Drug-Free Workplace: Clean Air Act And Clean Water Act Ineligibility of Facilities In Performance Of Federal Contracts, Grants, And Loans (1996)
- Part 34 - New Restrictions On Lobbying (1995)

PROGRAM SPECIFIC GRANT REGULATIONS:

40 CFR -

- Part 35 - State And Local Assistance (1995)
 - Subpart A - Environmental Program Grants
 - Subpart B - Grants To Tribes
 - Subpart E - Construction Of Treatment Works, CWA
 - Subpart H - Freshwater Lakes
 - Subpart I - Construction Of Treatment Works
 - Subpart J - Delegation Of Construction Grants Program
 - Subpart K - State Water Pollution Control Revolving Funds
 - Subpart L - Drinking Water State Revolving Funds
 - Subpart M - Superfund Technical Assistance
 - Subpart O - Superfund Response Actions
 - Subpart P - National Estuary Program
- Part 40 - Research and Demonstration Grants
- Part 45 - Training Assistance
- Part 47 - National Environmental Education Acts Grants
- Part 49 - Tribal Clean Air Act Authority

OMB Circulars:

- A-21 - Cost Principles For Educational Institutions
- A-87 - Cost Principles For State, Local And Tribal Governments
- A-102 - Grants and Cooperative Agreement With States and Local Governments
- A-110 - Uniform Administrative Requirements for Grants and Other Agreements With
Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations
- A-122 - Cost Principles For Non-Profit Organizations
- A-133 - Audit Requirements - All Applicants

ATTACHMENT 9

SUPERFUND SPECIFIC REQUIREMENTS

SUPERFUND SPECIFIC INFORMATION

PROCUREMENT

Superfund program regulations are found in 40 CFR Part 35, Subpart O, Cooperative Agreements and Superfund State Contracts for Superfund Response Actions. These regulations have program specific procurement requirements that all applicants must follow. Included in these requirements is the necessity for the applicant to evaluate its procurement procedures to determine if they meet the intent of Subpart O. After evaluating its system, the applicant or recipient must complete a "Procurement System Certification" EPA Form 5700-48, and submit the form to EPA. A copy of the form with additional procurement information is attached.

EQUIPMENT

Applicants may include equipment in the application but there are certain requirements that are specific to Superfund agreements. If equipment is included in the proposed budget, you must include documentation that a cost analysis has been conducted to determine the most cost effective method of procuring the item; lease, use of contractor services, or purchase with CERCLA funds.


If you plan to purchase equipment with your own funds and charge the EPA a user fee, you must submit documentation of the usage rate computation to EPA. The rate must be included in the cooperative agreement before the recipient incurs these equipment costs.

CERTIFICATIONS FOR SITE SPECIFIC AWARDS

If the application is for site specific activities, the following items/assurances must be included or assurance given that these requirements will be satisfied. (40 CFR 35.6105).

- Site specific community relations plan and site specific health and safety plan or assurance that site work will not begin until these items are in place.
- CERCLA assurances, as appropriate.
- O & M assurance.
- Twenty-year waste capacity assurances, if appropriate.
- Off site storage, treatment or disposal assurance, if appropriate.
- Real property assurance, if applicable.

NOTE: ONLY required if applying for Superfund/Brownfields assistance.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460		Form Approved OMB No. 2000-0453
 PROCUREMENT SYSTEM CERTIFICATION		
APPLICANT'S NAME		ASSISTANCE APPLICATION NUMBER
APPLICANT'S ADDRESS		
SECTION I - INSTRUCTIONS		
<p>The applicant must complete and submit a copy of this form with each application for EPA Assistance. If the applicant has certified its procurement system to EPA within the past 2 years and the system has not been substantially revised, complete Part A in Section II, then sign and date the form. If the system has not been certified within the past 2 years, complete Part B, then sign and date the form.</p>		
SECTION II - CERTIFICATION		
A. I affirm that the applicant has within the past 2 years certified to EPA that its procurement system complies with 40 CFR Part 35 and that the system meets the requirements in 40 CFR Part 35. The date of the applicant's latest certification is:		MONTH/YEAR
B. Based upon my evaluation of the applicant's procurement system, I, as authorized representative of the applicant: <i>(Check one of the following:)</i>		
<input type="checkbox"/> 1. CERTIFY that the applicant's procurement system will meet all of the requirements of 40 CFR Part 35 before undertaking any procurement action with EPA assistance.		
Please furnish citations to applicable procurement ordinances and regulations		
<input type="checkbox"/> 2. DO NOT CERTIFY THE APPLICANT'S PROCUREMENT SYSTEM. The applicant agrees to follow the requirements of 40 CFR Part 35, including the procedures in Appendix A, and allow EPA preaward review of proposed procurement actions that will use EPA assistance.		
TYPED NAME AND TITLE	SIGNATURE	DATE

EPA Form 5700-48 Previous edition is obsolete

See instructions on reverse side

**INSTRUCTIONS FOR
PROCUREMENT SYSTEM CERTIFICATION
(EPA Form 5700-48)**

Section II - Certification

Applicant must complete one of the following areas:

- A. Give the Month and Year
- B. Check Block 1 or 2

If Block 1 is checked, please furnish citations to applicant's applicable procurement ordinances and regulations.

This form must be signed by the applicant's authorized official.

40 CFR Part 35 Subpart O applies to Superfund recipients.

Website - Procurement Certification:

http://www.epa.gov/ne/brownfields/funding/docs/procurement_cert.pdf

TO BE OR NOT TO BE CERTIFIED

Procurement System Certification - Limited EPA Procurement Oversight

Non-Procurement System Certification - EPA May Review All Contracts

KEY POINTS:

- Under 40 CFR Part 35, Subpart O, recipients may use their own procurement policies and procedures when conducting procurement for Superfund responses.
- To certify its system, a recipient must evaluate its own procurement system to determine if the system meets the intent of the requirements of 40 CFR Part 35, Subpart O. After evaluation its procurement system, the applicant or recipient must complete the “procurement System Certification” (EPA Form 5700-48) and submit the form to the EPA with its application. (40 CFR 35.6550(a))
- If the recipient certifies that its procurement system meets the full intent of 40 CFR part 35, Subpart O, the EPA will have limited oversight responsibilities. (40 CFR 35.6550)
- If the recipient’s system is not certified, the recipient must follow the requirements set up in 40 CFR part 35, Subpart O and must allow the EPA pre-award review of all proposed procurement actions under the cooperative agreement.
- EPA oversight of procurement includes reviewing the recipient’s evaluation of a contractor’s capability to perform the work for which they were contracted, the recipient’s solicitation process, and compliance with procurement requirements, such as using minority- and women-owned business enterprises.
- A recipient must certify its system once every two years, unless the assistance agreement specifies a longer project duration.
- Recipients are encouraged to seek assistance from the EPA at all stages of the procurement process. It is particularly important that recipients consult with EPA when a procurement may be controversial. The Region plays an important role in providing this assistance by offering appropriate technical, financial, administrative, and legal experts who can address the issues.

**REQUIREMENTS FOR PROCUREMENT UNDER ASSISTANCE AGREEMENTS
(40 CFR Part 31 and Part 35, Subpart 0)**

TITLE	SUMMARY OF REQUIREMENT	SECTION
Procurement Standard	Recipients and contractors must perform in accordance with all applicable requirements.	35.6550 31.36(b)
Competition	Recipients must conduct all procurement transactions in a manner providing maximum full and open competition.	35.6555 31.36(c)
Master list of Debarred, Suspended, and Voluntarily Excluded Persons	Recipients and their contractors must comply with the requirements regarding awards and sub-awards to debarred and suspended parties.	35.6560 31.35
Procurement Methods	Recipients must comply with all requirements regarding small purchase, sealed bids, competitive proposals, and noncompetitive proposals.	35.6565 31.36(d)
Use of the Same Engineer During Subsequent Phases of the Project	Recipient procedures for using the same engineer for follow-on services must meet procurement requirements.	35.6570
Restrictions on Types on Contracts	Recipients must comply with requirements regarding prohibited contracts, contracts used under a removal cooperative agreement, and time and material contracts.	35.6575
Contracting with MBE/WBE, Small Business and Labor Surplus Firms	Recipients must comply with the six specified steps to ensure these businesses are used whenever possible.	35.6580 31.36(e)
Cost and Price Analysis	Recipients must conduct and document a cost or price analysis in connection with every procurement action.	35.6585 31.36(f)
Bonding and Insurance	Recipients must meet the specified requirements for bonding and insurance.	35.6590 31.36(h)
Contract Provisions	Each contract must be a sound and complete agreement and include the specified provisions.	35.6595 31.36(i)
Contractor Claims	Recipients must conduct an administrative and technical review of each claim and follow other specified requirements.	35.6600
Privity of Contract	Recipients must include a clause in the contract stating that neither EPA nor the United States government shall be party to any contract.	35.6605
Contracts Awarded by a Contractor	Contractors must comply with the specified provisions in the award of a subcontract, including MBE, WBE, cost principles, specifications, responsibilities, etc.	35.6610 31.37