

United States Department of Agriculture

Rural Housing Service

Community Facilities Technical Assistance and Training Grant Agreement

THIS GRANT AGREEMENT (Agreement), effective the date the Agency official signs the document, is a contract for receipt of grant funds under CDFA Number 10.766 Community Facilities Technical Assistance and Training Grant (TAT), (authorized under The Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(26))).

BETWEEN

a private or public or tribal organization, (Grantee) and the United States of America acting through the Rural Housing Service, Department of Agriculture, (Agency or Grantor), for the benefit of the Ultimate Recipient(s) listed in Grantee's application for the grant.

WITNESSETH:

The amount of the grant is \$_____ (Grant Funds). Matching funds, if required, in the amount of \$ _____, will be provided by Grantee. Grantor agrees that it will

make available to Grantee for the purpose of this Agreement funds in an amount not to exceed

the Grant Funds. The funds will be disbursed to Grantee on a pro rata basis if the Grantee is contributing matching funds. The Grantee and Agency will execute Form RD 1940-1, "Request for Obligation of Funds" before this Agreement is signed by the Agency official NOW, THEREFORE, in consideration of said grant;

Grantee agrees that Grantee will:

- A. Use Grant Funds only for the purposes and activities specified in the application package approved by the Agency (see Attachment B) including the approved budget in accordance with 2 CFR 200.308 and 2 CFR 200.407;
- B. Charge any expenses for travel and per diem that will not exceed the rates permitted under 2 CFR 200.474;
- C. Charge any meeting expenses in accordance with 31 U.S.C. 1345. Grant Funds may not be used for travel, transportation, and subsistence expenses for a meeting. Matching funds may be used to pay these expenses. Any meeting or training not delineated in the application must be approved by the Agency to verify compliance with 31 U.S.C. 1345;

D. Provide periodic reports as required by the Agency, in accordance with 2 CFR

200.328. Specifically:

- (1) SF-425, "Federal Financial Report" and SF-PPR, "Performance Progress Report" will be required on a quarterly basis (due 30 calendar days after each calendar quarter). Quarterly end dates are 3/31, 6/30, 9/30 and 12/31. A final report may serve as the last quarterly report. Grantee shall constantly monitor performance to ensure that time schedules are being met and projected goals by time periods are being accomplished. The performance narrative on the Performance Project Report shall include, but is not limited to, the following:
 - i. Describe the activities that the funds reflected in the financial status report were used for;
 - ii. A comparison of actual accomplishments to the objectives for that period;
 - iii. Reasons why established objectives were not met, if applicable;
 - iv. Problems, delays, or adverse conditions which will affect attainment of overall program objectives, prevent meeting time schedules or objectives, or preclude the attainment of particular objectives during established time periods. This disclosure shall be accomplished by a statement of the action taken or planned to resolve the situation;
 - v. Objectives and timetables established for the next reporting period;
 - vi. Summary of the race, sex, and national origin of the Ultimate Recipients and a summary from the Ultimate Recipients of the race, sex, and national origin of the beneficiaries; and
 - vii. The final report (due 90 calendar days after the period of performance end date) will also address the following:
 - (a) What have been the most challenging or unexpected aspects of this program?
 - (b) What advice, best practices, and actions would you recommend to other organizations planning a similar program that would increase the success of their program? Please include strengths and limitations of the

program. If you had the opportunity, what would you have done differently?

- (c) Are there any post-grant plans for this project? If yes, how will they be financed?
 - (d) Did your organization have the technical experts needed to maximize the use of the grant? If not, what other technical, legal, or other experts should be available to other Ultimate Recipients?
- viii. A summary at the end of the final report with the following elements to assist in documenting the annual performance goals of the TAT program for Congress;
- (a) A description of the activities that the funds reflected in the financial status report were used for;
 - (b) A comparison of actual accomplishments to the objectives for that period;
 - (c) Reasons why established objectives were not met, if applicable;
 - (d) Problems, delays, or adverse conditions which will affect attainment of overall program objectives, prevent meeting time schedules or objectives, or preclude the attainment of particular objectives during established time periods. This disclosure shall be accomplished by a Statement of the action taken or planned to resolve the situation;
 - (e) Objectives and timetables established for the next reporting period;
 - (f) A summary of the race, sex, and national origin of the Ultimate Recipients;
 - (g) What have been the most challenging or unexpected aspects of this grant?

(h) What advice would you give to other organizations planning a similar grant? What are the strengths and limitations of this grant? If you had the opportunity, what would you have done differently?

(i) Are there any post-grant plans for this Project? If yes, how will they be financed?

(2) The Agency may make site visits as warranted by program needs.

E. Any default or noncompliance will be subject to provisions in accordance with 2 CFR 200.338 and 200.339;

F. In accordance with 2 CFR 200.327, the Agency solicits the collection of financial information. This information will be collected annually. The Grantee will provide financial management systems which will include:

- (1) Identification, in its accounts, of all Grants received and expended and the Federal programs under which they were received. Federal program and federal award identification must include, as applicable the CFDA title and number, Federal Award Identification Number (FAIN) and year, and name of the Federal agency.
- (2) Accurate, current, and complete disclosure of the financial results of each grant in accordance with 2 CFR Parts 200 and 400. Financial reporting will be submitted annually on an accrual basis. If the Grantee maintains their books on other than an accrual basis, the Grantee is not required to establish an accrual accounting system, but all reports must be in an accrual format.
- (3) Records which identify adequately the source and application of funds for grant-supported activities. Those records shall contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, expenditures, income and interest and supported by source documentation.
- (4) Effective control over and accountability for all funds, property, and other assets. Grantees shall adequately safeguard all such assets and shall ensure that they are used solely for authorized purposes under 2 CFR Parts 200 and 400.
- (5) Comparison of expenditures with budget amounts for each Federal award.
- (6) Written procedures to implement the requirements of 2 CFR 200.305 Payment.

- (7) Written procedures for determining the allowability of costs in accordance with 2 CFR Part 200, Subpart E—Cost Principles and the terms and conditions of the Federal award.
- G. In accordance with 2 CFR 200.333, financial records, supporting documents, statistical records, and all other Grantee records pertinent to the grant generally must be retained for a period of three years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Agency. Limited exceptions are provided in 2 CFR 200.333;
- H. The Grantee will comply with audit requirements in 2 CFR 200.501-200.511. A Grantee that expends \$750,000 or more during the Grantee’s fiscal year in Federal awards must have a single or program-specific audit conducted for that year in accordance with 2 CFR 200.514. If Grantee expends less than \$750,000 in Federal awards during its fiscal year, records must be available for review or audit by the Agency and General Accountability Office (GAO);
- I. The Grantee must not encumber, transfer or dispose of the equipment or any part thereof, acquired wholly or in part with Grantor funds without the written consent of the Grantor in accordance with 2 CFR § 200.313;
- J. In accordance with 2 CFR 200.314, supplies and title to supplies will vest in the Grantee upon acquisition. If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate value upon termination or completion of the project and the supplies are not needed for any other Federal award, the Grantee must retain the supplies for use on other activities or sell them, but must, in either case, compensate the Agency for its share;
- K. Not duplicate other program activities for which monies have been received, are committed, or are applied to from other sources (public or private);
- L. The Grantee must have a Dun & Bradstreet Universal Numbering System (DUNS) number in order to apply for, receive, and report on a Federal award. Additionally, the Grantee must comply with the additional requirements set forth in Attachment D regarding the DUNS Requirements and the Central Contractor Registry (CCR) Requirements found at 2 CFR Part 25. For the purposes of this Agreement, “you” in Attachment C shall mean “Grantee” as defined hereunder;
- M. The Grantee is responsible for complying with all requirements of the Federal award. For all Federal awards, this includes the provisions of the Federal Funding Accountability and Transparency Act (FFATA), which includes requirements on executive compensation, and also requirements implementing the Act for the Grantee at 2 CFR Part 25 Financial Assistance Use of Universal Identifier and Central Contractor Registration and 2 CFR Part 170 Reporting Subaward and Executive Compensation Information. See also statutory requirements for whistleblower protections at 10 U.S.C. 2409, 41 U.S.C. 4712,

10 U.S.C. 2324, 41 U.S.C. 4304 and 4310. See also 2 CFR 200.11-200.113.

Both Parties Agree:

- A. The Agency will make payments under this agreement in accordance with 2 CFR 200.305. Advance payments are made when the Grantee maintains or demonstrates the willingness to maintain both written procedures to minimize the delay of transfer of funds and financial management systems for fund control and accountability. When these requirements cannot be met, reimbursement method of payment will be used. The Grantee shall request reimbursement or advance of Grant Funds, as applicable, by using Form SF 270, "Request for Advance or Reimbursement." All requests for advances or reimbursements must include matching fund usage. If matching funds are used, matching funds must be at least equal to the grant amount requested and are not to exceed the Grant Funds. The funds will be disbursed to Grantee on a pro rata basis, if the Grantee is contributing matching funds. The Grantee and Agency will execute Form RD 1940-1, "Request for Obligation of Funds" before this Agreement is signed by the Agency official;
- B. Grantee may revise its budget and/or program plans with prior Agency written approval in accordance with 2 CFR 200.308;
- C. Any Grant Funds disbursed and not needed for grant purposes will be returned immediately to the Grantor;
- D. The Agency will provide notice of any termination and appeal rights in accordance with 2 CFR 200.340 and 200.341. Additionally, the provisions of 2 CFR 200.339 and 200.471 apply;
- E. In accordance with 2 CFR 200.300, statutory and national policy requirements, Grantees will comply with title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973 and Executive Order 12250. Each grantee must sign Form RD 400-4, "Assurance Agreement";
- F. All contracts made by the Grantee under the Grant must contain the provisions as outlined in Appendix II to Part 200 Contract Provisions for Non-Federal Entity Contracts Under Federal Awards;
- G. The provisions of 2 CFR parts 200 and 400 "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" and 7 CFR 3570 Subpart F and any applicable Notice published in the Federal Register are incorporated herein and made a part hereof by reference; and

H. **THE AGENCY MUST MANAGE AND ADMINISTER THE GRANT IN A MANNER CONSISTENT WITH 2 CFR 200.210 AND 2 CFR 200.300. THE AGENCY WILL ENSURE THAT FEDERAL FUNDING IS EXPENDED AND ASSOCIATED PROGRAMS ARE IMPLEMENTED IN FULL ACCORDANCE WITH U.S. STATUTORY AND PUBLIC POLICY REQUIREMENTS: INCLUDING, BUT NOT LIMITED TO, THOSE PROTECTING PUBLIC WELFARE, THE ENVIRONMENT, AND PROHIBITING DISCRIMINATION.**

IN WITNESS WHEREOF, Grantee has this day authorized and caused this Agreement to be executed by:

Attest:

By: _____ (Grantee)

(Title)

Date

UNITED STATES OF AMERICA RURAL HOUSING SERVICE

By _____ (Grantor) (Name)

(Title)

(Address)

Date (Federal Award Date)

Attachment A

[Information specific to this grant]

Attachment B

[Application proposal submitted by Grantee]

Attachment C

[Reporting Subawards and Executive Compensation]

Attachment D

[Central Contractor Registration and Universal Identifier Requirements]

ATTACHMENT A

United States Department of Agriculture Rural Housing Service

COMMUNITY FACILITIES TECHNICAL ASSISTANCE AND TRAINING GRANT

Name of Grantee:

DUNS #:

Project type (Technical Assistance and/or Training):

Project description:

Federal Award Date:

Period of Performance

Beginning date: _____ Ending date:

Amount of Federal Funds Obligated by this action: \$

Total amount of Federal Funds Obligated : \$

Total Amount of the Federal Award: \$

Project Budget:

Total estimated project cost: \$

Grant amount: \$

Match amount:\$

Indirect Cost Rate: (Indirect Costs cannot exceed 10% of the Grant amount per 3570.264(j))

ATTACHMENT C

I. Reporting Subawards and Executive Compensation.

a. Reporting of first-tier subawards.

1. *Applicability.* Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111–5) for a subaward to an entity (see definitions in paragraph e. of this award term).

2. *Where and when to report.*

i. You must report each obligating action described in paragraph a.1. of this award term to <http://www.fsrs.gov>.

ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. *What to report.* You must report the information about each obligating action that the submission instructions posted at <http://www.fsrs.gov> specify.

b. Reporting Total Compensation of Recipient Executives.

1. *Applicability and what to report.* You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—

- i. the total Federal funding authorized to date under this award is \$25,000 or more;
- ii. in the preceding fiscal year, you received—

- (A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

- (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

- iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.html>)

- 2. *Where and when to report.* You must report executive total compensation described in paragraph b.1. of this award term:

- i. As part of your registration profile at <http://www.ccr.gov>.
 - ii. By the end of the month following the month in which this award is made, and annually thereafter.

c. *Reporting of Total Compensation of Subrecipient Executives.*

- 1. *Applicability and what to report.* Unless you are exempt as provided in paragraph d. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—

- i. in the subrecipient's preceding fiscal year, the subrecipient received—

- (A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

- (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

- ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. *Where and when to report.* You must report subrecipient executive total compensation described in paragraph c.1. of this award term:

- i. To the recipient.
- ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. *Exemptions*

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

- i. Subawards, and
- ii. The total compensation of the five most highly compensated executives of any subrecipient.

e. *Definitions.* For purposes of this award term:

1. *Entity* means all of the following, as defined in 2 CFR part 25:

- i. A Governmental organization, which is a State, local government, or Indian tribe;
- ii. A foreign public entity;
- iii. A domestic or foreign nonprofit organization;
- iv. A domestic or foreign for-profit organization;

- v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
2. *Executive* means officers, managing partners, or any other employees in management positions.
3. *Subaward*:
- i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
 - ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. _ .210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non- Profit Organizations").
 - iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.
4. *Subrecipient* means an entity that:
- i. Receives a subaward from you (the recipient) under this award; and
 - ii. Is accountable to you for the use of the Federal funds provided by the subaward.
5. *Total compensation* means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):
- i. *Salary and bonus*.
 - ii. *Awards of stock, stock options, and stock appreciation rights*. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
 - iii. *Earnings for services under non-equity incentive plans*. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
 - iv. *Change in pension value*. This is the change in present value of defined benefit and actuarial pension plans.

v. *Above-market earnings on deferred compensation which is not tax-qualified.*

vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

ATTACHMENT D

I. Central Contractor Registration and Universal Identifier Requirements

A. Requirement for Central Contractor Registration (CCR)

Unless you are exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain the currency of your information in the CCR until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

B. Requirement for Data Universal Numbering System (DUNS) Numbers If you are authorized to make subawards under this award, you:

1. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you unless the entity has provided its DUNS number to you.
2. May not make a subaward to an entity unless the entity has provided its DUNS number to you.

C. Definitions

For purposes of this award term:

1. Central Contractor Registration (CCR) means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the CCR Internet site (currently at <http://www.ccr.gov>).
2. Data Universal Numbering System (DUNS) number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D & B) to uniquely identify business entities. A DUNS number may be obtained from D & B by telephone (currently 866-705-5711) or the Internet (currently at <http://fedgov.dnb.com/webform>).

3. Entity, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:

- a. A Governmental organization, which is a State, local government, or Indian Tribe;
- b. A foreign public entity;
- c. A domestic or foreign nonprofit organization;
- d. A domestic or foreign for-profit organization; and
- e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

4. Subaward:

- a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. 2.210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
- c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.

5. Subrecipient means an entity that:

- a. Receives a subaward from you under this award; and
- b. Is accountable to you for the use of the Federal funds provided by the subaward.