

NOTICE OF FUNDING OPPORTUNITY



DEPARTMENT OF DEFENSE (DoD)

Legacy Resource Management Program

Notice of Funding Opportunity (NFO)

Announcement Type: Initial Announcement

NFO Number: HQ003423NFOEASD07

Assistance Listing Number: 12.632

Anticipated Funding Purpose: Office of the Under Secretary of Defense (OUSD), intends to award non-research cooperative agreements (CA) to help manage and sustain Department of Defense (DoD) land in the United States. The DoD Legacy Resource Management Program (Legacy Program) funds high priority national and regional natural and cultural resources projects that enhance conservation objectives and support military readiness.

Key Dates: This announcement will be open for applications until the time included in Section IV, "Application and Submission Information."

- **Date Issued:** June 2023
- **Due Date:** Applications will be reviewed on a rolling basis.

Agency Contact: All questions should be directed via e-mail to the following contacts:

- Grants Specialist: Diane Clarke, email: diane.r.clarke.civ@mail.mil
- Program Director: Elizabeth Galli-Noble, email: elizabeth.j.galli-noble.civ@mail.mil
- Program Contractor Support: Marwa Rafiq, email: marwa.m.rafiq.ctr@mail.mil
- Program Contractor Support: McKenna McMahan, email: mckenna.n.mcmahan.ctr@mail.mil

I. Program Description

A. Short Description of Funding Opportunity

On behalf of OSD OUSD A-S, the Washington Headquarters Services, Acquisition Directorate, (WHS/AD) seeks applications for cooperative agreements for relevant conservation projects. This NFO requests that respondents provide project narratives identifying projects that align with the purposes and public benefits identified. The project narratives will be used to identify projects and stakeholders for ongoing Legacy Program funding opportunities and conservation community engagement. Depending on the available funding and strength of the proposed project narratives, some offerors may be invited to submit full proposals or receive awards.

B. Background

The Office of the Secretary of Defense/Office of the Under Secretary of Defense (Acquisition and Sustainment) (OUSD(A&S))/Office of the Assistant Secretary of Defense (Energy, Installations and Environment) (OASD(EI&E))/Office of the Deputy Assistant Secretary of Defense for Environment and Energy Resilience (ODASD(E&ER)) manage the Legacy Resource Management Program (Legacy Program). Previous projects have created guides, systems, reports, and other deliverables addressing topics including climate adaptation for natural and cultural resources management, prevention and control techniques for invasives species, wildlife and habitat management recommendations, nationwide contexts and frameworks for evaluating historic properties, development of predictive models for natural and cultural resources management, approaches for improving tribal consultation and cooperation, various trainings and workshops, and educational and outreach materials. For detailed project information and final products, visit: <https://www.denix.osd.mil/legacy/>

C. Program Description/Objective:

Legacy awards must directly benefit DoD's stewardship objectives and mission. Projects should support one or more of the following Topic Areas:

- Improving management and conservation of biodiversity, particularly DoD “mission priority species” (see Appendix I for list of “mission priority” species)
- Improving techniques and approaches for resilient lands and ecosystem management
- Improving wildland fire management and risk reduction
- Improving consultation and coordination with Indian Tribal Governments and inclusion of Indigenous Knowledge in management programs
- Improving management of cultural resources

Cross Cutting Priorities:

- Readiness and Range Sustainment
- Climate adaptation, mitigation, and resilience
- Incorporating new or emerging technologies
- Improving data and information management

- Regulatory and management efficiencies

Additional criteria: All projects must benefit management of natural and/or cultural resources found on DoD lands. All projects must have regional or DoD-wide significance; be more effectively managed at the DoD level; and not be a responsibility of a designated Military Service.

D. Authorization

The authorization to make awards under this funding opportunity can be found under Assistance Listing (formerly the CFDA Number) 12.632 Legacy Resource Management Program.

E. Legal Requirements

The cooperative agreement awarded under this announcement will be governed by the general terms and conditions in effect at the time of the award that conform to the DoD's implementation of OMB guidance applicable to financial assistance in 2 CFR 1100 [Subchapter D – Administrative Requirements Terms and Conditions for Cost-Type Grants and Cooperative Agreements to Nonprofit and Government Entities] which are located at <https://www.nre.navy.mil/work-with-us/manage-your-award/manage-grant-award/grants-terms-conditions>. These terms and conditions are incorporated by reference in this announcement.

II. Federal Award Information

The following information applies to awards issued under this announcement:

This NFO requests that respondents provide project narratives identifying projects that align with the purposes and public benefits identified. The project narratives will be used to identify projects and stakeholders for ongoing Legacy Program funding opportunities and conservation community engagement.

Anticipated Period of Performance: The period of performance is subject to the proposed project. If appropriate, options may be permitted.

Instrument Type:

The type of funding instrument selected by the Government is planned to be a cooperative agreement. Cooperative agreements, unlike grants, involve substantial involvement in the project by the government. Substantial involvement often includes but is not limited to:

1. Determination of the primary focus of the cooperative agreement including location(s) work is to be performed;
2. Review and coordination of identified primary focus areas;

3. Reviewing, evaluating and approving project awards;
4. Granting access to and providing logistical support to DoD installations. The recipient will only interact with the designated US Government personnel.

Award type and funding arrangements are at the discretion of the Government. Collaborations or sub-awards with different entities are allowable. The Government reserves the right to accept only portions of an application and to negotiate potential awards.

Award Information:

The number of awards and expected dollar value depends on the availability of funding and the relevance of the projects proposed.

III. Eligibility Information

A. Eligible Applicants

Public and private agencies, organizations, institutions, and individuals are invited to apply. Offerors must be registered in the System for Award Management (SAM) before submission of the application. Information on SAM registration is available at <https://www.sam.gov/portal/public/SAM>. The offeror must provide a valid unique entity identifier (UEI) on their application. The offeror must continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency. WHS may not make a Federal award to the offeror until the offeror has complied with all applicable unique entity identifier and SAM requirements and, if an offeror has not fully complied with the requirements by the time WHS is ready to make an award.

B. Cost Sharing or Matching

Cost sharing is not required but is encouraged.

C. Conflict of Interest: General Requirement for Disclosure

Within the white paper submissions, organizations must disclose any potential or actual scientific or nonscientific conflict of interest(s). Organizations must also disclose any potential or actual conflict(s) of interest for any identified sub-recipient included in the application. Depending on the circumstances, the Government may request a conflict of interest mitigation plan. Government approval is required for all mitigation plans. Offerors with conflicts of interest that are not mitigated will be ineligible for award.

D. Other

a) Licensure or Certification

Offerors must include the Acknowledgment of Support and Disclaimer on all materials created or produced under these awards. This language may be found in the Terms and Conditions included in the award documents.

- i. Certifications, representations, and assurances
 1. To apply for cooperative agreements and other funding opportunities the applicant entity must have an active registration in the System for Award Management (SAM). Applications will not be accepted unless the entity is registered in SAM.
 2. The Federal Assistance Certifications Report is an attestation that the entity will abide by the requirements of the various laws and regulations; therefore, as applicable, offerors are required to submit any documentation, including the Standard Form (SF) - LLL Disclosure of Lobbying Activities (if applicable), and informing DoD of unpaid delinquent tax liability or a felony conviction under any Federal law.

Any attachment containing additional certifications should be prefaced by the following statement:

“By checking “I Agree” on the SF-424 Block 21 you agree to abide by the following statement: “By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)”

IV. Application and Submission Information

A. Submission Date and Time:

This notice will remain open to allow for rolling submission and review of proposals.

B. Application Procedures and Requirements

Organizations must have a Unique Entity Identifier (UEI) and active SAM registration.

The applicant shall submit their applications through grants.gov. See <https://www.grants.gov/web/grants/grantors/grantor-standard-language.html> for information on how to complete the application using Workspace on Grants.gov. Read the instructions in <https://www.grants.gov/web/grants/grantors/grantor-standard-language.html> about registering to apply for DoD funds. If the applicant experiences difficulties with their submission, Grants.gov provides support via the toll-free number 1-800-518-4726 and email at support@grants.gov.

Applicants will be selected from the stage one submissions to be invited by the Government to submit a full technical application for evaluation and possible award consideration. Applications will only be accepted if submitted through Grants.gov. Organizations must have a Unique Entity Identifier (UEI), active System for Award Management (SAM) registration, and Grants.gov account to apply for grants.

For questions, please contact:

- Michael Fanizzo Jr., email: Michael.j.fanizzo.civ@mail.mil
- Diane Clarke, email: diane.r.clarke.civ@mail.mil
- Elizabeth Galli-Noble, email: elizabeth.j.galli-noble.civ@mail.mil

C. Application Withdrawal:

An applicant may withdraw an application at any time before award by written notice. Notice of withdrawal shall be sent to the grants officer identified in this announcement. Withdrawals are effective upon receipt of notice by the grants officer.

D. Content and Form of Submission:

Common formatting requirements across all submitted documents

- Font shall be: Times New Roman, 12 point
- Margins shall be 1 inch on all sides
- Paper size shall be 8 ½ by 11.
- Project narratives shall not exceed ten pages in length.
- Documentation submitted under this NFO are expected to be unclassified; classified applications are not permitted.
- All documents must be submitted in PDF format.
- Pre-applications and proposals will be evaluated by Government personnel. Each reviewer is required to sign a conflict-of-interest and confidentiality statement attesting that the reviewer has no known conflicts of interest, and that application and evaluation information will not be disclosed outside the evaluation panel. The names and affiliations of reviewers are not disclosed.
- All submissions will be protected from unauthorized disclosure in accordance with applicable law and DoD regulations.

Marking Proprietary or Confidential Information

OSD and WHS/AD will make every effort to protect any proprietary information submitted in project narratives and full applications. Any proprietary information included in application materials must be identified. Prospective proposers should be aware, however, that under the Freedom of Information Act (FOIA) requirements, proprietary information contained in project narratives and applications (marked or unmarked) may still potentially be subject to release.

It is the prospective applicants' responsibility to notify WHS/AD of applications containing proprietary information and to identify the relevant portions of their applications that require protection. The entire application (or portions thereof) without protective markings or otherwise identified as requiring protection will be considered to be furnished voluntarily to WHS/AD without restriction and will be treated as such for all purposes.

It is the intent of WHS/AD to treat all submissions as proprietary information before the award and to

disclose their contents to reviewers only for the purpose of evaluation.

E. Application Requirements/ Component-specific Requirements. Project Narrative Preparation and Submission

All submissions shall be made through grants.gov. The following forms are identified in grants.gov:

Submission Forms
SF424 Mandatory Form [V3.0]
Assurances for Non-Construction Programs (SF-424B - Mandatory) [V1.1]
Budget Information for Non-Construction Programs (SF-424A) [V1.0]
Disclosure of Lobbying Activities (SF-LLL) [V2.0]
Project Abstract Summary [V2.0]
Project Narrative Attachment Form [V1.2]

Project Narrative Components

Submitted documentation should be in PDF format and include in a single document:

- A cover letter (optional), not to exceed one page. The cover letter does not count against the ten page limit.
- A cover page, labeled “APPLICATION,” that includes the NFO number, proposed project title, and prospective applicant's technical point of contact with telephone number, and e-mail address.

The project narrative (ten page limit, single-sided) must include:

1. A project abstract summary. The project abstract should be appropriate for public release and should describe the project in terms that the public would understand. The abstract should summarize the project and specifically identify the principal investigator and offering institution; problems and objectives; technical approaches and anticipated outcome.
2. The project plan shall describe the proposed works, management, and project schedule and milestones for the project in its entirety (including any options). It should also include a proposed, estimated project ceiling cost (per year). The plan should also include:
 - key personnel that will perform the work;
 - associated cost breakdown by tasks;
 - project schedule and milestones;
 - anticipated sub-awards and contract requirements;
 - any other material details of the project.

The project plan should also describe the public purpose of the project, specifically describe how the proposed work fulfills a public benefit beyond the needs of the Government. The public-benefits statement is an important part of the evaluation and award process.

Unique Entity Identifier and System for Award Management

Several one-time actions must be completed in order to submit an application through Grants.gov. These include obtaining a Dun and Bradstreet Data Universal Numbering System (DUNS) number, registering with the System for Award Management (SAM), registering with the credential provider, and registering with Grants.gov. See <http://www.grants.gov/GetStarted>.

The awardee shall use the Grants.gov organization Registration Checklist at http://www.grants.gov/applicants/register_your_organization.jsp, which will provide guidance through the process. Designating an E-Business Point of Contact (EBiz POC) and obtaining a special password called “MPIN” are important steps in the SAM registration process. Applicants who are not registered with SAM and Grant.gov should allow at least 21 days for completing these requirements. The process should be started as soon as possible. Any questions relating to the registration process, system requirement, how an application form works, or the submittal process must be directed to Grants.gov at 1-800-518-4726 or support@grants.gov. Successful Applicants not already registered in the System for Award Management (SAM) will be required to register in SAM prior to award of any grant, or cooperative agreement. Information on SAM registration is available at <https://www.sam.gov>.

Special Notice regarding a Waiver of Grants.gov submission requirement: If an Applicant is unable to comply with the requirement to use Grants.gov, for submission of a grant application under this NFO or finds it would be an excessive burden to comply with this requirement, a waiver request may be submitted. Such request should be submitted by the Electronic Business Point of Contact listed in the SAM for the organization and should contain the Organization/Individual’s name, address, telephone number, and e-mail address. The request should state the reason for the request in sufficient detail so a decision can be made. The Waiver Request should be submitted to the cognizant Contract Specialist. Such request can be sent by e-mail or registered mail. A decision and response will be issued within 14 calendar days of receipt of the request by the cognizant Contract Specialist. Foreign Grantees who are not registered in SAM may request a waiver on that basis since SAM registration is integral to the Grants.gov application process. If the waiver is approved, DoD will provide a packet of all required documents and submission instructions via e-mail or in hard copy via registered mail.

F. Funding Restrictions

Per 2 CFR § 200.216, funds may not be used to procure telecommunications equipment or video surveillance services or equipment produced by:

- Huawei Technologies Company,
- ZTE Corporation Hytera Communications Corporation,
- Hangzhou Hikvision Digital Technology Company,
- Dahua Technology Company
- any subsidiary or affiliate of such entities

Other Submission Requirements and Information

Physical/facsimile delivery by the Applicant is not authorized and will not be accepted.

i. Amendments to Announcements

If this announcement is amended, then all terms and conditions, which are not amended, shall remain unchanged. Applicants shall acknowledge receipt of any amendments to this NFO by: (1)

identifying the amendment in its application, or (2) by separate letter upon receipt of the amendment. The Government must receive the acknowledgment by the date/time specified for receipt of applications.

ii. **Modifications, and Withdrawals of Applications**

The announced Application due date and procedures for guaranteeing timely submission of Applications shall also be applied to those Applicants submitting modifications to or withdrawals of Applications.

iii. **Protests**

The decision of the Grants Officer relative to any protest filed will be final unless the protester appeals to the WHS/AD Competition Advocate:

Mr. David Kao
Deputy Director, WHS/AD
4800 Mark Center Drive, Suite 09F09
Alexandria, VA 22350

The Recipient(s) shall proceed diligently with preparation of its Application(s) or performance under an award, pending final resolution of any request for relief, appeal, or action arising under the award, and comply with any decision of the Grants Officer.

The applicant 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.C. Any person 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.

Wide Area Workflow (WAWF)

Performers are required to submit invoices for payment directly at <https://wawf.eb.mil>. WAWF registration is required prior to any award under this NFO.

V. Application Review Information

A. Selection Criteria

Applications will be evaluated using the following criteria. The criteria are of equal importance.

- **Criteria One:** The relevance and impact of the proposed project on natural resources conservation and cultural activities under 10 USC 2694. The scope of applicability, specifically how much of the DOD, military bases, geographic regions, etc, is affected will also be considered.

- Criteria Two: Any collaboration with other federal or state agencies, non-governmental organizations or specific installation planners and the military services will also be considered. While there is no cost-share requirement for the DoD Legacy Program, cost-share or leverage of other contributions is highly encouraged.
- The reasonableness and realism of the cost will also be assessed.
- The government will also assess applicants per the elements identified in 32 CFR 22.415.

Adjectival Ratings

Rating	Description
Outstanding	Demonstrates an outstanding approach to the technical merits of the proposed research and development (R&D). Demonstrates an outstanding approach to the relationship between the proposed R&D and the DoD mission. Demonstrates an outstanding mitigation strategy for risks associated with the quality of the applicant's management systems. Demonstrates an outstanding approach to meeting the management standards as described at 2 CFR 200.205. Application is an outstanding demonstration of the applicant's vision, experience and qualifications to administer and grow complex public-private initiatives aimed at advancing the state of maintenance and sustainment. Risk of unsuccessful performance is low.
Good	Demonstrates a good approach to the technical merits of the proposed research and development (R&D). Demonstrates a good approach to the relationship between the proposed R&D and the DoD mission. Demonstrates a good mitigation strategy for risks associated with the quality of the applicant's management systems. Demonstrates a good approach to meeting the management standards as described at 2 CFR 200.205. Application is a good demonstration of the applicant's vision, experience and qualifications to administer and grow complex public-private initiatives aimed at advancing the state of maintenance and sustainment. Risk of unsuccessful performance is low to moderate.
Acceptable	Demonstrates an acceptable approach to the technical merits of the proposed research and development (R&D). Demonstrates an acceptable approach to the relationship between the proposed R&D and the DoD mission. Demonstrates an acceptable mitigation strategy for risks associated with the quality of the applicant's management systems. Demonstrates an acceptable approach to meeting the management standards as described at 2 CFR 200.205. Application is an acceptable demonstration of the applicant's vision, experience and qualifications to administer and grow complex public-private initiatives aimed at advancing the state of maintenance and sustainment. Risk of unsuccessful performance is no worse than moderate.
Marginal	Demonstrates an approach to the technical merits of the proposed research and development (R&D). Demonstrates an approach to the relationship between the proposed R&D and the DoD mission. Demonstrates a mitigation strategy for risks associated with the quality of the applicant's management systems. Demonstrates an approach to meeting the management standards as described at 2 CFR 200.205. Application is a marginal demonstration of the applicant's vision, experience and qualifications to administer and grow complex public-private initiatives aimed at advancing the state of maintenance and sustainment. Risk of unsuccessful performance is high. Application is unawardable.
Unacceptable	Fails to demonstrate an approach to the technical merits of the proposed research and development (R&D). Fails to demonstrate an approach to the relationship between the proposed R&D and the DoD mission. Fails to demonstrate a mitigation strategy for risks associated with the quality of the applicant's management systems. Fails to demonstrate an approach to meeting the management standards as described at 2 CFR

Rating	Description
	200.205. Application fails to demonstrate the applicant's vision, experience and qualifications to administer and grow complex public-private initiatives aimed at advancing the state of maintenance and sustainment. Risk of unsuccessful performance is unacceptable. Application is unawardable.

B. Review and Selection Process:

The application will be reviewed based on the selection criteria above. The number of awards made and their value depends on the funds available to the Legacy Program.

The applicant is advised that employees of commercial firms under contract to the Government may be used to administratively process applications. By submitting an application, an applicant consents to allowing access to its application(s) by support contractors. These support contracts include nondisclosure agreements prohibiting their contractor employees from disclosing any information submitted by applicants.

In addition to the technical/program review, the DoD conducts budget and risk reviews as directed by 2 CFR 200.206, including a review of the Federal Awardee Performance and Integrity Information System (FAPIIS). Applicants may review information in FAPIIS and comment on any information entered into that system. Comments made by applicants will be taken into account in addition to other information in considering applicants' integrity, business ethics, and record of performance.

At the time of application, there is no additional material to be submitted for this review. However, there may be additional requests for clarification as these reviews progress.

C. Award Decision

The Government reserves the right to select for negotiation all, some, one, or none of the submission received in response to this NFO and to make awards without discussions. Therefore, Applicant Proposals should include the applicant's best response to this announcement. However, the Government reserves the right to conduct discussions if it is determined by the Grants Officer to be necessary.

The Government reserves the right to request additional information once award has been determined. The Government reserves the right to remove Applicants from award consideration should the parties fail to reach agreement on award terms within a reasonable time or the Applicant fails to provide requested additional information in a timely manner.

The Recipient(s) that has been deemed successful will receive a pre-award notice via e-mail from the WHS/AD Grants Officer. The Government may initiate Cooperative Agreement negotiations when deemed appropriate to do so. Unsuccessful applicants will also be notified via e-mail at that time.

Once a recipient of award is announced, the recipient of award only shall submit the required information for electronic submission. The recipient of award shall use the Grants.gov website (<https://www.grants.gov>). Recipient shall complete the mandatory forms in the application package template associated with this NFO.

VI. Federal Award Administration Information

A. FEDERAL AWARD NOTICES

Decisions are expected to be announced via email. Evaluations and awards will be made on a rolling basis. After selection, the Program Office and the Grants Office may negotiate a Cooperative Agreement with the selected Recipient(s). Applicants who do not receive an award are not entitled to a debrief.

The notification email regarding a selection is not authorization to commit or expend DoD funds. A DoD grants officer is the only person authorized to obligate and approve the use of Federal funds, this authorization is conveyed in the form of a signed Notice of Award. If recommended, offerors will be contacted by a DoD grants officer to discuss any additional information required for award. This may include representations and certifications, revised budgets or budget explanations, or other information as applicable to the proposed award. The award start date will be determined and documented at that time.

Federal regulations, to include but not limited to 32 CFR 32 and DoD 3210.6-R¹, take precedence over all terms and conditions of Agreement awards.

B. NATIONAL POLICY REQUIREMENTS (NP)

NP Article I. Nondiscrimination national policy requirements. (December 2014)

Section A. Cross-cutting nondiscrimination requirements. By signing this award or accepting funds under this award, you assure that you will comply with applicable provisions of the national policies prohibiting discrimination:

1. On the basis of race, color, or national origin, in Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), as implemented by Department of Defense (DoD) regulations at 32 CFR part 195.
2. On the basis of gender, blindness, or visual impairment, in Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), as implemented by DoD regulations at 32 CFR part 196.
3. On the basis of age, in the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), as implemented by Department of Health and Human Services regulations at 45 CFR part 90.
4. On the basis of disability, in the Rehabilitation Act of 1973 (29 U.S.C. 794), as implemented by Department of Justice regulations at 28 CFR part 41 and DoD regulations at 32 CFR part 56.
5. On the basis of disability in the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.) related to physically handicapped persons' ready access to, and use of, buildings and facilities for which Federal funds are used in design, construction, or alteration.

Section B. [Reserved]

Appendix B to Part 1122—Terms and Conditions for NP Article II, “Environmental National Policy Requirements”

NP Article II. Environmental national policy requirements. (December 2014)

Section A. Cross-cutting environmental requirements. You must:

1. You must comply with all applicable Federal environmental laws and regulations. The laws and regulations identified in this section are not intended to be a complete list.
2. Comply with applicable provisions of the Clean Air Act (42 U.S.C. 7401, *et seq.*) and Clean Water Act (33 U.S.C. 1251, *et seq.*).
3. Comply with applicable provisions of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821–4846), as implemented by the Department of Housing and Urban Development at 24 CFR part 35. The requirements concern lead-based paint in buildings owned by the Federal Government or housing receiving Federal assistance.
4. Immediately identify to us, as the Federal awarding agency, any potential impact that you find this award may have on:
 - a. The quality of the “human environment”, as defined in 40 CFR 1508.14, including wetlands; and provide any help we may need to comply with the National Environmental Policy Act (NEPA, at 42 U.S.C. 4321 *et seq.*), the regulations at 40 CFR 1500–1508, and E.O. 12114, if applicable; and assist us to prepare Environmental Impact Statements or other environmental documentation. In such cases, you may take no action that will have an environmental impact (*e.g.*, physical disturbance of a site such as breaking of ground) or limit the choice of reasonable alternatives to the proposed action until we provide written notification of Federal compliance with NEPA or E.O. 12114.
 - b. Flood-prone areas and provide any help we may need to comply with the National Flood Insurance Act of 1968, as amended by the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 *et seq.*), which require flood insurance, when available, for federally assisted construction or acquisition in flood-prone areas.
 - c. A land or water use or natural resource of a coastal zone that is part of a federally approved State coastal zone management plan and provide any help we may need to comply with the Coastal Zone Management Act of 1972 (16 U.S.C. 1451, *et seq.*) including preparation of a Federal agency Coastal Consistency Determination.
 - d. Coastal barriers along the Atlantic and Gulf coasts and Great Lakes' shores and provide help we may need to comply with the Coastal Barrier Resources Act (16 U.S.C. 3501 *et seq.*), concerning preservation of barrier resources.
 - e. Any existing or proposed component of the National Wild and Scenic Rivers system and provide any help we may need to comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 *et seq.*).
 - f. Underground sources of drinking water in areas that have an aquifer that is the sole or principal drinking water source and in wellhead protection areas, and provide any help we may need to comply with the Safe Drinking Water Act (42 U.S.C. 300f *et seq.*).
5. You must comply fully with the Endangered Species Act of 1973, as amended (ESA, at 16 U.S.C. 1531 *et seq.*), and implementing regulations of the Departments of the Interior (50 CFR parts 10–24) and Commerce (50 CFR parts 217–227). You also must provide any help we may need in complying with the consultation requirements of ESA section 7 (16 U.S.C. 1536) applicable to Federal agencies or any regulatory authorization we may need based on the award of this grant. This is not in lieu of responsibilities you have to comply with provisions of the Act that apply directly to you as a U.S.

entity, independent of receiving this award.

6. You must fully comply with the Marine Mammal Protection Act of 1972, as amended (MMPA, at 16 U.S.C. 1361 et seq.) and provide any assistance we may need in obtaining any required MMPA permit based on an award of this grant.

Section B. [Reserved]

Appendix C to Part 1122—Terms and Conditions for NP Article III, “National Policy Requirements Concerning Live Organisms”

NP Article III. National policy requirements concerning live organisms. (December 2014)

Section A. Cross-cutting requirements concerning live organisms.

1. Human subjects.

a. You must protect the rights and welfare of individuals who participate as human subjects in research under this award and comply with the requirements at 32 CFR part 219, DoD Instruction (DoDI) 3216.02, 10 U.S.C. 980, and when applicable, Food and Drug Administration (FDA) regulations.

b. You must not begin performance of research involving human subjects, also known as human subjects research (HSR), that is covered under 32 CFR part 219, or that meets exemption criteria under 32 CFR 219.101(b), until you receive a formal notification of approval from a DoD Human Research Protection Official (HRPO). Approval to perform HSR under this award is received after the HRPO has performed a review of your documentation of planned HSR activities and has officially furnished a concurrence with your determination as presented in the documentation.

c. In order for the HRPO to accomplish this concurrence review, you must provide sufficient documentation to enable his or her assessment as follows:

i. If the HSR meets an exemption criterion under 32 CFR 219.101(b), the documentation must include a citation of the exemption category under 32 CFR 219.101(b) and a rationale statement.

ii. If your activity is determined as “non-exempt research involving human subjects”, the documentation must include:

(A) Assurance of Compliance (*i.e.*, Department of Health and Human Services Office for Human Research Protections (OHRP) Federalwide Assurance (FWA)) appropriate for the scope of work or program plan; and

(B) Institutional Review Board (IRB) approval, as well as all documentation reviewed by the IRB to make their determination.

d. The HRPO retains final judgment on what activities constitute HSR, whether an exempt category applies, whether the risk determination is appropriate, and whether the planned HSR activities comply with the requirements in paragraph 1.a of this section.

e. You must notify the HRPO immediately of any suspensions or terminations of the Assurance of

Compliance.

f. DoD staff, consultants, and advisory groups may independently review and inspect your research and research procedures involving human subjects and, based on such findings, DoD may prohibit research that presents unacceptable hazards or otherwise fails to comply with DoD requirements.

g. Definitions for terms used in paragraph 1 of this article are found in DoDI 3216.02.

2. *Animals.*

a. Prior to initiating any animal work under the award, you must:

i. Register your research, development, test, and evaluation or training facility with the Secretary of Agriculture in accordance with 7 U.S.C. 2136 and 9 CFR 2.30, unless otherwise exempt from this requirement by meeting the conditions in 7 U.S.C. 2136 and 9 CFR parts 1–4 for the duration of the activity.

ii. Have your proposed animal use approved in accordance with Department of Defense Instruction (DoDI) 3216.01, Use of Animals in DoD Programs by a DoD Component Headquarters Oversight Office.

iii. Furnish evidence of such registration and approval to the grants officer.

b. You must make the animals on which the research is being conducted, and all premises, facilities, vehicles, equipment, and records that support animal care and use available during business hours and at other times mutually agreeable to you, the United States Department of Agriculture Office of Animal and Plant Health Inspection Service (USDA/APHIS) representative, personnel representing the DoD component oversight offices, as well as the grants officer, to ascertain that you are compliant with 7 U.S.C. 2131 et seq., 9 CFR parts 1–4, and DoDI 3216.01.

c. Your care and use of animals must conform with the pertinent laws of the United States, regulations of the Department of Agriculture, and regulations, policies, and procedures of the Department of Defense (see 7 U.S.C. 2131 et seq., 9 CFR parts 1–4, and DoDI 3216.01).

d. You must acquire animals in accordance with DoDI 3216.01.

3. *Use of Remedies.*

Failure to comply with the applicable requirements in paragraphs 1–2 of this section may result in the DoD Component's use of remedies, *e.g.*, wholly or partially terminating or suspending the award, temporarily withholding payment under the award pending correction of the deficiency, or disallowing all or part of the cost of the activity or action (including the federal share and any required cost sharing or matching) that is not in compliance. See OAR Article III.

Section B. [Reserved]

Appendix D to Part 1122—Terms and Conditions for NP Article IV, “Other National Policy Requirements”

NP Article IV. Other National Policy Requirements. (December 2014)

Section A. Cross-cutting requirements.

1. ***Debarment and suspension.*** You must comply with requirements regarding debarment and suspension in Subpart C of 2 CFR part 180, as adopted by DoD at 2 CFR part 1125. This includes requirements concerning your principals under this award, as well as requirements concerning your procurement transactions and subawards that are implemented in PROC Articles I through III and SUB Article II.

2. ***Drug-free workplace.*** You must comply with drug-free workplace requirements in Subpart B of 2 CFR part 26, which is the DoD implementation of 41 U.S.C. chapter 81, “Drug-Free Workplace.”

3. Lobbying.

a. You must comply with the restrictions on lobbying in 31 U.S.C. 1352, as implemented by DoD at 32 CFR part 28, and submit all disclosures required by that statute and regulation.

b. You must comply with the prohibition in 18 U.S.C. 1913 on the use of Federal funds, absent express Congressional authorization, to pay directly or indirectly for any service, advertisement or other written matter, telephone communication, or other device intended to influence at any time a Member of Congress or official of any government concerning any legislation, law, policy, appropriation, or ratification.

c. If you are a nonprofit organization described in section 501(c)(4) of title 26, United States Code (the Internal Revenue Code of 1968), you may not engage in lobbying activities as defined in the Lobbying Disclosure Act of 1995 (2 U.S.C., chapter 26). If we determine that you have engaged in lobbying activities, we will cease all payments to you under this and other awards and terminate the awards unilaterally for material failure to comply with the award terms and conditions.

4. ***Officials not to benefit.*** You must comply with the requirement that no member of Congress shall be admitted to any share or part of this award, or to any benefit arising from it, in accordance with 41 U.S.C. 6306.

5. ***Hatch Act.*** If applicable, you must comply with the provisions of the Hatch Act (5 U.S.C. 1501–1508) concerning political activities of certain State and local government employees, as implemented by the Office of Personnel Management at 5 CFR part 151, which limits political activity of employees or officers of State or local governments whose employment is connected to an activity financed in whole or part with Federal funds.

6. ***Native American graves protection and repatriation.*** If you control or possess Native American remains and associated funerary objects, you must comply with the requirements of 43 CFR part 10, the Department of the Interior implementation of the Native American Graves Protection and Repatriation Act of 1990 (25 U.S.C., chapter 32).

7. ***Fly America Act.*** You must comply with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 40118), commonly referred to as the “Fly America Act,” and implementing regulations at 41 CFR 301–10.131 through 301–10.143. The law and regulations require that U.S. Government financed international air travel of passengers and transportation of personal effects or property must use a U.S. Flag air carrier or be performed under a cost sharing arrangement with a U.S. carrier, if such service is available.

8. ***Use of United States-flag vessels.*** You must comply with the following requirements of the Department of Transportation at 46 CFR 381.7, in regulations implementing the Cargo Preference Act of 1954:

- a. Pursuant to Public Law 83–664 (46 U.S.C. 55305), at least 50 percent of any equipment, materials or commodities procured, contracted for or otherwise obtained with funds under this award, and which may be transported by ocean vessel, must be transported on privately owned United States-flag commercial vessels, if available.
- b. Within 20 days following the date of loading for shipments originating within the United States or within 30 working days following the date of loading for shipments originating outside the United States, a legible copy of a rated, “on-board” commercial ocean bill-of-lading in English for each shipment of cargo described in paragraph 8.a of this section must be furnished to both our award administrator (through you in the case of your contractor's bill-of-lading) and to the Division of National Cargo, Office of Market Development, Maritime Administration, Washington, DC 20590.

9. ***Research misconduct.*** You must comply with requirements concerning research misconduct in Enclosure 4 to DoD Instruction 3210.7, “Research Integrity and Misconduct.” The Instruction implements the Governmentwide research misconduct policy that the Office of Science and Technology Policy published in the Federal Register (65 FR 76260, December 6, 2000, available through the U.S. Government Printing Office website:

<https://www.federalregister.gov/documents/2000/12/06/00-30852/executive-office-of-the-president-federal-policy-on-research-misconduct-preamble-for-research>).

10. ***Requirements for an Institution of Higher Education Concerning Military Recruiters and Reserve Officers Training Corps (ROTC).***

- a. As a condition for receiving funds available to the DoD under this award, you agree that you are not an institution of higher education (as defined in 32 CFR part 216) that has a policy or practice that either prohibits, or in effect prevents:
 - i. The Secretary of a Military Department from maintaining, establishing, or operating a unit of the Senior Reserve Officers Training Corps (ROTC)—in accordance with 10 U.S.C. 654 and other applicable Federal laws—at that institution (or any subelement of that institution);
 - ii. Any student at that institution (or any subelement of that institution) from enrolling in a unit of the Senior ROTC at another institution of higher education.
 - iii. The Secretary of a Military Department or Secretary of Homeland Security from gaining access to campuses, or access to students (who are 17 years of age or older) on campuses, for purposes of military recruiting in a manner that is at least equal in quality and scope to the access to campuses and to students that is provided to any other employer; or
 - iv. Access by military recruiters for purposes of military recruiting to the names of students (who are 17 years of age or older and enrolled at that institution or any subelement of that institution); their addresses, telephone listings, dates and places of birth, levels of education, academic majors, and degrees received; and the most recent educational institutions in which they were enrolled.

- b. If you are determined, using the procedures in 32 CFR part 216, to be such an institution of higher education during the period of performance of this award, we:

- i. Will cease all payments to you of DoD funds under this award and all other DoD grants and cooperative agreements; and
- ii. May suspend or terminate those awards unilaterally for material failure to comply with the award terms and conditions.

11. **Historic preservation.** You must identify to us any:

- a. Property listed or eligible for listing on the National Register of Historic Places that will be affected by this award, and provide any help we may need, with respect to this award, to comply with Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. 306108), as implemented by the Advisory Council on Historic Preservation regulations at 36 CFR part 800 and Executive Order 11593, "Identification and Protection of Historic Properties," [3 CFR, 1971–1975 Comp., p. 559]. Impacts to historical properties are included in the definition of "human environment" that require impact assessment under NEPA (See NP Article II, Section A).
- b. Potential under this award for irreparable loss or destruction of significant scientific, prehistorical, historical, or archeological data, and provide any help we may need, with respect to this award, to comply with the Archaeological and Historic Preservation Act of 1974 (54 U.S.C. chapter 3125).

12. **Relocation and real property acquisition.** You must comply with applicable provisions of 49 CFR part 24, which implements the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601, et seq.) and provides for fair and equitable treatment of persons displaced by federally assisted programs or persons whose property is acquired as a result of such programs.

13. **Confidentiality of patient records.** You must keep confidential any records that you maintain of the identity, diagnosis, prognosis, or treatment of any patient in connection with any program or activity relating to substance abuse education, prevention, training, treatment, or rehabilitation that is assisted directly or indirectly under this award, in accordance with 42 U.S.C. 290dd–2.

14. **Pro-Children Act.**

You must comply with applicable restrictions in the Pro-Children Act of 1994 (Title 20, Chapter 68, subchapter X, Part B of the U.S. Code) on smoking in any indoor facility:

- a. Constructed, operated, or maintained under this award and used for routine or regular provision of kindergarten, elementary, or secondary education or library services to children under the age of 18.
- b. Owned, leased, or contracted for and used under this award for the routine provision of federally funded health care, day care, or early childhood development (Head Start) services to children under the age of 18.

15. **Constitution Day.** You must comply with Public Law 108–447, Div. J, Title I, Sec. 111 (36 U.S.C. 106 note), which requires each educational institution receiving Federal funds in a Federal fiscal year to hold an educational program on the United States Constitution on September 17th during that year for the students served by the educational institution.

16. **Trafficking in persons.** You must comply with requirements concerning trafficking in persons specified in the award term at 2 CFR 175.15(b), as applicable.

17. **Whistleblower protections.** You must comply with 10 U.S.C. 2409, including the:

- a. Prohibition on reprisals against employees disclosing certain types of information to specified persons or bodies; and
- b. Requirement to notify your employees in writing, in the predominant native language of the workforce, of their rights and protections under that statute.

VII. Reporting Requirements

1. Financial and Performance Reporting: reporting shall vary based on the details of the project, however, all reporting shall compare marginal performance progress with the corresponding financial outlays.
3. Presentation of Findings: varies by project and specified deliverables.
4. Property Reports: only as applicable to proposed projects. Under 2 CFR 200, the recipient shall submit annual inventory listing to all equipment in excess of \$5,000 acquired under this grant.
5. Document submission: All reporting requirements above shall be sent via email to the Government Technical Program Point of Contact.

Awardees will need to comply with the reporting requirements in 2 CFR 170: Reporting Sub-award and Executive Compensation Information

The terms and conditions of the award will provide the specifics on how to submit the reports and any required sections for those reports.

VIII. Other Administrative Requirements

Award recipients must provide assurances and certifications on all applicable compliance requirements. Any awards resulting from this NFO will be subject to the national policy requirements of assistance awards, such as Debarment and Suspension, Drug Free Workplace, Lobbying, Hatch Act, etc.

IX. Federal Contacts

Questions regarding program policy, program content, or technical issues should be directed to DoD Program Technical Point of Contact:

Elizabeth (Liz) Galli-Noble, Program Director
OUSD(A&S)/ODASD(E&ER), DoD Legacy Resource Management Program
Office: 571-372-8299
Email: elizabeth.j.galli-noble.civ@mail.mil

Marwa Rafiq, Program Support Contractor
OUSD(A&S) DoD Legacy Resource Management Program

Office: 571-342-2802
Email: marwa.m.rafiq.ctr@mail.mil

McKenna McMahon. Program Support Contractor
OUSD(A&S) DoD Legacy Resource Management Program
Office: 850-866-8559
Email: mckenna.n.mcmahon.ctr@mail.mil

Questions regarding administrative problems or grant administration should be directed to DoD Grants Officers:

Michael Fanizzo, Grants Officer
Washington Headquarter Services, Acquisition Directorate
Email: michael.j.fanizzo.civ@mail.mil

Diane Clarke, Grants Specialist
Washington Headquarter Services, Acquisition Directorate
Email: diane.r.clarke.civ@mail.mil

X. Other Information

The Federal government is not obligated to make any Federal award as a result of the announcement. Only Grants Officers can bind the Federal government to the expenditure of fund.

This is provided for your information only. The terms & conditions will be negotiated with the selected recipient prior to award of the cooperative agreement.

1. The Grants Office

Only a warranted WHS/AD Grants Officer may bind the Government. A pre-award notice that a proposal was successful neither obligates the Government to make an award nor commits the Government to reimburse any pre-award costs incurred in the anticipation of an award. Pre-award costs, where allowed, are incurred at an applicant's risk.

2. Federal Statutes

Federal statutes take precedence over all terms and conditions of awards.

3. Retention and Examination of Records

Retention and access requirements for records shall be as set out at 32 CFR 32.53 for the award.

4. Modification of Agreement

The only method by which the Agreement can be modified is through formal, written modification, signed by either the Grants Officer or the Administrative Grants Officer. No other communications, whether oral or in writing, shall be binding on the parties.

5. Code of Conduct

Applicants for grants, cooperative agreements, or other transaction agreements as applicable are required to comply with 2 CFR 200.318(c), Codes of Conduct, to prevent real or apparent conflicts

of interest in the award and administration of any contracts supported by federal funds. This provision will be incorporated into all assistance instruments awarded under this NFO.

6. Reporting Executive Compensation and First-Tier Subawards

The Federal Funding Accountability and Transparency Act of 2006 (Public Law 109- 282), as amended by Section 6202 of Public Law 110-252, requires that all agencies establish requirements for recipients reporting information on subawards and executive total compensation as codified in 2 CFR 170.110. Any U.S. Institutions of Higher Education that applies for financial assistance (either grants, cooperative agreements or other transaction agreements) as either a prime or sub-recipient under this NFO must provide information in its proposal that describes the necessary processes and systems in place to comply with the reporting requirements identified in 2 CFR 170.220. This grant and any subawards are also subject to 32 CFR Part 32.

7. NDAA Section 889 Compliance

See Section 11 of the National Policy Article IV. Other national policy requirements. (September 2020) Section A. Cross-cutting requirements, of the DoD R&D General Terms and Conditions September 2021.

Appendix I Department of Defense Mission Priority Species

Alligator Snapping Turtle (PR T), *Macrochelys temminckii*
Bachman's Sparrow, *Peucaea aestivalis*
Bendire's Thrasher, *Toxostoma bendirei*
Blanding's Turtle (UR), *Emydoidea blandingii*
Burrowing Owl, *Athene cunicularia*
California least tern (E), *Sterna antillarum browni*
Cerulean Warbler, *Setophaga cerulea*
Desert tortoise (T), *Gopherus agassizii*
Eastern Diamond-backed Rattlesnake (UR), *Crotalus adamanteus*
Eastern indigo snake (T), *Drymarchon couperi*
Florida Pinesnake (UR), *Pituophis melanoleucus mugitus*
Fragile tree snail, *Samoana fragilis*
Golden-cheeked warbler (E), *Setophaga chrysoparia*
Golden-winged Warbler (UR), *Vermivora chrysoptera*
Gopher Frog (UR), *Lithobates capito*
Gopher Tortoise (T - Western DPS), *Gopherus polyphemus*
Greater Prairie-Chicken, *Tympanuchus cupido*
Greater Sage-Grouse, *Centrocercus urophasianus*
Guam orchid (T), *Tuberolabium guamense*
Guam tree snail (E), *Partula radiolata*
Hawaiian stilt (E->PR T), *Himantopus mexicanus knudseni*
Henslow's Sparrow, *Ammodramus henslowii*
Humped tree snail (E), *Partula gibba*
Indiana Bat (E), *Myotis sodalis*
Inyo California towhee (T), *Pipilo crissalis eremophilus*
Least Bell's vireo (E), *Vireo bellii pusillus*
Least Tern (Atlantic Coast Population), *Sternula antillarum*
Little Brown Bat (UR), *Myotis lucifugus*
Marbled murrelet (T), *Brachyramphus marmoratus*
Mazama pocket gopher (T), *Thomomys mazama*
Monarch Butterfly (C), *Danaus plexippus*
Mountain Plover, *Charadrius montanus*
Northern Long-eared Bat (E), *Myotis septentrionalis*
Northern Bobwhite, *Colinus virginianus*
Northern Red-bellied Cooter (UR), *Pseudemys rubriventris*
Okaloosa darter (T -> Proposed Delisting), *Etheostoma okaloosae*
Pinyon Jay (UR), *Gymnorhinus cyanocephalus*
Red-cockaded woodpecker (E -> PR T), *Picoides borealis*
Rusty Blackbird, *Euphagus carolinus*
San Clemente Bell's sparrow (Delisted due to recovery), *Artemisiospiza belli clementeae*
San Clemente Island bush mallow (Delisted due to recovery), *Malacothamnus clementinus*
San Clemente Island larkspur (Delisted due to recovery), *Delphinium variegatum ssp. kinkiense*
San Clemente Island lotus (Delisted due to recovery), *Acmispon dendroideus var. traskiae*
San Clemente Island paintbrush (Delisted due to recovery), *Castilleja grisea*

Sonoran pronghorn (E), *Antilocapra americana sonoriensis*
Southeastern American Kestrel, *Falco sparverius paulus*
Spotted Turtle (UR), *Clemmys guttata*
Stephens' kangaroo rat (T), *Dipodomys stephensi*
Streaked horned lark (T), *Eremophila alpestris strigata*
Taylor's checkerspot butterfly (E), *Euphydryas editha taylori*
Tri-Colored Bat (PR E), *Perimyotis subflavus*
Tricolored Blackbird, *Agelaius tricolor*
Western Pond Turtle (UR), *Actinemys marmorata pallida*
Western Spadefoot (UR), *Spea hammondi*
Wood Turtle (UR), *Glyptemys insculpta*

Key:

- E - Endangered
- T- Threatened
- PR - Proposed
- UR - Under Review
- C - Candidate
- DPS - Distinct Population Segment