

MEXICO NAWCA GRANT ADMINISTRATION STANDARDS

North American Wetlands Conservation

Act 2021

Revised March 2021 (3/26/2021 Edition)

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Note: The term “Federal” throughout these Standards is used to refer to the United States Federal Government. These Standards are adapted from the NAWCA U.S. Grant Administration Standards; any section noted as “not applicable” refers to guidelines that only apply to projects in the United States.

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Section A: Applicability and Authorities

The NAWCA Mexico program promotes partnerships between public agencies and groups interested in: a) protecting, improving, restoring, and managing an appropriate distribution and diversity of wetland ecosystems and other habitats for wetlands-associated migratory birds and other fish and wildlife in North America; b) maintaining and improving the current distributions of wetlands-associated migratory bird populations; and c) maintaining an abundance of waterfowl (ducks, geese, and swans) and other populations of wetlands-associated migratory birds consistent with the objectives of the North American Waterfowl Management Plan, U.S. Shorebird Conservation Plan, Waterbird Conservation Plan for the Americas, Partners in Flight Bird Conservation Plan, and other international obligations contained in the treaties and migratory bird conventions and other agreements with Canada, Mexico, and other countries.

Proposals to the NAWCA Mexico program should demonstrate how the activities of partners would encourage sustainable and effective programs for the long-term conservation of wetlands-associated migratory birds. NAWCA funds wetlands conservation projects that include one or more of these: a) the acquisition of property containing wetlands ecosystems and associated habitats, where the acquired land will be administered for its long-term conservation and for the benefit of migratory birds, fish, and other wildlife that depend on it; b) restoration, enhancement, or management of wetlands ecosystems and associated habitats, where these activities will be conducted on lands and waters that will be administered for their long-term conservation and for the benefit of migratory birds, fish, and other wildlife that depend on them; or c) activities that involve technical training, education, sustainable-use studies, or organizational infrastructure-building needed to develop or strengthen wetlands conservation and management capabilities.

1: Overview of Standards

These Standards apply to any project that:

- (a) is granted Federal financial assistance approved under the authority of the North American Wetlands Conservation Act (NAWCA); and
- (b) occurs on lands or waters under the jurisdiction of Mexico.

The term “Federal” throughout these Standards is used to refer to the United States Federal Government. These Standards are adapted from the NAWCA U.S. Grant Administration Standards; any section noted as “not applicable” refers to guidelines that only apply to projects in the United States.

2: NAWCA Authorities

The authority of the North American Wetlands Conservation Act (NAWCA) grant program is 16 USC 4401 et seq., as amended. General provisions applicable to grants awarded by agencies of the US Department of the Interior, including definitions of terms used in this document, are in Title 2, Part 200, of the Code of Federal Regulations (CFR). The actual laws and regulations take precedence over any restatement, summary, or interpretation of the same in this document.

Section B: Grant Agreement

1: Grant Agreement Overview

The Grant Agreement consists of a Notice of Grant Award (NGA) Form which incorporates these Standards, the Proposal and any approved modifications, and the Recipient's signed Standard Form 424 (SF-424), including required Certification and Assurances.

2: Certifications and Assurances

The SF-424D Assurances for Construction Projects is required for all NAWCA grants.

3: Binding Grant Agreement

The Recipient agrees to terms and conditions of the grant by signing the SF-424 and required Assurances, and enters into a binding agreement by receiving Federal funds.

4: Termination

The Recipient may decline the award or request a delay of the execution date by written notice to US Fish and Wildlife Service (FWS) Project Officer within 10 business days of receipt of the Grant Agreement. FWS may terminate the award in whole or in part if a Recipient materially fails to comply with the terms and conditions of an award. FWS may also terminate this award with the consent of the Recipient, in which case the two parties must agree upon the termination conditions, including the effective date, and in the case of partial termination, the portion to be terminated. The Recipient may terminate the award upon sending to FWS written notification setting forth the reasons for such termination, the effective date, and in the case of partial termination, the portion to be terminated.

However, if FWS determines in the case of partial termination that the reduced or modified portion of the Grant Agreement will not accomplish the purposes for which the grant was issued, it may terminate the grant in its entirety. In any partial termination of an award, FWS must consider the Recipient's responsibilities for property management (if any) and to submit financial, performance, and other reports required by this document.

5: Sub-recipients

If grant funds are subawarded to a subrecipient, the subrecipient is responsible for adhering the Federal program requirements specified in the Federal award, including these Standards and 2 CFR 200. For the purposes of this document, subrecipient and Recipient are synonymous, and subrecipients have the same responsibilities as the Recipients. The pass-through entity must comply with 2 CFR 200.331 (Requirements for pass-through entities), when issuing a subaward.

6: Not applicable

Section C: Eligibility

1: Eligibility Criteria

Eligible activities and costs for NAWCA grants are outlined in the Eligibility Criteria for Mexico, which can be found on the NAWCA website. The Eligibility Criteria must be reviewed before submitting a Proposal for funding. It is the responsibility of the applicant to ensure all costs and activities are eligible to be included in a NAWCA grant.

2: Receiving Funds

- a) In order to receive funds, the Recipient must have an active DUNS number and an active registration in the System for Award Management (SAM). If the Recipient does not have a DUNS number or is not registered in SAM, the Recipient must go to the following websites:
 - I. DUNS: The Duns and Bradstreet company assigns a DUNS number online to those requesting Federal funds at <http://fedgov.dnb.com/webform>; and
 - II. Register with the System for Award Management at <https://www.sam.gov>. Recipients must maintain their registration annually.

- b) To make a request, the process depends on the location of the bank where the electronically transferred funds will be directly deposited by the U.S. Treasury through the Department of Interior's International Business Center (IBC).
 - i. If the bank receiving funds by electronic transfers is outside the United States, your payments will be transferred through the International Treasury System (ITS) of the U.S. Treasury. For each payment request, your organization must fill out two forms, at a minimum: SF-270, "Request for Advance or Reimbursement", and the Cover Page for each payment from IBC. These forms must be encrypted and emailed to the FWS Project Officer.
 - ii. If the bank that receives funds by electronic transfer is located within the United States, all requests must include a form SF-270 and Cover Page. The form must be encrypted and emailed to the FWS Project Officer.

Further payment instructions are available here, <https://www.fws.gov/migratorybirds/pdf/grants/payments-non-us.pdf> (English), and <https://www.fws.gov/migratorybirds/pdf/grants/payments-non-us-espanol.pdf>

(Spanish). The following forms of funds must be spent before drawing down grant funds: rebates, contract settlements, audit recoveries and interest earned on such funds.

Section D: Financial Administration

1: Allowable Costs

Grant and match funds may be used to cover costs necessary to carry out the purpose of the projects as described in the Proposal, Grant Agreement, or approved modification to proposed activities or Grant Agreement as long as the costs in doing so are allowable, reasonable, and allocable as explained in 2 CFR 200, Subpart E, NAWCA Mexico application instructions, and NAWCA Mexico Eligibility Criteria.

2: Period of Performance

The period of performance will be designated in the Grant Agreement and will last 1-3 years as described in the Proposal as the length of time needed to complete the project, unless it is extended. The terms “project period”, “funding period”, “budget period”, and “performance period” are considered synonyms for the period of performance.

Grant funds and matching contributions must be obligated during the period of performance, except any eligible pre-award or match costs (See Sections [D-3: Pre-Award Costs](#) and [D-4: Matching Funds](#)), which may be obligated prior to the funding period. A Recipient or subrecipient obligates funds (i.e. incurs costs) by placing an order, signing a contract, or receiving goods or services. All obligations must be paid in full within 120 days of the project period end date. For acquisitions of a real property interest, funds are considered obligated when costs are incurred at the time of closing/property settlement, and title is taken. All matching cash and eligible in-kind contributions must be obligated for the authorized purpose of the project by the end of the period of performance.

All obligations must be made and work must be accomplished during the period of performance, although cash does not necessarily have to be disbursed by the end of that period. The Recipient must liquidate all obligations and ensure that the FWS Project Officer receives a final report no later than 120 days after the end of the period of performance.

3: Pre-Award Costs

Pre-award costs (2 CFR 200.458) are those incurred prior to the effective date of the Federal award directly pursuant to the negotiation and in anticipation of the Federal award where such costs are necessary for efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the Federal award and only with the written approval of the Federal awarding agency.

FWS authorizes pre-award costs only if such costs:

- (a) Do not exceed the amount of the grant funds as awarded in the Grant Agreement;
 - (b) Are necessary to accomplish the objectives of the project by the end of the period of performance;
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- (c) Have not been incurred before the date that FWS receives the Proposal from the Recipient (see Section [F-2](#) for costs incurred in purchase of real property); and
- (d) Are allowable to the extent that they would have been allowed if they had been incurred during the funding period.

For the purposes of NAWCA, pre-award costs is defined as costs that were incurred after a Proposal is received and before a Grant Agreement is issued, and therefore they are incurred at the applicant's risk. Upon completion of a signed Grant Agreement, this section constitutes prior written approval for any pre-award cost that qualifies under its provisions.

FWS will not reimburse the Recipient for the purchase of real property if the title is transferred before FWS receives the Proposal. At their own risk, however, the Recipient may contractually commit to purchasing the property before FWS receives the Proposal, purchase the property after the Proposal is submitted, and be reimbursed by grant funds after the Grant Agreement is signed.

4: Matching Funds

- (a) **Eligible Match:** Under the Eligible Match Costs section of the NAWCA Mexico Eligibility Criteria, the conditions of eligible costs are listed for NAWCA grants. These conditions allow certain costs to be eligible as match when the costs would not be eligible to be paid with grant funds. All match costs must be associated with an eligible activity. Matching costs must be allowable, reasonable, and allocable as required by 2 CFR 200, Subpart E. Unless otherwise specified in the Standards, both grant and matching contributions are considered part of the project and subject to the same requirements. At the end of the performance period, the matching contributions must be at least equal to the amount committed to by the Recipient in the Grant Agreement. Any grant or match activity that is not supported by adequate and verifiable documentation may be disallowed by the FWS Project Officer. If the total amount of partner matching funds pursuant to the Grant Agreement does not match the amount committed in the Proposal, the NAWCA Grant amount will be reduced proportionally and the Recipient must return excess NAWCA funds to FWS.

The total match offered by the Recipient and partners must be at least the same amount, in cash, as the Grant amount. Any excess match beyond the 1:1 cash match may be in-kind. In the NAWCA Mexico program, "cash" is defined as funds disbursed in cash during the period of performance or cash disbursed as an eligible pre-award (i.e., after the proposal submission date) cost. Any match that was expended up to two years prior to January 1st of the year the Proposal is submitted, is considered "old" match; old match is considered cash match. In-kind match can only be used to increase the total match ratio after the minimum 1:1 cash match ratio is reached.

The Recipient and their partners may contribute matching cash or in-kind contributions.

- (b) **Accounting and Records:** The Recipient must keep a detailed and complete accounting system
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that complies with the requirements under Mexican law to report on how the funds obtained under NAWCA have been expended. The Recipient must have access to thorough records of all project grant and match expenditures included in the final report, and supporting documentation for those expenditures. Accounting records for in-kind match must show how the match value was derived (e.g., hours of volunteer time contributed at what rate, hours of personnel time donated at what rate). If requested by FWS, the Recipient must make these records available for review.

5: Indirect Costs

Indirect costs are allowable costs for both grant and matching funds. These costs must be calculated using an acceptable method including negotiated indirect cost rate, the 10% *de minimis* rate, directly charging administrative costs, or direct allocation method (2 CFR 200.414).

6: Program Income

Program income means gross income earned by the non-Federal entity that is directly generated by a supported activity or earned as a result of the Federal award during the period of performance (2 CFR 200.80).

Either net or gross income should be calculated and reported. If the Recipient chooses, and if authorized by FWS, net program income may be determined by deducting the costs necessary for the generation of program income from the gross program income, provided these costs have not been charged to the award (2 CFR 200.307(b)). It is the Recipient's responsibility to identify these costs and to explain how they are calculated. Total or gross program income can be reported without additional calculations.

Program income may be used in three ways: deduction, addition, and cost sharing or matching (2 CFR 200.307(e)). Unless specified, the Recipient must use the additive method (adding the program income to the funds committed to the Grant Agreement). The Recipient may not use program income to satisfy their cost sharing or matching commitments.

Income generated by the Recipient outside of the funding period shall be retained by the Recipient. FWS encourages Recipients to use generated funds to support wetland conservation purposes consistent with the NAWCA program.

7: Disbursement

NAWCA grant funds received that are more than \$10,000 must be disbursed by the Recipient within seven calendar days, and funds that are less than \$10,000 must be disbursed within 30 calendar days.

If a Recipient draws down funds and is unable to disburse them as required, the Recipient must return those funds to FWS as soon as possible.

8: Interest

The Recipient must deposit Federal cash advances in interest-bearing accounts unless one of the following apply:

- (a) The Recipient receives less than \$120,000 in Federal assistance awards per year;
- (b) The best reasonably available interest bearing account would not be expected to earn interest in excess of \$500 per year;
- (c) The depository would require an average or minimum balance so high that it would not be feasible with the expected Federal and non-Federal cash resources;
- (d) A foreign government or banking system prohibits or precludes interest-bearing accounts.

When depositing Federal cash advances in an interest-bearing account, separate depository accounts are not required, but Recipients must be able to account for the receipt, obligation, expenditure of and interest on the funds (2 CFR 200.305(b)(7)(i)).

Interest earned on Federal advance payments deposited in interest-bearing accounts must be remitted annually to the Department of Health and Human Services Payment Management System (PMS). Interest amounts up to \$500 per year may be retained by the non-Federal entity for administrative expense (2 CFR 200.305(b)(9)).

9: Returning Funds

If funds are to be returned to FWS, contact your FWS Project Officer for instructions. Unless otherwise established in a Treasury-State agreement, contract, repayment agreement, or by statute, FWS will charge a penalty, pursuant to 31 USC 3717(e)(2), not to exceed six percent a year on the amount due on a debt that is delinquent for more than 90 days. This charge will accrue from the date of delinquency, which will generally be 30 days from the date that the demand letter is emailed, mailed or hand delivered.

10: Record Retention

Financial records, supporting documents, and all other entity records pertinent to the grant must be retained for a period of three years from the date of submission of the final financial report, and must adhere to the requirements of 2 CFR 200.333. Records for real property and equipment must be retained for three years after final disposition. The Federal awarding agency, Inspector General, the Comptroller General of the United States, and the pass through entity, or any of their authorized representatives, must have the right of access to any documents, papers, or other records of the non-Federal entity that are pertinent to the Federal award, in order to make audits, examination excerpts, and transcripts. The right also includes timely and reasonable access to the non-

Federal entity's personnel for the purpose of interview and discussion related to such documents.

11: Pooling Funds

Grant and match dollars may be combined, or "pooled," with non-match funds, provided that the actual uses of the funds are otherwise eligible. Grant or match funds in a pooled project must demonstrate a discrete project with a defined specific (identifiable) conservation result. Applicants are encouraged to direct all pooling questions to DBHC.

Section E: Equipment and Supplies

1: Purchasing and Management

A Recipient may purchase and manage equipment or supplies acquired under a Grant Agreement in accordance with the applicable cost principles. Title to all equipment acquired for the project will vest in the Recipient subject to the following conditions:

- (a) The Recipient will use the equipment for the authorized purposes of the project during the period of performance, or until the property is no longer needed for the purposes of the project; and
- (b) The Recipient will not further encumber the property without DBHC approval.

The Recipient may use the equipment in the program or project for which it was acquired whether or not the project continues to be supported by Federal funds.

2: Inventory

The Recipient must take a physical inventory of equipment acquired with grant or match funds or received as matching in-kind contribution immediately prior to submitting the final report and at least once every two years thereafter.

3: Disposal

When equipment or supplies acquired with grant funds is no longer needed for the original project or for other activities currently or previously supported by a Federal agency, equipment and supplies disposition will be as follows:

- (a) Equipment or residual inventory of unused supplies with a current market value of less than \$5,000 may be retained, sold, or otherwise disposed of with no further obligation to the FWS.
 - (b) Equipment or residual inventory of unused supplies with a current market value in excess of \$5,000 may be retained or sold. If sold, FWS is entitled to an amount calculated by multiplying the current market value or proceeds from sale by the FWS percentage of participation in the cost of the original purchase. Furthermore, if the equipment or residual inventory of unused
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supplies is sold, FWS may permit the Recipient to deduct and retain from the FWS share, \$500 or ten percent of the proceeds, whichever is less, for its selling and handling expenses.

- (c) In cases where a Recipient fails to take appropriate disposition actions, FWS may direct the Recipient regarding required actions. In such cases, FWS reserves the right to transfer title to the Federal Government or a third party of its choosing, when such a third party is otherwise eligible under existing statutes.

Section F: Real Property Acquisition

1: Prior Approvals:

On August 30, 2019, The Department of Interior (DOI) implemented the Financial Assistance Interior Regulation (FAIR) in order to meet the Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. Grant funds may not be disbursed to acquire real property interests until the Division of Bird Habitat Conservation (DBHC) has reviewed and approved the appraisal, or other property valuation method, SF 429 B and SF-429 Cover Page, and drafts of other supporting documentation.

2: Incurring Costs of Acquiring Real Property

Federal grant or matching funds may be used to pay for the following costs of acquiring real property:

- (a) The market value of the interest in real property;
 - (b) Real property valuation. Land must be appraised by an independent real property appraiser licensed or certified in Mexico in accordance with Mexican appraisal standards, if they exist, or with International Valuation Standards, when such appraisals are available and financially feasible. Otherwise, the Recipient must use the most widely accepted business practice for property valuation in Mexico and provide the FWS Project Officer a detailed explanation of the methodology used to determine value.);
 - (c) Title insurance (types and extent of coverage must be in accordance with sound business practice and the rates and premiums must be reasonable under the circumstances);
 - (d) Recording fees, transfer taxes, documentary stamps, evidence of title, boundary surveys, legal descriptions of the real property, and similar expenses incidental to conveying the real property to the Recipient, however the Recipient may not use grant or match funds to pay costs solely required to perfect the owner's title on the real property;
 - (e) Penalty costs and other charges for prepayment of any preexisting recorded mortgage entered into in good faith encumbering the real property; and
 - (f) The pro-rata portion of any prepaid real property taxes which are allowable to the period after
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the grant Recipient obtains title to the property or effective possession of it, whichever is earlier (taxes for which exemptions are available are unallowable).

Costs are incurred at the time of transfer of title. The Recipient's contractual obligation to purchase real property does not constitute a cost incurred by the Federal government. A contractual obligation to purchase real property (purchase agreement, etc.) may be made at any time and, as long as the title is transferred after the Proposal is received by FWS, the costs associated with the purchase can be reimbursed with grant funds. However, if the title is transferred before FWS received the Proposal, costs associated with the purchase may only be used as match, and cannot be reimbursed with grant funds. Any obligation to purchase property before Federal grant funds are obligated is made at the Recipient's risk. Regardless of when an obligation is signed, all purchases of real property must comply with all Federal regulations, including but not limited to requirements specified in section (E).

3: Conservation Easements

The FWS, more specifically, the DBHC or the FWS Project Officer, must approve in writing the language of a conservation easement before grant funds may be used for its purchase or associated match funds may be applied to the project. Executed or negotiated draft easements that were reviewed by the FWS Project Officer and accepted during the Proposal review process are considered approved and do not require additional approval unless modified. Template easements submitted with Proposals are not considered approved. Recipients must obtain additional approval from the FWS Project Officer for any changes to previously approved language in an easement. Easements without approval from the FWS Project Officer may be disallowed as grant or match activities.

4: Condemnation Proceedings

All real property interests acquired, whether funded by grant funds or as match, must be from willing sellers. Condemnation proceedings may be used only when necessary to assist in determining the legal owner.

5: Not applicable

6: Appraisals

Land must be appraised by an independent real property appraiser licensed or certified in Mexico in accordance with Mexican appraisal standards, if they exist, or with International Valuation Standards, when such appraisals are available and financially feasible. Otherwise, the Recipient must use the most widely accepted business practice for property valuation in Mexico and provide the FWS Project Officer a detailed explanation of the methodology used to determine value. Appraisals are required unless one of the following exceptions apply:

- (a) The market value is estimated to be less than \$10,000, and appropriate documentation is provided showing that this valuation is reasonable and uncomplicated.
 - (b) The landowner is donating the property and releases FWS from its obligation to appraise the
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property. A written statement from the landowner is required and it must include their acknowledgement that the donated property is to be part of a Federal project. In these instances, financial match from this donation cannot be contributed to the project.

7: Not applicable

8: Market Value

The Recipient may charge the fair market value for acquiring real property. If more than fair market value is paid, the difference may not be charged to the grant nor claimed as match.

9: Not applicable

10: Not applicable

11: Not applicable

12: Not applicable

13: Not applicable

14: Not applicable

15: Recording Documents

- (a) Required Documents: The Recipient must submit the following documents for each interest in real property purchased with grant or match funds, or provided as a matching in-kind contribution:
- i. Appropriate evidence of valuation of real property. If an appraisal is used, include the appraiser's signed certification and appraisal summary. If an alternate valuation method is used, provide a detailed explanation of the methodology used to determine value;
 - ii. SF-429-B Real Property Status Report, Attachment B (Request to Acquire, Improve or Furnish) and SF-429 Cover Page. These documents must be sent to and approved by your FWS Project Officer prior to acquiring a property with grant funds;
 - iii. A copy of the closing statement (also called the settlement or adjustment sheet) or other evidence of funds transferred;
 - iv. A copy of any deed, easement, or other recorded property document (copies must demonstrate that the documents were recorded, e.g., signed by a Mexican Notary Public);
 - v. Real Property Status Report SF-429-A and with Cover page must be completed for all
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grant and match acquisitions (fee and easements) and submitted with only the final report. DBHC only needs one SF-429-A per project. If recipients have multiple acquisitions, it is acceptable to add the tracts on a table and submit it with the final report. At a minimum, the table should include period and type of Federal interest, tract name, location, and number of acres.

Section G: Modifications

1: Approvals

The Recipient must obtain the prior written approval by the FWS Project Officer in any of the following situations:

- (a) Changes in the purpose and scope of the project;
 - (b) Changes in key personnel;
 - (c) Any extension of the period of performance. Extension requests require written notification to the FWS Project Officer at least 10 days before the expiration date specified in the Grant Agreement with the supporting reasons and a revised expiration date no more than 12 months in the future;
 - (d) Additions to, deletions from, or substitutions for the specific sites targeted for acquisition, habitat restoration, habitat enhancement, or habitat establishment, including initial identification of the specific sites which will be acquired, restored, enhanced, or established where such parcels or interests were not identified in the Proposal. Such additions or substitutions require documentation listed under [H-1](#) of this document;
 - (e) Changes to the boundaries of the area within which sites will be selected for acquisition, restoration, enhancement, or establishment (project area);
 - (f) Changes in the restoration, enhancement, or wetland establishment techniques or specifications (e.g., the species or the number of seedlings to be planted);
 - (g) Changes in the proposed titleholder of any interest in real property purchased, donated, or otherwise acquired for the project;
 - (h) Any decrease in the number of acres acquired, restored, enhanced or established as described in the Grant Agreement;
 - (i) Any decrease in the number of years of benefit to acres acquired, restored, enhanced or established as described in the Grant Agreement;
 - (j) Any decrease in the total amount of financial matching contributions committed to the project;
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- (k) The inclusion of costs that require prior approval in accordance with the applicable Federal Cost Principles (Subpart E, 2 CFR 200);
- (l) The transfer of funds from a direct cost category to indirect costs or the transfer of funds from construction to non-construction, or vice versa; or
- (m) Addition of match partners to the project.

2: Extensions

Any Recipient may request an extension of the expiration date of the award of up to 12 months unless one of the following conditions apply:

- (a) There is a change in key personnel;
- (b) The terms and conditions of the Grant Agreement prohibit the extension;
- (c) The extension requires additional Federal funds;
- (d) The extension involves any change in the purpose or scope of the project; or
- (e) The Recipient is not in compliance with the Grant Agreement.

Extensions may not be exercised merely for using unobligated balances that are not necessary for the completion of the project.

A Recipient may be given an additional extension of up to 12 months to complete a project only if compelling reasons are provided. In general, rationale for any extension must include confirmation that the project will still succeed, that the to-date failure is no fault of the Recipient, and that the extension will result in a benefit to the Federal government. A grant may not be extended beyond five years unless there are extenuating circumstances beyond the Recipient's control, which will be reviewed and approved by the FWS Project Officer on a case-by-case basis.

In order to obtain a project extension, the Recipient must submit the request through GrantSolutions, describing the reasons, at least 10 days before the expiration date specified in the Grant Agreement.

3: Not applicable

Section H: Reports and Other Documentation

1: Pre-Award Documentation

Once the Migratory Bird Conservation Commission has selected projects to be funded, any revisions to the proposal must be reviewed and approved by the FWS Project Officer before the Grant

Agreement can be executed.

2: Annual Reports

Annual performance and financial reports must be submitted to the FWS Project Officer 90 calendar days after the interim report end date through GrantSolutions. All annual reporting dates will run from October 1st through September 30th, with reports due by December 29th.

Annual financial status must be reported on Standard Form (SF-425), which must be completed in GrantSolutions; these are called Federal Financial Reports (FFR) in GrantSolutions. The first annual financial report must include all project-related financial activity from the date the Proposal was received by FWS to the end of the annual performance period (see table), and should include any approved and eligible old match and in-kind match and pre-award costs.

Annual performance reports, called Project Performance Reports (PPR) in GrantSolutions, must include the following information:

- (a) Comparison of actual (grant and match) accomplishments with proposed objectives for the project from inception to the end of the reporting period in question (i.e., not only for the previous year);
- (b) A budget table comparing proposed and cumulative actual grant and match expenditures by partner (including Recipient and NAWCA funds); and
- (c) A comparison of the hectares/acres achieved compared to the hectares/acres described by category, and an explanation of any differences.

Award Performance Start Date	Annual Interim Reporting Period End Date	Annual Interim Report Due Date (90 days after report end date)
Oct 1	Sep 30	December 29

3: Quarterly Financial Reporting

If the Recipient is considered to be an elevated risk, quarterly financial and or performance reports may be required during the entire project period. Quarterly financial reports may be required if the option to request advances is requested, even if the option is not exercised. In addition, if quarterly reports are required, a quarterly financial report must be submitted each quarter regardless of whether any grant funds were expended during that quarter. Quarterly financial reports must be submitted no later than 30 calendar days after the last day of each reporting quarter period. Federal cash transactions must be reported quarterly on the SF-425 (sections 1-9, 10 a-c, and 13) and e-mailed to the FWS Project Officer. If any grant funds have been drawn down but not expended, an explanation of how long the funds have been retained and why must be entered in Section 12.

4: Final Reports

A final financial report (also called SF-425 and FFR) must be completed in full, as applicable, and submitted within 120 days of the end of the performance period through GrantSolutions.

The final performance report must be received by the FWS Project Officer, through GrantSolutions, within 120 days of the end of the funding period. Final performance reports must include all information required within an annual performance report through the entire project period (including old match).

In addition, the final report must include the tract table as presented in the Proposal (or as amended) with proposed and actual hectare/acreage accomplishments, and an explanation of any substitutions or differences. The tract table must include latitude and longitude (lat/long) information for properties involved in the project. The coordinates should be taken at the centroid of the property using NAD 83 datum, and reported in decimal degree format.

The Recipient must submit the following with the final performance report:

- (a) Complete shapefiles in geospatial vector data format for geographic information systems software (GIS), or in KML format, that describe all interests in real property that the Recipient or match provider purchased, restored, enhanced, or established with grant or matching funds or accepted as in-kind matching contributions as part of the project. Recipients should use WGS 1984 projection data if possible;
- (b) Real property acquisition documentation not already provided with the Proposal or annual reports;
- (c) SF 429-A (with Cover page) for all grant and match acquisitions (fee, easements and leases). The 429-A should have all applicable fields completed. Projects with multiple acquisitions can be reported using one 429-A by attaching a table with all of the following information on each tract: period and type of Federal interest, tract name, location, and number of acres.
- (d) An inventory of all equipment acquired by the Recipient with Federal funds; and
- (e) An inventory of unused supplies, if the total aggregate value upon completion of the project exceeds \$5,000.

Failure to submit timely reports constitutes noncompliance with the Grant Agreement and can result, after notification by FWS, in consequences described in Section [J-2, 4, or 5](#).

5: Property Documentation Submission

Real property documentation must be submitted with Annual or Final Reports for any transactions completed during the reporting period. Note that appraisals and the SF-429-B (for acquisitions purchased with grant funds) must be submitted to and approved by a FWS Project Officer

prior to purchase of a property.

6: Federal Funding and Accountability Transparency Act (FFATA)

The FFATA Subaward Reporting System (FSRS.gov) is the system that allows grant award and contract award recipients to electronically report their subaward activity. Recipients must report using their DUNS number, and the DUNS number(s) of the subawardee(s), the names and total compensation of the five most highly compensated officers of the entity if the entity in the preceding fiscal year received 80 percent or more of its annual gross revenues in Federal awards; and \$25,000,000 or more in annual gross revenues from Federal awards; and the public does not have access to this information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 USC 78m (a), 78o (d)) or section 6104 of the Internal Revenue Code of 1986. See FFATA 2(b) (1).

In addition, Recipients must report the following information related to each subaward if the Federal award amount is equal to or over \$25,000 at any time during the project period:

- (a) Name of the entity receiving the award;
- (b) Amount of the award;
- (c) Information on the award including transaction type, funding agency, Catalog of Federal Domestic Assistance number, program source, and award title descriptive of the purpose of each funding action;
- (d) Location of the entity receiving the award and primary location of performance under the award, including city, state, congressional district, and country; and
- (e) Unique identifier of the entity receiving the award and the parent entity of the Recipient, should the entity be owned by another entity.

Recipients must report executive compensation and subaward information by the end of the month after the subaward was made. For example, if a subaward was made on December 18, the information must be entered by January 31. For more information about FFATA reporting please see <http://www.fsrs.gov>.

7: Extending Report Deadlines

Annual and final report deadlines may be extended for up to 30 days if a request is made by the Recipient in GrantSolutions before the deadline and approved in GrantSolutions by the FWS Project Officer. Extension of the deadline for a final report does not extend the liquidation period at the end of the funding period.

In order to obtain an extension, the Recipient must notify the FWS Project Officer via email with the supporting reasons and revised expiration date at least 10 days before the expiration date specified

in the Grant Agreement.

8: Record Retention

See [Section D-10: Record Retention](#).

Section I: Property Management

1: Continuing Obligations

- (a) Management: A Recipient or other authorized titleholder of real property acquired through a Grant Agreement must manage any interests in real property consistent with the project's purpose for the time period specified in the Grant Agreement.
 - i. **Land protection projects:** Protection projects are those that acquire properties or land rights, or implement other legal mechanisms, to protect property for the conservation of migratory bird habitat, such as concessions, contracts, leases, easements, conservation agreements, private reserves, or ejido reserves. These mechanisms are considered to be long term only if they cover a period of at least 10 years. (Ten years starting after the initiation of the grant project.) Protection of properties must include the monitoring and management of the habitat for the duration of time committed to the protection, even beyond the grant period.
 - ii. **Restoration or Enhancement Projects:** Projects that restore or enhance habitats that do not have underlying legal protection mechanisms for the long-term cannot be considered for funding. Funds (grant or match) may not be used for restoration or enhancement if there is no underlying, long-term, legal protection for every hectare to be restored or enhanced. Grantees and partners are responsible for repairing or replacing structures during the term of the protection, regardless of whether they fail prematurely or deteriorate sooner than expected.
 - (b) Monitoring and Reporting: This requirement applies to all acquisitions in which the Federal government retains an interest, i.e., tracts acquired under a NAWCA grant, including acquisitions funded completely with matching funds. For real property with a federal interest lasting less than 15 years, the Recipient must submit a real property status report (SF-429-A and Cover Page) on January 15 every year for the life of the federal interest. For real property with a Federal interest extending 15 years or longer, the Recipient must submit a real property status report (SF-429 –A and Cover page) according to the schedule below.
 - i. Real Property Reporting Schedule:
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Grant Closure Date	SF-429 Due Dates (Acquisitions less than 15 years)	SF-429 Due Dates (Acquisitions greater than 15 years)
2014 – January 14, 2020	December 1, 2020, January 15, 2021, then every year thereafter for the life of the property.	December 1, 2020, January 15, 2025, then every five years thereafter for the life of the property.
January 15, 2020 – January 14, 2025	January 15 th of every year for the life of the property.	January 15, 2025, then every five years thereafter for the life of the property.
January 15, 2025 – January 14, 2030	January 15 th of every year for the life of the property.	January 15, 2030, then every five years thereafter for the life of the property.

- ii. Organizations with multiple acquisitions can report using one SF-429-A. If reporting multiple grants, at a minimum, a table should be attached with the following information: Federal grant number, period and type of Federal interest, tract name, location, and number of acres.
- iii. It is the responsibility of the Grant Recipient to ensure that all acquisitions are reported. Reports are to be emailed to dbhc@fws.gov.

(c) Financial records, supporting documents, and all other non-Federal entity records pertinent to real property and equipment must be retained for 3 years after final disposition.

2: Disposals

Except as specified in the Grant Agreement, the Recipient or other authorized titleholder of interests in real property acquired with Federal grant or matching funds or as a matching in-kind contribution may not encumber, sell, or otherwise transfer the interest in real property, or any part of the same, without the approval of DBHC. Should the sale of the property be approved, an attributable share may be owed to DBHC. However, if the interest in the real property is an easement or a lease with a term that is less than perpetual, the obligation to seek DBHC permission will end with the expiration of the term of the easement or lease.

An SF-429-C Real Property Status Report Attachment C (Disposition or Encumbrance Request) and SF-429 Cover Page must be submitted to the FWS Project Officer before selling, conveying, or further encumbering and real property acquired as part of a NAWCA or NMBCA project.

3: Not applicable

Section J: Noncompliance

1: Evaluation

Any instance of a failure to comply with one or more of the terms and conditions of the Grant Agreement, including any approved modification of the Grant Agreement, constitutes noncompliance.

Before determining consequences of noncompliance, the FWS Project Officer will evaluate and

consider the following:

- (a) Whether the noncompliance is deemed to be intentional or repeated;
- (b) The impact on natural resources;
- (c) The impact on the project and associated Federally-assisted projects;
- (d) The impact on project partners;
- (e) The impact on the buyers and sellers of real property interests that are part of, or affected by, the project;
- (f) The need for immediate action to protect the public's interest;
- (g) The harm or benefit to the Federal government; and
- (h) Whether there are mitigation factors.

2: Consequences

After completing the evaluation, the FWS Project Officer may apply one or more of the following remedies as a consequence of noncompliance with the Grant Agreement:

- (a) Impose special administrative conditions during the funding period;
 - (b) Temporarily withhold cash payments pending correction of the noncompliance;
 - (c) Disallow (that is, deny both use of grant funds and any applicable matching credit for) all or part of the cost of the project that is not in compliance;
 - (d) Wholly or partly suspend or terminate the current Grant Agreement;
 - (e) Reduce the federal share of costs after the final reports are received;
 - (f) Withhold future Grant Agreements for the project or Recipient;
 - (g) Report the Recipient to North American Wetlands Conservation Council;
 - (h) Take other remedies that are legally available;
 - (i) Report the grant outcome to the Federal Awardee Performance and Integrity Information System (FAAPIS); or
 - (j) Initiate procedures for suspension or debarment of a Recipient from Federal financial and
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non-financial assistance and benefits.

Additionally, non-compliance may result in being placed on a list of recipients who are unable to comply with the terms and conditions of the Grant Agreement, resulting in the implementation of Special Conditions or even disallowance of future awards.

3: Grounds for Special Conditions

Special conditions may be imposed during the period of performance if the FWS Project Officer encounters any of the following concerns with a Recipient:

- (a) Demonstrated unsatisfactory performance;
- (b) Is not financially stable;
- (c) Has a management system that does not meet the standards prescribed in 2 CFR 200.302;
- (d) Has failed to comply with the terms and conditions of a previous Grant Agreement;
- (e) Is in noncompliance with the terms of the current Grant Agreement; or
- (f) Is not otherwise responsible.

4: Special Conditions

If appropriate grounds exist to impose special conditions during the funding period, the FWS Project Officer may apply any of the following conditions:

- (a) Allow only reimbursement of funds (advances will not be considered);
- (b) Withhold authority to proceed to the next phase of the project until Recipient provides evidence of acceptable performance within a given funding period;
- (c) Require additional or more detailed financial and performance reporting;
- (d) Require additional project monitoring;
- (e) Require the Recipient to obtain technical or management assistance; and/or
- (f) Require that prior approval be obtained from the FWS Project Officer before implementing one or more aspects of the project or Grant Agreement.

5: Debarment and Suspension

Debarment or suspension may be imposed, through appropriate regulatory methods, as a

consequence of any of the following circumstances:

(a) Indictment for or conviction of, civil judgement, or other official findings for:

- i. Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement or transaction;
- ii. Violation of Federal or state antitrust statutes, including those prescribing price fixing between competitors, allocation of customers between competitors, and bid rigging;
- iii. Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statement, receiving stolen property, making false claims, or obstruction of justice; or
- iv. Commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of a person.

(b) Violation of the terms of a public agreement or transaction so serious as to affect the integrity of an agency program, such as:

- i. A willful failure to perform in accordance with the terms of one or more public agreements or transactions;
- ii. A history of failure to perform or of unsatisfactory performance of one or more public agreements or transactions;
- iii. A willful violation of a statutory or regulatory provision or requirement applicable to a public agreement or transaction.

(c) Any of the following causes:

- i. A non-procurement debarment by any Federal agency taken before October 1, 1988, or a procurement debarment by any Federal agency taken pursuant to 48 CFR subpart 9.4, before August 25, 1995;
 - ii. Knowingly doing business with a debarred, suspended, ineligible, or voluntarily excluded person, in connections with a covered transaction, except as permitted in 2 CFR 200.213.
 - iii. Failure to pay a single substantial debt, or a number of outstanding debts (including disallowed costs and overpayments, but not including sums owed to the Federal government, under the Internal Revenue Code) owed to any Federal agency or instrumentality, provided the debt is uncontested by the debtor, or if contested, provided that the debtor's legal and administrative remedies have been exhausted;
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- iv. Violation or a material provision of a voluntary exclusion agreement entered into under 43 CFR 12.315, 2 CFR 200.113, or any settlement of a debarment or suspension action; or
 - v. Violation of any requirements of the drug-free workplace requirements for grants, relating to providing a drug-free workplace, as set forth in 43 CFR 12.615.
- (d) Any other cause of so serious or compelling a nature that it affects the present responsibility of a person.

Section K: Audits and Monitoring

1: Not applicable

2: Right to Access

The FWS, Inspector General, Comptroller General of the United States, and the pass-through entity, or any of their authorized representatives, must have the right of access to any documents, papers, or other records of the non-Federal entity, including subawardee(s), which are pertinent to the Federal award, in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to the non-Federal entity's personnel for the purpose of interview and discussion related to such documents.

FWS must also have access to complete records substantiating compliance with any applicable Federal or program level financial, administrative, and property requirements. These records must be made available for review if requested by FWS.

The right of access to real property acquired or conserved by the project is not limited to the required retention period ([D-10](#)) but lasts as long as the records are retained.

3: Right to Monitor and Audit

The FWS Project Officer and other FWS personnel may inspect and monitor real property, equipment, or supplies acquired with grant or match funds (including in-kind matching contributions) as part of the Grant Agreement, or habitat restored, enhanced, or established under the Grant Agreement. The purpose of such inspections will be to ensure that the real property, equipment, supplies, or habitat is being used or managed for the purpose, and consistent with the terms, of the Grant Agreement. The right of access to real property, equipment, or supplies acquired as part of the Grant Agreement will terminate:

- (a) Once the real property, equipment, or supplies have been legally disposed of;
 - (b) When FWS has approved a request that such real property, equipment, or supplies will no longer be used for the purpose of the Grant Agreement; or
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- (c) When the management term as defined in the Grant Agreement expires, regarding leases, easements, restoration, enhancement, and wetland establishment actions.

Section L: GrantSolutions

GrantSolutions (<https://www.grantsolutions.gov/>) is a Federally shared service for grant and management program to support Federal agencies throughout the entire grant lifecycle. All applicants/grantees are required to be registered within and implement Grant Agreements through GrantSolutions.

1: Roles

Applicants must properly set up a GrantSolutions account and obtain the correct user roles within the system. NAWCA requires grant recipients to have the following roles:

- a. Principal Investigator/Program Director (PI/PD);
- b. Administrative Official (ADO/GAO)

2: Closings, Modifications, and Extensions

Modifications and closing of grants can only be performed if annual and/or final reports (PPR/FFR) have been uploaded in GrantSolutions. Extension requests can only be processed by requesting a Period of Performance Adjustment in GrantSolutions. Modification requests (other than extensions), property documents and shapefiles must be emailed directly to the FWS Project Officer.
