

North American Wetlands Conservation Act (NAWCA)
GUIDELINES FOR THE ADMINISTRATION OF THE NAWCA MEXICO GRANT PROGRAM
(2018 translation of 2012 Spanish version)

I. AUTHORITY AND GENERAL PROVISIONS

The authority of the North American Wetlands Conservation Act (NAWCA) grant program is Public Law 101-233, as amended (16 USC 4401 et seq.). Likewise, the authority for the administration of this grant program is outlined in the Department Manual (U.S. Department of Interior: 142 DM 3.D).

General provisions applicable to grants awarded by agencies of the U.S. Department of the Interior, including the definition of the terms used in this document are in Title 43, part 12 of the Code of Federal Regulations (CFR). General provisions applicable to the acquisition of real property under a Federal grant, including definitions of terms used in this document are in 49 CFR, Part 24. The actual laws and regulations take precedence over any restatement, summary or interpretation of the same in this document. Legislation, policies and rules pertaining to the Program include the following Codes of Federal Regulations and regulation requirements:

- 2 CFR Part 25, Central Contractor Registration and Data Universal Numbering System
- 2 CFR Part 170, Reporting Sub-awards and Executive Compensation
- 2 CFR Part 175, Trafficking Victims Protection Act of 2000
- 2 CFR Part 1400, Government-wide Debarment and Suspension (Non-procurement)
- 43 CFR 12(A), Administrative and Audit Requirements and Cost Principles for Assistance Programs
- 43 CFR 12(F), Uniform Administrative Requirements for Grants and Cooperative Agreements with Institutions of Higher Education, Hospitals, other Non-Profit and Commercial Organizations
- 43 CFR 18, New Restrictions on Lobbying
- 49 CFR Part 24, Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs
- 305 DM 3, Integrity of Scientific and Scholarly Activities

II. PURPOSE

The *Guidelines for the Administration of NAWCA México grants (Guidelines)* of the U.S. Fish and Wildlife Service (U.S. FWS) apply to all the Grants awarded to Mexican recipients under NAWCA. When presenting a request for funds within the terms of this program, the Recipient commits to accepting its terms and abiding by them. The *Administrative Requirements for Grants of the Standard U.S. Grant Program (Standards)* under NAWCA apply to matters not addressed in these *Guidelines*.

III. GRANT AWARD DOCUMENTS

A. Assistance award

1. Once the evaluation of the project proposal has been performed, form SF424 and its guarantees have been accepted, and the funds for the proposal have been approved, the USFWS Program Officer will review the proposal again and gather the pertinent documents. If the Program Officer detects a problem of compliance with the laws, the *Guidelines*, or the administrative procedures, he/she will contact the person responsible for the Recipient's project (Recipient's Project Officer) to seek a solution. If no problems are detected, or once the existing problems have been resolved, the Program Officer will send

the Grant documentation to the Recipient by email. This documentation will include at least two documents: the *Notice of Award* and the *Grant Agreement Summary*.

2. The Grants will be sent as soon as possible after their approval by the Migratory Bird Conservation Council and, at the latest, 60 days after the date of approval. The time needed to process and send a Grant Agreement depends on the complexity of the approved changes to the original proposal, on the availability of U.S. FWS budget lines, on the time required to set up an account for the Recipient in the U.S. FWS financial system and on the total amount of funds approved for this funding period.

a) The Recipient's signature is not required on the Grant agreement documents.

b) The award performance (funding period) start date is set forth in the Grant agreement. To decline the Grant, or to request a postponement of the start of the funding period, the Recipient must send a written request to the USFWS Program Officer no later than 14 business days after the date the Grant agreement was received.

IV. PERFORMANCE AND OTHER REPORTS

As a requirement for receiving funds, Recipients commit to submitting annual and final performance reports to the FWS Program Officer as well as additional reports. The following are general reporting requirements. Your Program Officer will provide the specific requirements that apply to your Grant agreement.

A. Frequency of reports

1. At a minimum, if the funding period is a year or less than a year, the Grant Recipient must send the Program Officer a Final Performance Report and a Final Financial Report at the latest 90 calendar days after the end date of the funding period as set forth in the Grant agreement. See Section V parts H-K for specific information about financial reports.

2. If the funding period is one or two years, the Recipient must send the Program Officer:

a) an interim/annual performance report and an interim/annual financial report, at the latest, 90 calendar days after the first year of the project; and

b) a final performance report and a final financial report, at the latest, 90 calendar days after completion of the project period.

c) The information in the final reports must encompass the entire period of the project, not only the last period.

3. If the funding period is two years or more (if an extension has been granted), the Recipient must send the Program Officer:

a) an Annual Performance Report and an Annual Financial Report, at the latest, 90 calendar days after the **end of each year**; and

b) a final performance report and a final financial report, at the latest, 90 calendar days after the end of the period encompassed by the project.

c) The information in the final reports must encompass the entire period of the project not only the last period.

4. Each final report must include a letter that certifies that all the matching contributions have been expended in accordance with the terms of the Grant agreement; and

5. Each annual and final report must include a copy of form PSC 425. See Section V parts H-K for specific information regarding the financial reports.

B. Schedule of Annual Reports. The USFWS requires that all Recipients of funds follow a standardized calendar for reporting. The deadline for the annual report depends on the date when Grant activities are initiated. This Calendar is the same for financial reports. See Section V. K.

| Calendar for Annual/Interim Performance Reports | | |
|---|---------------------------|--|
| A. Award Performance Start Date | B. Annual report end date | C. Annual report due date, 90 days after report end date (B) |
| January 1 | December 31 | March 31 |
| January 2 - March 31 | March 31 | June 29 |
| April 1 | March 31 | June 29 |
| April 2 to June 30 | June 30 | September 28 |
| July 1 | June 30 | September 28 |
| July 2 to September 30 | September 30 | September 29?? |
| October 1 | September 30 | September 29?? |
| October 2 to December 31 | December 31 | March 31 |

C. Annual Report content requirements.

The Performance Reports must include:

1. A comparison of the project's actual accomplishments and proposed objectives for the period encompassed by the report, and an explanation of the differences, should they exist.
2. A comparison of the matching funds committed by each partner and the funds in fact contributed and attach this to the annual performance report.
3. As attachments, map(s) [topographic, 7 ½ minutes, the U.S. Geological Service, or similar] that indicate the borders of all the real property for which the Recipient, sub-recipient or provider of matching funds intends to acquire the rights to restore, enhance or create with NAWCA funds or matching dollars. As an alternative to the above-mentioned maps, in the case of the restoration, enhancement or habitat creation of sites with a surface area smaller than 247 acres [100 hectares], a chart with the coordinates of the center of each contiguous plot in the UTM (Universal Transversal Mercator) coordinates system, with each pair of coordinates referenced to the habitat modification must be included.
4. With the final report, as attachments, a shapefile generated by ArcGIS that shows all the interest(s) of the property(ies) that the Recipient protected, restored, enhanced or created with NAWCA or matching funds or approved in-kind contributions. This GIS information must clearly indicate the important acres that pertain to the project. All this "spatial" data must be submitted in one sole shapefile with ArcGIS content in a zipfile. This zipfile must contain only one shapefile that provides spatial information for all the tracts involved in the project. If possible, use WGS 1984 projection for creating the data. Please specify which projection was used to create the data. The following five components of the shapefile must be sent for each set of NAWCA project data:

- .shp – Feature data binary
- .dbf – Attribute table
- .shx – Shape index file
- .prj – Projection file
- .xml – Metadata file

Specific instructions can be found on the NAWCA Program website and your Program Officer can provide more information to the Recipients.

D. Additional requirements.

1. If the Recipient, sub-recipient or provider of matching funds acquires a right to properties with NAWCA dollars, requests the reimbursement of the cost of said acquisition under NAWCA, or acquires the properties with matching funds, the Recipient must then send the USFWS Program Officer the documentation listed in Sections VIII. A. -B. as soon as possible but no later than the

- annual report to which it pertains.
2. Additionally, as soon as the properties for potential acquisition of rights are identified, and prior to making any offer to the owner of said properties, information on the surface area, borders and location on a map of these properties, the rights to which are sought to be acquired with NAWCA dollars, must be provided if they have not been previously identified in the original project proposal. See the information and additional requirements regarding modifications to the project in Section IX.
 3. At the end of the funding period, the Recipient must provide a comparison of the matching funds provided by each partner and the NAWCA funds and attach it to the final performance report.
 4. In the final report, the Recipient must include a letter certifying that all the matching funds have been spent according to the terms of the Grant agreement.

E. Additional reports – Compensation and subawards (not subcontracts)*

Recipients that have received funds after January 2012 are required to report executive compensation and subaward information under the Federal Funding Accountability and Transparency Act (FFATA). The information must be reported using the FFATA Subaward Reporting System www.fsr.gov. The information is published later in www.usaspending.gov. You must report on the qualified subawards at the end of the month following the month in which the subaward was made. Additional information is available at www.usaspending.gov/sub-award-documents.

The Recipients of funds must report the following information:

1. The Recipient and sub-awardee's DUNS numbers, the names and total compensation of the five most highly compensated officers:
 - a) **if** the entity received 80% or more of their gross annual income from U.S. federal funds; **and**
 - b) **if** it received 25,000,000 USD or more of its gross annual income from U.S. federal funds; **and**
 - c) **if** the public does not have access to 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 U.S.C. §§ 78m(a), 78o (d)) or under section 6104 of the Internal Revenue Code of 1986. See FFATA § 2(b) (1).
2. In addition, the Recipients must report the following information related to each subaward if the Federal award amount (with NAWCA) is equal to or greater than \$25,000 at any time during the project period:
 - a) name of entity receiving the subaward;
 - b) amount of the subaward;
 - c) information about the subaward including transaction type, funding agency, Catalog of Federal Domestic Assistance number, program source and a subaward title descriptive of the purpose of each funding action;
 - d) Location of the entity receiving the subaward and primary location of performance under the subaward, including city, State, congressional district, and country; and
 - e) Unique identifier of the entity receiving the subaward 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 Grants, a subaward is a legal instrument that pays for performing a substantial part of the project for which the Grant was awarded to the Recipient and that:
The Recipient awards an eligible sub-awardee; or that
The sub-recipient at one level awards a subaward to another sub-recipient at the next lower level.*

The term “subaward” does not include the purchase of property(ies) or services necessary to perform the project. In addition, the subaward may be implemented through any legal Agreement, including a contract between the Recipient and the sub-recipient.

V. FINANCIAL ADMINISTRATION

A. Matching funds

1. Use of cash as matching funds

In the case of NAWCA projects performed in Mexico, the matching contribution must be made in cash. The requirement is that for each dollar requested from NAWCA, the proponent and partners must offer, at least, another dollar in cash as a matching contribution. "Cash matching funds include all cash that complies with the Federal Cost Principles in Circular A-122 of the U.S. Office of Management and Budget. Matching cash must be contributed by the Recipient or sub-recipient or a third party to accomplish the purposes of the project, without charging the Recipient. The Recipient may use the cash for the purposes of the project directly or may sub-award it to a sub-recipient (that may be the original provider of the matching cash).

2. Definition of matching contributions in cash

"Matching contributions in cash" include all the outlays made for the project funded under NAWCA. "Contributions in cash: are defined as "real outlays" including the value of goods and services paid for purposes and in support of the project named in the Agreement. A real outlay is defined as something paid in cash (salaries, purchase of tools, gas, etc.). The value of the goods and services is set based on the current market value.

3. Use of "Prior" matching contribution

Contributions may be considered eligible even if the investment was made prior to the proposal submission date, if, and only if, the existence of documentation that demonstrates a direct relationship with the proposed project can be certified and this documentation is available to be reviewed at the request of the USFWS. However, contributions committed for use during the project funding period are preferred, that is, after the project submission date. These contributions must have a direct relationship with the proposed project.

4. Compliance with matching fund requirements

Upon completion of the project period, if the total amount of partner matching funds pursuant to the Funding Agreement, does not match the amount committed in the proposal, the amount of funds contributed under NAWCA will be reduced proportionally. When a reduction of this sort occurs, the Recipient must return excess NAWCA funds to the USFWS in accordance with this new provision. The Recipient will not receive new Agreements under NAWCA until these funds have been returned.

5. Certification of the Requirements Regarding Matching Funds

Upon completion of the project period, the Recipient must submit a comparison of the matching funds contributed by each partner and the NAWCA funds and attach it to the final compliance report. In addition, the Recipient must present a letter certifying that the totality of the matching contribution was expended according to the terms of the Grant.

B. Costs prior to the Grant agreement

1. The USFWS can authorize costs incurred prior to the Grant agreement. The Recipient or the sub-recipient must not have incurred these prior costs related to any part of the project to be funded with NAWCA dollars before the date upon which the USFWS receives the proposal, without previous authorization from the USFWS.

2. All expenses incurred prior to the Grant are incurred at the risk of the applicant. If they are authorized, said expenses will be admissible with the same extension with which they would have been if they had been made after the date upon which the USFWS signed the Grant agreement. The USFWS has no obligation whatsoever to reimburse said expenses if the applicant has not received a Grant agreement sufficiently large to cover them, and/or cannot present adequate documentation to prove their direct relationship of the proposal.

C. Source of US matching funds. All funds coming from the US used as matching funds to those from NAWCA must originate from sources that are not federal (U.S.), and must not have been used previously as matching funds required by other U.S. federal programs (for example, NMBCA) or as matching funds for other NAWCA Grants.

D. Recipient's Accounting System. The Recipient must keep a detailed and complete accounting system that complies with the standard requirements under Mexican law to report on how the funds obtained under NAWCA have been expended and keep a detailed accounting of the input and output of matching funds not provided by the U.S. federal government and of those contributed by Mexican partners, or the value of the services. These accounting records must be preserved and submitted as part of the final report and at the request of special authorities or when undertaking an official USFWS Program Officer's review.

E. Allowable costs

1. In general, allowable costs include all those that are necessary and pertinent to performing the approved project, pursuant to the principles of the NAWCA Mexico Program, that is, costs commonly associated to wetland conservation projects (acquisition, restoration, enhancement, technical training, environmental education, sustainable use, infrastructure development, etc.).

2. The documents listed below set forth the principles used to determine which costs are allowable or eligible based on the type of organization requesting the funds. The three documents are Cost Principles that apply both to the use of NAWCA funds as well as to matching funds, unless stated otherwise:

- a) OMB Circular A-122, "Cost Principles for Not for Profit organizations", (<http://www.whitehouse.gov/OMB/grants/index.html>)
- b) OMB Circular A-87, "Cost Principles for State, Local and Tribal Governments", (<http://www.whitehouse.gov/OMB/grants/index.html>)
- c) OMB Circular A-21, "Cost Principles for Educational Institutions", (<http://www.whitehouse.gov/OMB/grants/index.html>)

F. Non-allowable costs: Recipients and sub-recipients must not use NAWCA funds or matching funds for the following (this is not an exhaustive list): infrastructure finalized before the presentation of the proposal; evaluation; routine expenses; raising funds; law enforcement; research studies; (except for monitoring or sustainable use of related species); communication products that are not specific to the project; trips for federal employees; trips outside Mexico; appraisal of residences, structures or existing buildings not necessary for wetlands conservation; boat ramps, parking lots, roads and other public access infrastructure; observation towers and posts; routine operations and maintenance costs; acquisition of tractors and other equipment, when it is cheaper to rent or lease it; the cost of constructing, moving or repairing housing, structures or buildings; and contingencies.

G. Payment administration: The NAWCA Mexico Grant Program for those recipients of funds that do not have their headquarters in the U.S. will be paid through the International Treasury System ITS (if your bank is outside the U.S.), or through Electronic Fund Transfers (if your bank is in the U.S.).

1. Before requesting the first payment, it is necessary to verify that the Recipient Organization has an active DUNS number and an active registration in CCR. If the Recipient Organization is not registered in those systems, or if the registrations are incorrect, the Recipient must go to the following web pages:

- a) **DUNS.** The Dun and Bradstreet company assigns a DUNS number on line to those requesting federal funds at <http://fedgov.dnb.com/webform>.
- b) **CCR.** You can register in CCR or obtain more information online at <https://www.bpn.gov/ccr/default.aspx>. Make sure to key in your organization's correct and complete bank information.

2. To make a request: The process depends on the location of the bank where the electronically transferred funds will be directly deposited.

a) *If the bank that receives funds by electronic transfers is located outside the U.S...*

Your payments will be transferred electronically through the International Treasury System of the U.S. Treasury. For each payment request, your organization must fill out two forms: The SF 270 and the Cover Letter for payment from ITS. You must send both forms together to the National Business Center of the Department of the Interior (NBC), either by fax to 1-303-969-7281 or by an ENCRYPTED email to NBC using the address fbmsfwspayments@nbc.gov.

- (1) Cover letter for ITS payments: Download it from <http://www.fws.gov/birdhabitat/Grants/NAWCA/Standard/Mexico/InstructionsSPA.shtm>. Complete this form very carefully. If your grant was awarded before September 2011, the previous Grant number, i.e. the code with a hyphen that appears in the upper part of the previous Grant, has been substituted by a new FWS **document number**. The new FWS document number for your Grant is a longer code that starts with the letter "F".
- (2) **Form SF-270 – Request for an advance payment or reimbursement**. The instructions regarding the form are on the second page of the form. Line 11 applies only to **reimbursements** and line 12 only to **advance payments**. There are no instructions for line 12 because it is self-explanatory. This form is also available online at http://www.whitehouse.gov/omb/grants_forms/. However, your request must include both the reimbursement as well as the advance payment if you have been authorized for both.

You can send requests at any time and as frequently as you would like. If the request forms are correctly filled out, NBC will process your payment using the ITS System of the U.S. Treasury in 5 business days. Adding two additional days for the bank transfer, you should receive your payment 7 business days after sending your request.

If any part of your request is incorrect it will be rejected. If this occurs, NBC staff will contact your Program Officer (never you) at NAWCA within three days after the rejection to explain the error that must be corrected. If your request is rejected it may take up to 30 days to be paid, so it is worthwhile reviewing everything before submitting it.

b) *If the bank that receives funds by electronic transfers is located within the U.S...*

For each request for funds, your organization must fill out form SF 270-Request for Advance Payment or Reimbursement and send it to the FWS Program Officer listed on your Grant, as an attachment in an email (preferably) or by fax. The instructions regarding form SF-270 are on the second page of the form. Line 11 apply only to reimbursements and line 12 only to advance payments. There are no instructions for line 12 because it is self-explanatory. Download the form here: http://www.whitehouse.gov/omb/grants_forms/. However, your request must include both the reimbursements as well as the advance payment if you have been authorized for both.

H. Quarterly financial reports. If the Recipient of funds choses to receive advance payments of federal funds through electronic transfers, quarterly reports are required throughout the project funding period.

1. The quarterly reports are required if you have the **option** of requesting advance payments, **even if you chose not to exercise this option.**
2. The financial reports must be sent each quarter independently of whether the Grant funds were used during that quarter.
3. The federal cash transactions must be reported every three months on form SF-425 and sent by email to the NAWCA Program Officer.
4. Form SF-425 will be used for each Grant but different information will be provided in each quarterly report and in the annual report.

5. To submit a quarterly report:
 - a) complete lines 1 to 9 in form SF-425,
 - b) then complete lines 10a to 10c, and
 - c) certify line 13.
 - d) if you withdrew funds but have not spent them, explain how long you have held those funds on line 12.

I. Calendar for Quarterly Financial Reports:

Calendar for Quarterly Financial Reports

| Quarterly | Deadline for form SF-425 |
|--------------------------|--------------------------|
| January 1 to March 31 | April 30 |
| April 1 to June 30 | July 30 |
| July 1 to September 30 | October 30 |
| October 2 to December 31 | January 30 |

The abovementioned quarterly financial reports do not replace the Annual and Final Financial Reports that are required of the Recipients as described in the following sections.

J. Annual/Interim Financial Reports. The reports must be sent annually at a minimum and can be required with greater frequency, up to every three months. The financial reports must be sent using form SF-425, Federal Financial Report. Please report about all the Grant funds including matching funds, but do not include all federal contributions that are not matching. Although form SF-425 is designed to allow for reporting on various Grants at the same time, the NAWCA program **only** accepts form-425 for financial reports pertaining to **only one Grant**. Do not report on more than one Grant on each form.

1. To obtain an annual financial form:

- Complete lines 1 to 9 on form SF-425 and then lines 10d to 10k, omitting lines 10a to 10c
- If you earn income resulting from a project activity (for example income from the rent of land obtained with Grant or matching funds), add this information on lines 10l to 10o.
- Line 10i must contain the total committed matching funds,
- Lines 10j must contain the total prior and new matching funds expended.
- If your organization has negotiated a rate for indirect costs and you included indirect costs in your proposal budget, you must complete line 11.
- Sign the form completing section 13 and send the form with the original signature to your Program Officer. The report may be sent in any of these forms:
 - a) Printed Form SF-425, Federal Financial Form, with an original signature of the authorized representative of the Recipient organization.
 - b) Printed Form SF-425, with the signature of the authorized representative, printed with a seal or other mechanical means, if the instrument used is:
 - In the possession and control of the signatory,
 - Applied by the signatory or by another person with the signatory's authorization, and
 - Authorized by the signatory to sign on his/her behalf.

c) A scanned copy sent electronically or by fax of A or B; or

d) Form SF-425 completed electronically with the electronic signature of the authorized representative of the Recipient organization.

K. Calendar for Reports. The USFWS requires that all Recipients of funds follow a standardized reporting calendar. The deadline for the annual report depends on the start date of Grant activities. This calendar is the same for all progress and compliance reports. See Section IV. B.

| Calendar for interim annual financial reports | | |
|--|----------------------------------|---|
| A. Award Performance Start Date | B. Annual report end date | C. Annual report due date, 90 days after report end date (B) |
| January 1 | December 31 | March 31 |
| January 2 to March 31 | March 31 | June 29 |
| April 1 | March 31 | June 29 |
| April 2 to June 30 | June 30 | September 28 |
| July 1 | June 30 | September 28 |
| July 2 to September 30 | September 30 | September 29 |
| October 1 | September 30 | September 29 |
| October 2 to December 31 | December 31 | March 31 |

L. Advance payments and reimbursements

1. Advance payments in cash made to the Recipient are limited to the minimum necessary funds and will be programmed according to the immediate cash requirements of the Recipient to fulfill the approved project objectives. The timeliness and amount of the cash advance payments will be as accurate as possible to allow for administrative procedures related to the disbursements made by the Recipient to cover direct project costs.

2. When the Recipient withdraws more than \$10,000 in federal funds as a cash advance payment and the transaction(s) involved is/are postponed, the funds received must be returned immediately to the Grant Financing account and may be withdrawn again at the appropriate time.

3. The only exceptions to the requirement of immediate reimbursement are those cases in which it is foreseen that the funds will be disbursed by the Recipient Organization at most, seven calendar days later, or that the amount is less than \$10,000 and a disbursement is foreseen at most, 30 calendar days later.

4. Whenever possible, the advance payments must be consolidated to cover the cash needs of all Grants awarded by a federal agency to the Recipient.

5. In summary, the Recipients can request an advance payment in cash when they fulfill all the following requirements:

- a) An account has been set up specifically for the new Grant to accept advance payments in cash.
- b) The Recipient has received the new Grant with the necessary information for processing payment requests. See Section V.G.
- c) The advance payment is requested during the financing period set forth in the Grant.
- d) The Recipient has procedures to minimize the time elapsed between the transfer of cash required for its immediate use and its immediate disbursement by the Recipient to sub-recipients.

6. In general, advance payments are deposited in accounts that accrue interest (see exceptions in 43 CFR 12.922 (k)). The Recipient may retain the interest accrued for up to a sum of \$250 per year for administrative expenses, as set forth in 43 CFR 12.922 (l). Any interest above \$250 must be sent annually to USFWS.

7. Separate deposit accounts for a Grant are not required, however Recipients must keep a record of when the funds were received, assigned and spent.

8. Special financing conditions might apply if the Recipient does not comply with all the terms and conditions of the Grant. Restrictions might include delayed payment; reimbursements only (without advance payments); manual review of the requests for payment; authority to delay payment of the following phase of the project; request for more detailed financial reports and additional monitoring of project. A history of non-compliance with the terms of the Grant may result in the suspension or denial of the right to receive Grants in the future.

VI. SPECIAL PROVISIONS THAT APPLY TO ALL PROPOSALS

A. Equipment

1. The term "equipment" includes all tangible, movable goods (including every type of pump and generator unit) that have a lifespan of more than a year and an acquisition cost of \$5,000 or more per unit. The Recipient or sub-recipient will have ownership of the equipment acquired for the project. Other Recipients and sub-recipients will comply with the provisions of this section regarding use, management and disposal of the equipment acquired with NAWCA or matching funds.

2) The Recipient or sub-recipient must use the equipment acquired for the project throughout the time it is needed, even when the project no longer receives federal funds or as directed by the Program Officer. While using the equipment for the project, the Recipient or sub-recipient must make it available to be used by other NAWCA supported projects, whenever this new use does not interfere with the work of the project for which the equipment was originally acquired. In this regard, the Recipient or sub-recipient must first prioritize other projects or programs sponsored by the U.S. Department of Interior and, in second place, projects and programs sponsored by other U.S. federal agencies.

3) The Recipient must perform a physical inventory of the equipment every two years at least and then reconcile the results with the records of this equipment. As part of this inventory, the Recipient must verify the existence and current use of the equipment, as well as its continued need. The Recipient must guarantee that adequate procedures are in place to keep the equipment in good condition.

4) When acquiring replacement equipment, the Recipient or sub-recipient may offer the equipment to be replaced as partial payment, or otherwise sell it and use the proceeds of the sale towards the cost of the replacement equipment, subject to the USFWS Program Officer's approval. In some cases, the Recipient may no longer need certain original or replacement equipment acquired with NAWCA or matching funds to meet the project's objectives. In this case, the Recipient must request instructions for the final disposal of this equipment from the USFWS Program Officer who will decide whether the equipment can be used to satisfy the needs of another project or program authorized for funding by the U.S. Department of the Interior.

5) If no such need has been identified the USFWS Program Officer will inform the U.S. General Services Administration that the equipment is available. The GSA will determine if a request has been made by other federal agencies for this equipment. If no other federal agency needs this equipment, and the equipment has a current fair market value of less than \$5,000 per unit, the Recipient or sub-recipient may keep, sell or dispose of the equipment without further obligations to the USFWS. If the equipment has a current fair market value of more than \$5,000 the USFWS Program Officer will provide the Recipient instructions no later than 120 calendar days after receiving the Recipient's request for instructions. These may include:

- a) Sending or otherwise transferring the equipment to the federal government or to an eligible third party.
- b) Selling the equipment competitively, whenever possible, to obtain the highest price.
- c) Otherwise disposing of the equipment.

B. Supplies and Other Consumable Goods. The provisions of this section will apply to all supplies and other consumable goods acquired with NAWCA or matching funds. The Recipient or sub-recipient will have ownership of these supplies and consumable goods at the time of their acquisition. If, at the time of an anticipated conclusion or upon finalizing the project there is a residual inventory of unused supplies with a value exceeding \$5,000, and these supplies are not needed for other projects or programs using federal funds, the Recipient or sub-recipient will keep these supplies for their use in activities not using federal funds or will sell them; in either case, the Recipient must compensate the federal government for its portion of the value of these residual supplies.

C. Publication of Information: The publication or dissemination for later publication of news or other information about the project by the Recipient or sub-recipient, must include mention that funding was possible through NAWCA and USFWS, as applicable. Upon finalizing the project or when requested, copies of the press releases and other publicity will be made available to the USFWS Program Officer.

D. USFWS access to Project Information: With reasonable prior notice, the USFWS will have free and unrestricted access to and make free use of all the material, data, accounting records, receipts and records of expenses related to the NAWCA Grant.

E. U.S. Government right to publish and use data. Unless the USFWS waives this right, the federal government may:

1. Obtain, reproduce, publish or otherwise use the data first produced under the Grant; and
2. Authorize others to receive, reproduce, publish or otherwise use the data for federal purposes.

F. Publications derived from NAWCA related projects

1. The publication of reports or parts of reports by the Recipient and/or staff will be subject to review and comment by USFWS. The author will not have copyright privilege nor will the author be permitted to restrict dissemination of the publication.
2. Mention of the United States Department of the Interior Fish and Wildlife Services will appear in all formally published articles, unless the USFWS considers it appropriate to include a clause exonerating it from all responsibility.
3. In compliance with the terms of the Grant, two (2) copies of each publication must be sent to the Natural Resources Library together with a transmission page identifying the sender, the publication and the Grant to which it pertains. The address of the Library is:
U.S. Department of the Interior
Natural Resources Library
Division of Information and Library Services
Gifts and Exchange Section
1849 C Street, NW
Washington, DC 20240

G. Site Inspection. The Recipient commits to work collaboratively with the USFWS Program Officer to develop a calendar for performing site inspections to evaluate the status and integrity of the ongoing and finalized project objectives.

H. Availability of Information to the Public. The Recipient will provide, in a timely manner, copies of reports, maps or other information generated by the project to any person or organization that requests it.

VII. SPECIAL PROVISIONS THAT APPLY TO HABITAT RESTORATION AND ENHANCEMENT

A. Habitat Management for the Goals of the Program.

1. The Recipient or sub-recipient must guarantee that all the restored, enhanced and created habitat will be managed for the purposes set forth in the NAWCA Mexico Program. If the Recipient or sub-recipient does not guarantee that said habitat will be totally managed for the purposes of the Program, the Recipient commits to paying the USFWS the percentage of the current fair market value of the habitat restoration, enhancement or creation of the original habitat attributed to federal participation in the project.
2. The Recipient or sub-recipient must determine the fair market value at that time, by requesting, at the Recipient's own expense, an appraisal that will be performed according to the nationally recognized rules of appraisal and will be subject to review and approval by USFWS.
3. The requirements established in Section VII. A. 1., will remain in place for a period of 25 years as of the end of the project period, unless limitations are imposed, such as easements, leases or other legal instruments, or special considerations as described in the proposal or approved by the USFWS Program Officer.

B. Habitat Inspection.

1. The Recipient must guarantee that all habitats restored, enhanced or created under the project (including the infrastructure finalized with matching funds) be available for inspection by the USFWS or by whomever this Service appoints, to guarantee that said habitat is managed according to the terms set forth in the Program.
2. Section VII. A and B requirements will remain in place for 25 years as of the end of the project period, unless limitations are applied due to easements, leases or other legal instruments or special considerations as described in the proposal or approved by the USFWS Program Officer.

VIII. SPECIAL PROVISIONS APPLICABLE TO THE ACQUISITION AND PROTECTION OF PROPERTIES.

In general, the *U.S. Grant Administration Standards, of September 2010*, as amended, <http://www.fws.gov/birdhabitat/Grants/files/USGrantStandards.pdf> will apply in cases where there is no valid and specific policy under the NAWCA Mexico Program. The USFWS must be informed about unforeseen matters related to the acquisition of properties if these matters have not been communicated previously.

A. Properties (Land). The term "properties" includes the purchase of private land, shared use land, rights to the use of land and the purchase or concession of plots for purposes of conservation.

1. The properties acquired with NAWCA funds or matching funds, will be purchased for the (appraised) value or less (lesser amount).
2. **Before** the acquisition or protection (easements, etc.) of the properties the Recipient must provide the USFWS Program Officer the appraisal performed by an authorized third party for its approval as soon as possible.
3. The appraisal will be performed by a public accountant or a certified appraiser (when considering the acquisition of shared use assets an appraisal by the National Assets Appraisal Committee

(CABIN, its acronym in Spanish) and/or according to the generally accepted rules and procedures in place at present in Mexico.

4. **Before** acquiring the properties, the Recipient must send the USFWS Program Officer the **contract of purchase and sale** between the seller and the Recipient to be approved as soon as possible.
5. **Before** the acquisition or protection of properties, the Recipient must provide the USFWS Program Officer a **draft plan** to conserve the land as habitat for migratory birds.

B. Documentation. All the documentation must be signed before a Public Notary and recorded in the Public Registry of Properties and Commerce. The Recipient will provide the Program Officer copies of a document indicating the expenses related to the purchase of the property acquired with NAWCA or matching funds, including the certificate of payment of taxes, within 90 days following the close of the operation, at the latest, or as soon as possible. Other documents, copies of which must be sent to the Program Officer, may include but are not limited to:

1. The certificate of registration or document issued by the Public Registry of Properties and Commerce or, if applicable, the plot or common land Certificate, duly registered in the National Agrarian Registry;
2. The certificate issued by the Public Registry indicating it has no liens;
3. The certificate issued by the corresponding Municipality indicating that no property taxes are owed;
4. The certificate or document issued by the Technical Committee for Grazing Coefficients (COTECOCA) of the SAGARPA that guarantees it does not exceed the grazing limit of the small property;
5. Topographical survey;
6. If it is an NGO (Non-governmental organization), a description of what will happen to the assets if the organization ceases to exist.
7. A draft of the **Administration Plan** that indicates the restrictions in favor of migratory birds and other wildlife and the future monitoring plan.

C. Displaced persons. If the tenant(s) of the property is (are) displaced by a project, the Recipient must provide relocation assistance, that includes payment of reasonable moving expenses for the tenant(s) and his/her belongings.

D. Long-term conservation. The properties acquired with NAWCA funds and with matching funds must be maintained and administered fundamentally for the conservation of migratory bird habitat, wildlife and other natural resources, for the long-term or, when possible, in perpetuity, in accordance with the objectives of the Program.

E. Property inspection. The Recipient must allow USFWS representatives to inspect the properties acquired with NAWCA funds or with matching funds, providing reasonable advanced notice. These inspections are meant to guarantee that the property is administered according to the objectives of the project and for the long-term conservation of migratory bird habitat, wildlife and other natural resources.

F. Disposal of the Properties: The Recipient must use the rights to the properties for the objectives authorized by the Program. The USFWS will be the final arbiter of the time at which the rights over the property are no longer necessary to achieve the authorized project objectives. Except when specified in the proposal, the Recipient or sub-recipient that commits the rights to the properties in the project will not be able to:

1. Levy a tax on the rights to the properties without the approval of USFWS (to tax means create and impose a claim, obligation or other right to the real property, such as, for example, a privilege to creditors, mortgage or easement).
2. Dispose of the rights to the properties or part of them, without requesting USFWS approval.

IX. CHANGES TO THE GRANT

A. Prior approvals. The Recipient must request prior written approval from the USFWS Program Officer before making any change to any of the provisions of the Grant and should any such change be sought:

1. The Recipient must consult the USFWS Program Officer as soon as becoming aware of any potential change to the size or objectives of the surface area (Hectares) of the project, whether or not there is a related review of the budget that requires prior approval, including, but not limited to:

- a) changes to the project objectives;
- b) postponement of the period covered by the project, except in the cases indicated below;
- c) changes in the project surface area;
- d) change in the proposed deed holder to the rights to the properties acquired or received as project contributions;
- e) the cumulative reduction in the surface area (Hectares) of, for example, the acquisition or restoration activities; and
- f) changes in matching contributions.

2. The Recipient must initiate the consultation process if the potential change is proposed by the Recipient or if it is imposed for reasons beyond his/her control, such as, for example, an unforeseen increase in the price of land that would cause:

- a) a reduction in the number of acres (hectares) or in the rights over the properties that can be acquired for the project (for example, easements instead of full ownership rights); or
- b) change in the types of habitat that can be acquired for the project.

4. The change in classification of a direct cost budgetary item from non-administrative or non-general to administrative, general or equivalent category;

5. The inclusion of non-admissible costs as defined in the *Federal Cost Principles* or the *Guidelines for the Administration of NAWCA Grants* and with the cost eligibility criteria of the proposal; and

6. The inclusion of costs that require prior approval in accordance with the applicable *Federal Cost Principles*, including

- a) changes in the specific plots or rights of the properties to be acquired and

b) specific identification of plots and rights over properties to be acquired for projects, when these are not identified in the original proposal.

7. The Recipient must send all requests for prior approval to the USFWS Program Officer at least 30 days before the desired implementation date. The Recipient must attach an explanation in writing to the request for changes to the Grant or proposal. The request for prior approval of any budgetary change must be accompanied by an updated budgetary chart using the same format as was used in the original proposal, with the desired changes clearly identified. The USFWS does not have the authority to increase the amount of federal funds awarded to the project.

B. Changes to the person Responsible for the Project or the Recipient Organization. The Recipient must notify the USFWS Program Officer if the name, address, telephone or fax number, or email address of the person Responsible for the Recipient's Project has changed, **BEFORE THE CHANGE**. Those Responsible for the Project must have knowledge of the details of the proposal and the degree of progress in the performance of the project. They must also be available to analyze the project over the phone or by email with the USFWS Program Officer. The USFWS Program Officer reserves the right to request a change in the person Responsible for the Project if the Officer foresees or has significant problems contacting or obtaining information from the designated person.

C. One-time Extension of the Project Period. The Recipients may request a one-time extension to the date of completion of the Grant of up to 12 months, unless one or more of the conditions listed below apply. In the case of one-time extensions, the Recipient must provide the USFWS Program Officer with a written explanation of the reasons for requesting an extension and indicate the new end date at least 30 days prior to the end date specified in the Grant. This one-time extension cannot be requested solely for the use of residual unused funds. The following conditions will cause a request for a one-time extension to be denied:

1. The extension requires awarding additional federal funds; or
2. The extension implies a change in objectives, extent or target approved by the project.
3. Every extension after this one-time extension requested by the Recipient will require written approval.

D. Case by Case Exceptions. Except when required or authorized as previously established, the USFWS waives all other prior approvals related to costs or authorized administrative matters in 43 CFR 12.70 and 43 CFR 12.925. In addition to the abovementioned potential changes to the Grant, on rare occasions, the Recipient may ask the USFWS Program Officer to allow an exception to any of the requirements for federal Grants pursuant to 43 CFR, part 12, or included in the *NAWCA Program Rules*. The USFWS Program Officer will approve said exceptions on a case by case basis, and only if the request is based on a convincing and necessary written justification.

X. TERMINATION

The USFWS may terminate the present Grant in its totality or in part if the Recipient:

- A.** Incurs in a significant non-compliance with the terms and conditions of the Grant.
- B.** Cannot substantially fulfill the surface area objectives of the project, as stipulated in the project; or

C. Without prior consultation with the Program Officer, incurs project implementation costs while not substantially fulfilling the project objectives.

D. Likewise, the USFWS may terminate this Grant with the consent of the Recipient, in which case both parties must agree on the settlement conditions, including the date upon which the Grant will be terminated and, in the case of a partial termination, which part of the Grant will be terminated.

XI. AUDITING REQUIREMENTS

Recipients that expend \$500,000 or more of U.S. Federal Awards in a year are required to obtain a one-time or specific audit of the program for that year, in accordance with OMB Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations" (<http://www.whitehouse.gov/OMB/grants/index.html>). In the case of Grants for projects in Mexico the U.S. Department of the Interior reserves the right to hire the services of external auditors to examine the financial records, as part of a sampling of projects, or as necessary in specific cases.

XII. CERTIFICATIONS

By accepting the Grant documentation, the Project Officer for the Recipient certifies the following, to the best of his/her ability:

A. Certification regarding Proposal Presentation: That the Grant seeks to support and promote the Recipient's project; that the request for financial aid and the related proposal were not presented as a response to a request from the Government to undertake works in support of a specific government project; and that the proposal has been prepared without the assistance and/or support of federal personnel. This statement, however, excludes general technical assistance offered by USFWS staff to all those requesting or receiving Grants, when necessary and requested.

B. Certification regarding Conflicts of Interest: That there are no relevant situations or circumstances that might create an individual or organizational conflict of interest. Such conflict of interest might include situations such as Government employees being associated with the requesting organization, or being members of the organization, and able to influence the award of a Grant or cooperation agreement. The Recipient agrees that, upon becoming aware of a real or potential conflict of interest, he/she must inform the USFWS Program Officer of all such conflicts in writing. This information must include a description of the measures that the Recipient has taken or intends to take to avoid, mitigate or neutralize the real or potential conflict, after due consultation with the USFWS Program Officer.

C. Certification regarding Exclusion, Suspension and other matters related to Responsibility (DI2010, June 1995).

1. The candidate to principal participant certifies that, to the best of his/her knowledge and ability, he/she and his/her principals and lower level participants:

- a) Are not currently excluded, suspended, proposed for exclusion, nor have been disqualified or voluntarily self-excluded from any federal department or agency;
- b) Within a three year period prior to presenting the proposal for which a Grant is being requested, no conviction or civil judgment has been issued against them for committing fraud or crimes related to obtaining, intending to obtain, or executing a contract or public transaction (federal, state or local); has not violated federal or state anti-trust laws (U.S.) or committed any crime of fraud, theft, counterfeiting, bribery, counterfeiting or destruction of records, giving false statements, or receiving stolen goods;

- c) Are not presently in legal proceedings nor have been criminally or civilly charged by any governmental entity (federal, state or local) for having committed any of the crimes listed in paragraph (1)(b) of this certification; and
- d) Within the three-year period prior to this request/proposal/Grant have not been terminated from one or more public transactions (federal, state or local) with cause or for reasons of non-compliance.

2. When the candidate to principal or lower level participant cannot certify any of the statements in this certification, said candidate(s) must include an explanation in the proposal and send it to the USFWS Program Officer.

D. Certification regarding influence peddling (DI120, June 1995) [applicable when the Grant exceeds \$100,000].

1. The undersigned has not used assigned federal funds to pay a person, either directly or through a third party, to influence or try to exert influence on an officer or employee of an agency, member of the U.S. Congress, officer or employee of the U.S. Congress, or employee of a member of the U.S. Congress, relating to the award of a federal contract, a federal Grant or a federal loan, the signing of a Cooperative Agreement and the postponement, extension, renewal, amendment or modification of any federal contract, Grant, loan or Cooperation Agreement.
2. In the event that payments of sums of money not derived from federal funds have been made or will be made to influence an officer or employee of an agency, member of the U.S. Congress, officer or employee of the U.S. Congress, or an employee of a member of the U.S. Congress relating to this federal contract, Grant, loan or Cooperation Agreement, the undersigning person must complete and present Form SF-LLL, Disclosure Form for Lobbying Activities, in accordance with the instructions contained therein.
3. This certification will be included in the Grant documents for all the Grants derived from this Grant and awarded to all levels (including subcontracts, sub-grants and contracts related to the Grant, loans and Cooperative Agreements) and all the sub-recipients must provide the corresponding certification.
4. This certification is a pertinent statement of facts relied upon when performing or signing this transaction and is a prior requirement to performing or signing this transaction.